

**Proceedings of the Eighth Session of the Assam Legislative Assembly
assembled after the Second General Election under the Sovereign
Democratic Republican Constitution of India.**

The Assembly met in the Assembly Chamber, Shillong at 9 A. M.
on Friday, the 8th April, 1960.

PRESENT

Shri MAHENDRA MOHAN CHOUDHURY, B.L., Speaker in the
Chair, Eight Ministers, four Deputy Ministers and Sixty eight Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(Which were put and answered orally.)

Regarding issue of a Taxi permit at Shillong to one Shri P. K. Nandi.

Shri GAURISANKAR BHATTACHARYYA

Shri HARESWAR GOSWAMI

Shri HIRALLAL PATWARI

} asked :

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

- (a) Whether it is a fact that a permit for running a taxi in the town of Shillong was lately issued by Shri B. M. Dam, I.A.S., while he was lately Deputy Commissioner of United Khasi and Jaintia Hills and Chairman, Regional Transport Authority Shillong to one Shri Purnendu Nandi ?
- (b) Whether it is a fact that this permit was latter cancelled by Shri R. B. Vaghaiwalla I.C.S., Chairman, State Transport Authority, Assam on certain representations and complaints one of which was that the said Shri Purnendu Nandi happened to be the nephew-in-law of the aforesaid Deputy Commissioner Shri Dam ?
- (c) What steps Government propose to take in the interest of public morality against Shri B. M. Dam former Deputy Commissioner for bestowing favour to a relation by misusing his official position ?

Capt. WILLAMSON A. SANGMA (Minister, Transport) replied :

1. (a)—It is not a fact that the permit for running a taxi in the town of Shillong was lately issued by Shri B. M. Dam, I.A.S., while he was Deputy Commissioner, United Khasi Jaintia Hills and Chairman, Regional Transport Authority Shillong to one Shri Purnendu Nandi. It appears that in a meeting of the Regional Transport Authority held on the 13th and 14th July 1959 which was attended by 8 members, besides the Chairman (5 of whom are non-officials) a permit for City bus was granted to Shri P. K. Nandi on the unanimous decision of the Regional Transport Authority. Shri B. M. Dam the then Deputy Commissioner who happened to be the *Ex-officio* Chairman of the Regional Transport Authority had nothing to do with the issue of the permit.

(b)—Yes. The State Appellate Board of which Shri R. B. Vaghaiwalla, I.C.S., is Chairman cancelled that permit as Shri P. K. Nandi was proved to be a relation of the Chairman, Regional Transport Authority so that there might not be any suspicion whatsoever. The Appellate Board also directed that there would be no objection if the case of Shri P. K. Nandi went back to the Regional Transport Authority for re-consideration.

(c)—The question of Shri B. M. Dam bestowing any favour to his relation by misusing his official position does not arise at all. There is nothing to show that he influenced the members of the Regional Transport Authority to give unanimous decision in favour of Shri P. K. Nandi. Hence no action against the said officer is called for.

Shri GAURISANKAR BHATTACHARYA (Gauhati) : Sir, what relationship did the State Transport Authority find between Shri Purnendu Nandi and Shri B. M. Dam who was a Chairman of the Regional Transport Authority at Shillong.

Mr. SPEAKER : It is already stated.

† **Shri GAURISANKAR BHATTACHARYA (Gauhati) :** Will the Government make enquiry through the Anti Corruption whether this Deputy Commissioner made any influence on the members of the Board to take unanimous decision of the Board with a view to issue permit to the nephew-in-law i.e. ভাগিন জ্ঞানাই”.

† **Capt. WILLIAMSON A. SANGMA (Minister, Transport) :** As the decision was unanimous, no enquiry into the matter is necessary.

† **Shri GAURISANKAR BHATTACHARYA :** Is there any example of unanimous decision taken by the Shillong Regional Transport Authority in past years subsequent to this decision?

† **Capt. WILLIAMSON A. SANGMA :** This Regional Transport Authority is an entire body. Government not going to do anything unless some reference is made to Government. In this particular matter the decision is unanimous.

† **Shri MAHIKANTA DAS (Barchalla) :** Is there any rule that permits should not be issued to relatives of M. L. As., Ministers or the Chairman of the Regional Transport Authority?

† **Capt. WILLIAMSON A. SANGMA :** No, there is no bar. In this particular case the allottee happened to be a nephew-in-law of the Executive Chairman of the Board, who was the Deputy Commissioner, in his *ex-officio* capacity. It was considered that this fact that Shri Nandi was a nephew-in-law of the Chairman should have been recorded in the minutes in order to remove the doubt.

† **Shri DANDESWAR HAZARIKA (Morongi) :** May I know from the Government whether there is any law according to Motor Vehicle Acts that no person having any interest in the transport business should not be the members of that Board?

† **Capt. WILLIMSON A. SANGMA :** Yes. It is the duty of the Chairman to point out that.

(Starred Questions No. 120 standing in the name of U Jor Manik Siem was not put and answered as the Questioner was absent)

Earmark of amount to be under the disposal of Social Welfare Board from the Blocks Budget under head "Social Education"

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked :

* 121. Will the Minister-in-charge of Community Development Projects be pleased to state—

- (a) Whether it is a fact that according to a circular of Government of India, certain amounts from the Blocks budgets under the heads of Social Education are to be earmarked and placed under the disposal of Social Welfare Board in the State?
- (b) If so, what are the contents of the Circular and when it was received by our State Government?
- (c) How many of our Projects (Community Development Blocks) in Assam have since earmarked this amount?
- (d) How many Committees have been formed in Block areas under the guidance of the Social Welfare Board for this purpose?
- (e) In how many blocks in Assam activities of the Social Welfare Board have been started Block-wise?
- (f) Whether there are activities of the Social Welfare Board Block-wise in any of the Blocks in the District of Lakhimpur?

Shri FAKHRUDDIN ALI AHMED (Minister, Community Development Projects) replied :

121. (a)—Yes, but the amount is placed under the disposal of the State Social Welfare Board for those Blocks which are selected by the Central Social Welfare Board for Co-ordinated Programme.

(b)—A copy of the circular which was received in the Development (Community Project) Department of this State Government on the 20th March 1957, is placed on the Library Table for information of the Hon. Member.

(c)—Twenty-four Community Development Blocks.

(d)—Ten Project Implementing Committees have been constituted upto February, 1960.

(e)—In nine blocks upto February 1960, namely—(1) Lungleh, (2) Baghmara, (3) Rani, (4) Selsella, (5) Amguri-Titabar, (6) Kaliabar, (7) Chapar, (8) Borkhetri-Bongsor, (9) Golokganj.

(f)—Not yet.

Shri DEVENDRA NATH HAZARIKA (Saikhowa): When there are standing instructions that these activities should be spread over, why these benefits have not been extended to many of the blocks ?

Shri FAKHRUDDIN ALI AHMED (Minister, Community Projects) : Effort is being made. So far as Dibrugarh Sub Division is concerned in which, I think the honourable member is interested. The Murkongselek Block was allotted for undertaking coordinated programme of women and children welfare during 1957-58. The Block is located in the most interior and inaccessible area where women workers for the formation of the Project Implementing Committee have not been available and the State Board could not make any arrangement for starting coordinated welfare extension project in the Block. Similar difficulties have been felt in other areas also and we are taking steps to see how this difficulty can be overcome and the work can be extended to blocks where it has not so far been undertaken.

Shri SARBESWAR BARDOLOI (Titabar) : If a block handover the entire allotment of amount for social welfare work to the Social Welfare Board the Block will have no funds to do welfare work for women and children. In that case what will be the duty of the Lady Social Welfare Organiser attached to the block ?

Shri FAKHRUDDIN ALI AHMED: This is an entirely different question; but I may inform the hon. Member that, so far as the Social Welfare Board is concerned. They are given help for specific schemes and for this purpose the entire allotment of the block in social work in women and children is not transferred to them; only certain percentage of expenditure incurred by them on specific schemes is given by way of help. In spite of undertaking some schemes by the Board much work will be left for the Lady Social Welfare Officers the Block who have to look after many other activities connected with welfare of women and children.

Shri MAHI KANTA DAS (Barchalla): In how many Blocks situated in the North Bank social welfare activities are being carried on ?

Mr. SPEAKER : The list has been given in reply to question 121 (e).

Shri NILMONEY (Dibrugarh) : In view of the fact that after passing of the Panchayat Act the Anchalik Panchayats will have the right to scrutinise the budgets of the C. D. & N. E. S. Blocks, will Government state if the money transferred to the Social Welfare Board is subject to scrutiny by the Anchalik Panchayats and whether the amount allotted under this head can be reappropriated by the Panchayat to other heads ?

Shri FAKHRUDDIN ALI AHMED : When the funds are placed at the disposal of the Anchalik Panchayats all the expenditure which will be incurred will be subject to the scrutiny of the Anchalik Panchayats. I have already made it clear that, funds are allotted for different schemes and it will be open to the Anchalik Panchayats to incur expenditure in any way they like under those heads. But if any, Anchalik Panchayat considers that funds allotted under any particular head should be transferred to some other head, it can approach the Government and we shall after taking into consideration the views of the Anchalik Panchayat give permission for such transfer from one head to another subject to the condition that funds provided for Agriculture will not be precluded for to be utilised.

Shri DEVENDRA NATH HAZARIKA (Saikhowa): Whether it is a fact that the Committee formed by the Social Welfare Board in a particular Anchalik Panchayat will function as a functional Sub-Committee of the Anchalik Panchayat?

Shri FAKHRUDDIN ALI AHMED (Minister Community Project): That is so.

Shri SARBESWAR BARDOLOI (Titabar): When the entire is not mandatory to transfer to the Social Welfare Board why a circular has been issued from Shillong that the entire amount should be transferred to the integrated Social Welfare Board?

Shri FAKHRUDDIN ALI AHMED: No Sir the circular is in respect of schemes taken by the Social Welfare Board. If these schemes are approved by the Anchalik Panchayat the contribution necessary for these schemes will be transferred to the Social Welfare Board. But the Social Welfare Board will have to satisfy that the amount given to them will be spent for the purpose for which it was given.

Shri MAHI KANTA DAS (Barchalla): My previous question was whether there are social welfare activities in any of the Blocks situated in the North Bank.

Shri FAKHRUDDIN ALI AHMED: I have given the whole list.

Mr. SPEAKER: It appears that out of nine such blocks three are in the North Bank.

Shri DEVENDRA NATH HAZARIKA: The Minister has said that due to communication difficulties social welfare activities could not be undertaken in the Murkongselek Block. There are some Blocks, such as Panitola, Tengakhat and Jeypore, where there are no communication difficulties, but still such activities have not been undertaken. What is the reason?

Shri FAKHRUDDIN ALI AHMED: As I have said we are taking steps to extend these activities. If my friend can help me I shall see that these are extended in his subdivision as early as possible.

Mrs JYOTSNA CHANDA (Silchar-West): Are Government aware that each and every Block has not got a Lady Social Organiser?

Shri FAKHRUDDIN ALI AHMED: Yes, that is so.

Mrs. JYOTSNA CHANDA: What steps are Government taking to employ them?

Shri FAKHRUDDIN ALI AHMED: The difficulty is in getting suitable candidates. Unfortunately in the past men were employed in place of lady social education officers. I have passed strict orders that, in future, all vacancies meant for lady social education officers should be filled by suitable and qualified ladies.

Starting of a seed farm in the Agomani Shadow Block in the Dhubri Subdivision

Shri BHUBAN CHANDRA PRADHANI (Golakganj) asked:

*122, Will the Minister-in-charge of Agriculture be pleased to state—

(a) Whether it is a fact that Government proposed to start a seed farm in the Agomani Shadow Block in the Dhubri Subdivision?

- (b) When the proposal was made first ?
- (c) How many parties have been approached for the land for the purpose ?
- (d) What was the nature of negotiation made for lands with the land owners ?
- (e) What is the present position of the proposed farm ?

Shri LARSINGH KHYRIEM (Deputy Minister, Agriculture) replied :

122. (a)—Yes.

(b)—It is the general policy of the Government to have a seed Farm in each Block subject to availability of land.

(c) & (d)—The Anchalik Panchayat, Agomani was entrusted to find suitable land for the farm.

(e)—As the Panchayat failed to provide land, the Seed Farm for this Block is proposed to be amalgamated with the existing Agriculture Farm at Golaganj to which the Panchayat has no objection. This Seed Farm at Golaganj will also cater to the needs of Agomani Block.

Shri BHUBAN CHANDRA PRADHANI (Golakanj) : চাৰ, মন্ত্ৰী মহোদয়ে জানেনে যে প্ৰগ্ৰকাৰীক লগত লৈ ধুবুৰী জিলাৰ কৃষি বিষয়া মহোদয়ক বহুত মাটি দেখুৱাইছিল যি মাটিৰ মালিক সকলে স্বেচ্ছায় মাটি দিবলৈ বাজি আছিল ?

M. MOINUL HAQUE CHAUDHURI (Minister, Agriculture) : সেই information মই পোৱা নাই ।

Shri BHUBAN CHANDRA PRADHANI : মন্ত্ৰী মহোদয়ে জানেনে যে ধুবুৰী জিলাৰ কৃষি বিষয়া মহোদয়ে এই বিলাক মাটি চাই কৈছিল যে চৰকাৰে মাটিৰ দাম বিধা প্ৰতি প্ৰত্যেককে ৫০০ টক দিবলৈ সাজু আছিল কিন্তু আপোনালোকৰ মাটিৰ মূল্য ১৫০ টকাৰ ওপৰ নয়ে লৈ—বাক মোৰ ঘৰত মোক ব্যক্তিগত ভাবে লগ ধৰিব—এই বুলি কোৱা সচানে ?

Damage caused by Cyclone to public institutions of Thowra and Mahmora Mouzas of Sibsagar Subdivision

Shri DURGESWAR SAIKIA (Thowra) asked :

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

- (a) Whether it is a fact that a Cyclone in 1959 damaged and felled many public institutions and individual houses in Thowra and Mahmora Mouzas of Sibsagar Subdivision ?
- (b) Whether Government received any proposal for relief measures ?
- (c) If so, whether the money was sanctioned for relief measures and if not, whether Government will arrange to expedite the sanction ?

Shri HARESWAR DAS (Minister, Revenue) replied :

123. (a)—Yes.

(b)—Not yet. But information has been received that enquiries have been made by the local Officers and proposal for relief is being submitted.

(c)—Government will consider about sanctioning money for relief as soon as the proposal is received from the local Officers who are being asked to expedite submission of proposal in this regard.

Shri DURGESWAR SAIKIA (Thowra) : কোন সাহত মজী মহোদয়ে জনাবনে ?

Shri HARESWAR DAS : ১৮।৬।৫৯ ।

Regarding tour of the Weaving Superintendent, Kamrup and the Weaving Inspector, North Bank

Shri PRABHAT NARAYAN CHOUDHURY (Nalbari-East) asked :

*124. Will the Minister-in-charge of Sericulture and Weaving be pleased to state—

- (a) Whether the Weaving Superintendent, Kamrup and the Weaving Inspector, North Bank are touring officers and required to tour in the villages ?
- (b) If so, how many days the Weaving Superintendent of Gauhati and the Weaving Inspector, North Bank toured in the flood affected areas of Nalbari and what are the villages they inspected stating the date of visit in each case ?
- (c) How many days, excluding the days for attending Project Advisory Board meetings, the Superintendent of Weaving Kamrup visited North Bank of Gauhati Subdivision and Barpeta Subdivision during 1958 and 1959 ? (Reply showing the dates and the villages visited to be given).
- (d) What steps Government propose to take for the scanty work of the Superintendent in the rural areas and how it is proposed to increase the efficiency of work particularly for the rural areas ?

†**Shri MAHENDRA NATH HAZARIKA (Minister, Sericulture and Weaving)** replied :

124. (a)—Yes.

(b)—The weaving Superintendent, Gauhati and the Co-operative Weaving Inspector, Gauhati (North) undertook tours for 3 and 9 days respectively in the flood-affected areas of Nalbari during the year 1958-59. The names of the villages visited by these officers together with the dates of their visits are furnished below—

(a) *By Weaving Superintendent, Gauhati*

- | | | |
|---------------------------|-----|----------------------|
| 1. Kamarkuchi and Nalbari | ... | 16th September 1958 |
| 2. Jagara and Kekohati | ... | 17th September 1958 |
| 3. Nalbari | ... | 22nd September 1959. |

(b) *By Co-operative Weaving Inspector Gauhati (North)*

- | | | |
|---|-----|---------------------|
| 1. Nalbari | ... | 17th August 1958. |
| 2. Nalbari, Jaymanglar, Napitpara, Koibartyatola. | ... | 18th August 1958. |
| 3. Balikuchi, Biampur, Chandkuchi. | ... | 19th August 1958. |
| 4. Nalbari | ... | 24th November 1958. |
| 5. Chandkuchi | ... | 27th January 1959. |
| 6. Chandkuchi, Mohkholi, Barkkuriha, Bar-Ajra, Khudra-Sankara, Bordeni Nij-Bahjani. | ... | 28th January 1959. |
| 7. Nalbari, Mugkuchi | ... | 29th January 1959. |
| 8. Khudia, Khatabari | ... | 30th January 1959. |
| 9. Jagara, Belsor | ... | 31st January 1959. |

(c)—The Weaving Superintendent, Gauhati toured for as many as 21 days excluding the days for attending the project Advisory Board Meetings in the North Bank of Gauhati Subdivision and Barpeta Subdivision during the years 1958 and 1959. The names of the villages visited with dates are furnish below—

- | | | |
|------------------------|-----|----------------------|
| 1. Soalkuchi | ... | 26th May 1958. |
| 2. Hajo | ... | 16th June 1958. |
| 3. Mussalpur | ... | 12th September 1958. |
| 4. Nityananda | ... | 13th September 1958. |
| 5. Bagmara, Gor | ... | 14th September 1958. |
| 6. Ganakkuchi | ... | 15th September 1958. |
| 7. Kamarkuchi, Nalbari | ... | 16th September 1958. |
| 8. Jagara, Kokohatti | ... | 17th September 1958. |
| 9. Hajo | ... | 18th September 1958. |

10. Soalkuchi	...	...	...	18th September 1958.
11. Rangiya	...	...	...	20th November 1958.
12. Tih	...	...	...	21st November 1958.
13. Mulssapur	...	...	...	22nd November 1958.
14. Mussalpur	...	...	...	18th December 1958.
15. Ganak kuchi	...	...	...	22nd January 1959.
16. Pathsala	...	...	...	23rd January 1959.
17. Soalkuchi	...	...	...	11th August 1959.
18. Nalbari	...	...	...	22nd September 1959.
19. Barama, Mussalpur	...	...	...	23rd September 1959.
20. Ganakkuchi, Pathsala	...	...	...	24th September 1959.
21. Soalkuchi	...	...	...	14th November 1959.

(d)—It is not a fact that the Superintendent has got a less work to do. He has to supervise Weaving Activities in his jurisdiction comprising of four districts, besides supervising the activities of 11 peripatetic Weaving Parties, one Dyeing and Printing Party and eight Weaving Training Classes.

The following steps have been adopted to increase efficiency—

- (1) The Superintendent to devote more time in supervision.
- (2) The Weaving Inspector to tour 20 days in a month.
- (3) One Typist-cum-Lower Division Assistant is to be given to the Office of the Weaving Inspector to relieve him from Office Work if Government agree.
- (4) To reduce the jurisdiction of the Superintendent and
- (5) To create a Circle of Weaving Inspector at Nalbari.

Shri MAHENDRA NATH HAZARIKA : (a) হয়।

(b) গোহাটীৰ 'উইভিং চুপাৰিনটেনডেণ্ট' আৰু গোহাটী (উত্তৰ) 'ক-অপাৰেটিভ উইভিং ইন্সপেক্টৰ' ক্ৰমান্বয়ে ৩ দিন আৰু ৯ দিন ১৯৫৮-৯ চনত হোৱা বান পানী পিড়ীত নলবাৰী অঞ্চলত ভ্ৰমণ কৰিছিল। এই কেইজন কৰ্মচাৰীয়ে যি বিলাক গাঁৱলৈ গৈছিল সেই বিলাক গাঁৱৰ নাম আৰু তাৰিখ তলত দিয়া হল।

(a) উইভিং চুপাৰিনটেনডেণ্ট গোহাটীয়ে—

- (১) ১৯৫৮ চনৰ ১৬ চেপ্তেম্বৰ তাৰিখে কমাৰ কুছি আৰু নলবাৰী।

(২) ১৯৫৮ চনৰ ১৭ চেপ্তেম্বৰ তাৰিখে জাগাবা আৰু কোকোহাটি ।

(৩) ,, ,, ২২ ,, ,, নলবাৰীলৈ গৈছিল ।

(b) ক'অপাৰেটিভ্ উইভিং ইম্পেৰেক্টৰ, গৌহাটি (উত্তৰ)—

(১) ১৯৫৮ চনৰ ১৭ আগষ্ট তাৰিখে নলবাৰীলৈ গৈছিল ।

২) ,, ,, ১৮ ,, ,, নলবাৰী, জায়মনগলাৰ, নাপিতপাৰা, কৈৱৰ্ত্তলৈ ।

(৩) ,, ,, ১৯ ,, ,, বালিকুছি, বিহমপুৰ, চান্দকুছলৈ গৈছিল ।

(৪) ,, ,, ২৪ নবেম্বৰ ,, ,, নলবাৰীলৈ গৈছিল ।

(৫) ১৯৫৯ ,, ২৭ জানুৱাৰী ,, ,, চান্দকুছলৈ গৈছিল ।

(৬) ,, ,, ২৮ ,, ,, চান্দকুছি, মহখুলি, বৰকুৰিহা, বৰ আজৰা, ক্ষুদ্ৰশঙ্কৰ, বৰ্ণদি আৰু নিছ বাহজানিলৈ গৈছিল ।

(৭) ,, ,, ২৯ ,, ,, নলবাৰীও মুগকুছি ।

(৮) ,, ,, ৩০ ,, ,, ফুদিয়া, পাটাবাৰীলৈ গৈছিল ।

(৯) ,, ,, ৩১ ,, ,, জাগাবা আৰু বেলমৰলৈ গৈছিল ।

(e) গৌহাটি উইভিং চুপাৰিনটেনডেণ্টে ১৯৫৮ আৰু ১৯৫৯ চনত প্ৰজেক্ট এডভাইজৰী বৰ্ডৰ মিটিংৰ বাদে ২১ দিন গুৱাহাটী আৰু বৰপেটা মহকুমাৰ বিভিন্ন গাঁৱত ভ্ৰমণ কৰিছিল । তাৰ তালিকা তলত দিয়া হল—

(১) ১৯৫৮ চনৰ ২৬ মে তাৰিখে শোৱালকুছি ।

(২) ,, ,, ১৬ জুন ,, হাজো ।

(৩) ,, ,, ১২ চেপ্তেম্বৰ ,, মচলপুৰত ।

(৪) ,, ,, ১৩ ,, ,, নিত্যানন্দ ।

(৫) ,, ,, ১৪ ,, ,, বাঘমাৰা গোৱ ।

(৬) ,, ,, ১৫ ,, ,, গণক কুছি ।

(৭) ,, ,, ১৬ ,, ,, কমাৰ কুছি আৰু নলবাৰী ।

(৮) ,, ,, ১৭ ,, ,, জানাবা আৰু কুৰ্হাটী ।

(৯) ,, ,, ১৮ ,, ,, হাজো ।

(১০) ,, ,, ১৮ নবেম্বৰ ,, শোৱালকুছি ।

(১১) ,, ,, ২০ ,, ,, বড়িয়া ।

১২) ,, ,, ২১ ,, ,, টিহু ।

(১৩) ,, ,, ২২ ,, ,, মচনপুৰ ।

- (১৪) ১৯৫৯ চনৰ ১৮ ডিচেম্বৰ তাৰিখে মচনপুৰ ।
 (১৫) „ „ ২২ জানুৱাৰী „ গনককুছি ।
 (১৬) „ „ ২৩ জানুৱাৰী „ পাঠশালা ।
 (১৭) „ „ ১১ আগষ্ট „ শোৱালকুছি ।
 (১৮) „ „ ২২ চেপ্তেম্বৰ „ নলবাৰী ।
 (১৯) „ „ ২৩ „ „ বৰমা, মচলপুৰ ।
 (২০) „ „ ২৪ „ „ গনককুছি, পাঠশালা ।
 (২১) „ „ ১৪ নবেম্বৰ „ শোৱালকুছি ।

(d) চুপাৰিনটেণ্ডেণ্টৰ কম কাম থকা সচা নহয় । তেওঁ চাৰিখন জিলাৰ বয়ন বিভাগৰ কাম পৰিদৰ্শন কৰাৰ উপৰিও ১১টা ব্ৰাম্যমান বয়ন শিক্ষা দলৰ কাম আৰু এটা বং কৰা দেখুৱা দলৰ কাম পৰিদৰ্শন কৰিব লাগে । ইয়াৰ উপৰিও নিম্নলিখিত ব্যৱস্থা গ্ৰহণ কৰা হৈছে কৰ্মশক্তি বঢ়াবৰ কাৰণে ;—

- (১) চুপাৰিনটেণ্ডেণ্টলৈ পৰিদৰ্শনৰ কাৰণে আৰু বেচি সময় দিয়াৰ ইচ্ছা ।
 (২) উইভিং ইন্সপেক্টৰক মাহেকত ২০ দিন ভ্ৰমণৰ ব্যৱস্থা ।
 (৩) এজন টাইপ জনা কেবেনি উইভিং ইন্সপেক্টৰৰ অফিচত দি ইন্সপেক্টৰৰ কামৰ ভিৰ কমাৰৰ ইচ্ছা ।
 (৪) চুপাৰিনটেণ্ডেণ্টৰ গীমা সন্মোচন কৰাৰ ইচ্ছা ; আৰু
 (৫) নলবাৰীত আৰু এটা উইভিং ইন্সপেক্টৰ চাকৌলত পৰিণত কৰি কাৰ্য্য ক্ষমতা বঢ়োৱাৰ ইচ্ছা ।

Shri PRABHATNARAYAN CHOUDHURY : মন্ত্ৰী মহোদয়ৰ তালিকামতে চুপাৰিনটেণ্ডেণ্টে বছৰটোৰ ভিতৰত ২১ দিন ভ্ৰমণ কৰাটো শোচনীয় ব্যৱস্থা নহয়নে ?

Mr. SPEAKER : তেখেতে গুৱাহাটী আৰু বৰপেটাৰ কথা কৈছে ।

UNSTARRED QUESTIONS

(of which answers were laid on the table)

Deputation of Mr. Rangachari, by the Auditor General to enquire into the defunct agency matters of the Supply Department.

Shri PHANI BORA (Nowgong) asked :

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

- (a) Why Mr. Rangachari, I.A.S., a fairly junior officer was brought over by passing the Accountant General, Assam to enquire into defunct agency matters of the Supply Department.

- (b) Whether the officer had any knowledge or experience of the war-time condition and the background under which Government has to set up these agencies ?
- (c) What is the total cost involved in producing the report ?
- (d) Whether the Accountant General, Assam and the Supply Department who are mainly concerned were given any scope to comment on the report ?
- (e) Whether it is a fact that except Ex-Secretary, Finance, all officers of the Finance and Supply Departments who had occasion to deal with the supply agency matters were severely criticised in the report ?
- (f) Whether it is a fact that some of the officers have retired or are about to retire, while some have got promotion and yet no action has been taken against them except against one petty officer of the Supply Department and an Assistant of the Finance Department ?
- (g) When the report was received by Government ?
- (h) Whether the report was secured for purity of administration ?
- (i) Whether it is a fact that Finance Department definitely directed the Supply Department to close these accounts within 2 months or 31st March, 1957 ?
- (j) Whether the accounts of these agencies have since been closed or not ?
- (k) If not, how and when Government propose to do it ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) replied :

300. (a)—Shri Rangachari is not an I. A. S officer but he belongs to Class I of the Indian Audit and Accounts Service. He was deputed by the Auditor General at the request of the State Government in consultation with Accountant General.

(b)—The officer must have gathered the necessary knowledge from the records.

(c)—Rs. 15,413.

(d)—A copy of the report was given to Accountant General and Government is having the report examined independent of the Supply Department who will be consulted as and when necessary.

(e)—There is no severe criticism except against one former Deputy Director, Supply (Accounts). Some irregularities are however, said to have been committed by a few other officers of the Supply and Finance Department.

(f)—Proceedings have been drawn up against the Deputy Director, Supply (Accounts) mentioned above but there was no occasion to take action against any Assistant of the Finance Department. Two of the officers concerned have retired and some of the others have got promotion in the normal course. The question whether any action is necessary against any serving officer is under examination.

(g)—26th April 1958.

(h)—No. Government's intention in obtaining the report was finally to settle the claim and counter claims in respect of the different Supply Agencies.

(i)—In November, 1956 Supply Department was asked to close the accounts of the Agencies within two months and they were again asked to close the accounts of two Agencies within 31st March, 1957 but neither of the suggestions proved practicable because of the complexities involved in the claims and counter claims.

(j)—No.

(k)—The matter is under examination and legal opinion is being obtained on some point. It is difficult to give any time limit because it might ultimately be necessary to refer the matter to arbitration.

Shri GAURISANKAR BHATTACHARYA (Gauhati): With regard to (e) it is said that there is no severe criticism except against one former Deputy Director, Supply (Accounts). Whether it is a fact that the said Dy. Director of Supply was appointed by the State Electricity Board after his retirement?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply): As far as my information goes this officer is under suspension. Is the Hon'ble member referring to Mr. Hiren Sen? He is under suspension.

Shri GAURI SANKAR BHATTACHARYA: whether it is a fact that after his suspension from Govt. service he was appointed in the State Electricity Board?

M. MOINUL HAQUE CHOUDHURY: I require notice Sir.

Maulavi JAHANUDDIN AHMED (Bilasipara): Will the Govt. please enquire into it?

Shri FAKHARUDDIN ALI AHMED (Minister, Finance): The position is that before this order of suspension was served on him, his services were deputed in the State Electricity Board. But soon after the order of suspension he has been removed from the Board.

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Electricity): We got him on deputation.

Extension of the bus line from Koupati upto Dhansirighat.

Md. MATLEBUDDIN (Dalgaoon) Asked :

301. Will the Minister, State Transport be pleased to state—

(a)—When the Transport bus line has been extended upto Koupati?

(b)—Why the said bus line has only been extended upto Koupati?

(c)—Who applied for extension upto Koupati and on whose recommendation this extension has been made?

(d)—Why the sufferings for want of communication facility of other people living in the distant villages have not been considered at all?

(e)—What is the distance from Dalgoan to Koupati and Koupati to Lower Dhansirighat ?

(f)—Whether Government have lately received any petition for the extension of the bus line upto Dhansirighat ?

(g)—If the answer is in the affirmative, why this extension has so long not been made ?

(h) Whether Government will be pleased to expedite the extension of this bus line considering the plight of the people of these area ?

Capt. WILLIAMSON A. SANGMA (Minister, Transport) : replied.

301. (a)—The bus line has been extended upto Koupati with effect from 16th October, 1958 by State Transport.

(b)—The demand was for extension of the State Transport Service upto Koupati. Moreover the road upto Dhansiri West was also not possible for vehicular traffic.

(c)—The demand for the extension came from all quarters when the private stage carriages withdrew their buses from operation. Amongst the representationists for the extension of the service to Koupati, were Shri B. C. Bhagavati, M. P., Shri O. K. Das, M. L. A., Shri Matlebuiddin Ahmed, M. L. A., Shri Gogeswar Barua, etc.

(d)—The suffering of the public have been taken into consideration on receiving representations from the public.

(e)—The distance from Dalgaon to Koupati is 4 (four) miles and from Koupati to Lower Dhansirighat is 5 to 6 miles.

(f)—Yes.

(g)—The road has not yet been ready for plying of State Transport Services regularly.

(h)—Yes. Government will consider.

Starving condition of the Hills Tribes people of South Hailakandi of Cachar residing near Mizo Hills

Shri TARUN SEN DEKA (Nalbari-West) asked :

302. Will the Revenue Minister be pleased to state—

(a) Whether Government are aware that the Hill tribes people of South Haliakandi of Cachar District residing near Mizo Hills district are also in starving condition ?

(b) Whether it is a fact that people of those areas have applied for relief and loan ?

(c) If so, what measures have been taken by Government in this regard ?

Shri HARESWAR DAS (Minister, Revenue) replied :

302. (a)—Yes.

(b) & (c)—People have not applied for loan but Government have rendered relief amounting to Rs. 2,000 worth of rice, besides, milk, atta, cloths and cash grant of Rs. 150. A sum of Rs. 10,000 was also sanctioned for carrying out Test Relief Works in the area.

Regarding lands in Dalgaon and at villages No. 1 & 2 Bargarakhuti

Md. MATLEBUDDIN (Dalgaon) asked :

303. Will the Revenue Minister be pleased to state—

- (a) Whether Government are aware that lands in Dalgaon, No. 1 and 2 Bargarakhuti villages are under cultivation for a long time ?
- (b) If so, by whom (A list of the names of the cultivators may kindly be given) ?
- (c) How long these cultivators are in the actual possession of the land in the above three villages ?
- (d) Whether the lands in the above three villages have been settled with anybody ?
- (e) If so, who are the persons to whom the said lands have been settled ?
- (f) What is the total area of the land comprising the said three villages ?
- (g) Whether any periodic or annual patta to the the settlement holders has so long been issued and if so, what are the names to whom pattas were issued (A list of pattadars periodic or annual may kindly be given) ?
- (h) Whether Government are aware the said lands have been sold by the pattadars ?
- (i) If so, to whom the lands have been sold ?
- (j) Whether the pattadars were in actual possession of the said lands ?
- (k) If not, on what basis pattas were issued in their names depriving the actual occupants who had been cultivating the said land for not less than 25 years ?
- (l) Whether any eviction-operation has so long been made by Government on the said lands ?
- (m) If so, what is the result of the eviction ?
- (n) Whether all the lands in question have been settled in these three villages ?
- (o) Whether Government have lately received any petition for settlement of the said land from the present occupants in the three villages ?
- (p) Whether the present occupants of the said land are the original settlers ?
- (q) Whether Government propose to hold a proper enquiry in regard to the said land ?
- (r) If so, whether Government will expedite the enquiry ?
- (s) Why no settlement has yet been given to the original occupants who are still in possession of the land ?
- (t) Whether the present occupants of the land have been "Touzi" rents ?
- (u) If so, how long they have been so paying ?
- (v) Whether Government aware that the occupants acquired occupancy right by virtue of long settlement of the lands with them from the beginning till now ?

Shri HARESWAR DAS (Revenue Minister) replied :

303. (a)—There are lands under cultivation at villages No. 1 and 2 Bhagarakhuti. There is no land under cultivation at Dalgaon where the land is used for residential purposes only.

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

(c)—The patta holders are in possession of their patta land from the date of their respective settlement. The encroachers, as per list mentioned at (b) above are in possession of the land since 1949.

(d)—Yes, as per list mentioned in reply at (b) above.

(e)—The names of persons with whom settlement has been given is in the list mentioned (b) above.

(f)—2628B. 2K. 3L.

(g)—This list mentioned at (b) above contains the names of persons to whom annual and periodic pattas have been issued.

(h)—Yes, some periodic lands are reported to have been sold but no mutation has yet been sought for. There is no report of sale of annual land.

(i)—The information is not readily available as no mutation has yet been sought for.

(j)—The pattadars are in possession of their respective land.

(k)—Does not arise.

(l)—Eviction from unauthorised occupation of sarkari land in villages Bargarakhuti No. 1 and 2 was carried out in 1949 and every year in Dalgaon.

(m)—The result is that immediately after eviction the same set of encroachers re-encroach the land.

(n)—The list mentioned in (b) above indicate the area settled in these villages.

(o)—Yes. Some of the encroachers applied for settlement of land in their occupation.

(p)—It is not understood by the words (original settlers) but the encroachers are in occupation since 1949 although evicted every year.

(q)—Enquiries are being made into the claims of each applicants by a Sub-committee appointed by the Local Land Settlement Advisory Committee.

(r)—It is being expedited.

(s)—Because settlement can not be given merely on ground of unauthorised occupation.

(t) & (u)—The pattadars have been paying regular land revenue from the year of settlement and Touzi Bahir Revenue is collected from unauthorised occupants of the land from the year of their respective occupation.

(v)—It is not a fact that occupancy right accrues to an encroacher. The pattadar occupants of periodic land have acquired the right of land holder and those of annual land have acquired the right as expressed in the annual patta.

Regarding arrest and jhulum to men and women of Santak Bor Miri Gaon in Sibsagar Subdivision

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked :

304. Will the Chief Minister be pleased to state—

- (a) Whether it is a fact that on the 16th January, 1960 the villagers both men and women, including a mad man named Ampung Pange of Santak Bor Miri Gaon in Sibsagar Subdivision, were chased and beaten and some of them were also arrested ?
- (b) Why they were arrested as such and what were the charge against them ?
- (c) How many of them were arrested and beaten ?
- (d) Whether Government is aware that the public is demanding open judicial enquiry into the matter ?
- (e) If so, what is the decision of the Government ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

304. (a)—On 16th January, 1960 Nazira Police arrested some persons of Santak Mirigaon village in connection with case No. 10(1)60, under section 379, I.P.C. and No. 11(1)60 under sections 147/325/342, I.P.C. Regarding the allegation of beating and chasing the matter is under enquiry *vide* replies to (c) and (e),

(b)—The persons were arrested in connection with above-noted two cases one under section 379 and the other under sections 147/325/342/186, I. P. C.

(c)—Thirty-six persons were arrested.

One accused, *viz.*, Govinda Chandra Paw after his release on bail on 20th January 1960 has, however, lodged a complaint on 25th January, 1960 at Sibsagar Court under sections 325/448/427, I. P. C. against the officer-in-charge, one Assistant Sub-Inspector and one constable of Nazira Police Station. The case is pending enquiry by Magistrate.

(d)—In a public meeting held on 11th February, 1960 at Santak Bormirigaon a resolution demanding judicial enquiry was passed.

(e)—Government will consider taking action on receipt of the report from the Magistrate. A report from Deputy Commissioner, Sibsagar has been called for on the Resolution adopted in the public meeting.

Regarding petition lodged by poor adhiars of Vidyapara under Dhubri Subdivision

Shri TARUN SEN DEKA (Nalbari-West) asked :

305. Will the Chief Minister be pleased to state—

- (a) Whether it is a fact that the number of poor adhiars—namely (1) Shri Monoranjana Deb Nath, (2) Shri Bipin Chandra Nath, (3) Nripendra Nath, (4) Tara Mohon Nath, (5) Lakshmi Kanta Nath, (6) Buda and Upendra Nath of Vidyapara

under Dhubri Subdivision lodged petition before the Deputy Commissioner on 3rd of February, 1960 that the landlords have been attempting to cause breach of peace and engaged a number of Goondas ?

- (b) Whether it is also a fact that the Deputy Commissioner, Dhubri ordered the officer-in-charge of Police Station, Dhubri to enquire into the matter ?
- (c) Whether it is a fact that the officer-in-charge, Dhubri Police Station went to the place of petitioners and threatened them in filthy languages ?
- (d) If so, what steps have been taken against the Police Officials ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

305. (a)—Yes, a petition was submitted to Deputy Commissioner, Goalpara on 3rd February, 1960.

(b)—Yes.

(c)—It is not a fact.

(d)—Does not arise.

Restoration of Shiva Narayan Swami Mandir to the Harijans of Gauhati, Amingaon and Pandu

Shri HIRALAL PATWARI (Panery) asked :

306. Will the Chief Minister be pleased to state—

- (a) What steps have been taken by Government to restore to the 3000 Harijans of Gauhati, Amingaon and Pandu their Shiva Narayan Swami Mandir situated at Dighulipukhuri-par of Gauhati Town ?
- (b) Whether it is a fact that the said Mandir was demolished with the help of the Deputy Commissioner's Nazir and local police on the 11th November, 1959 without any knowledge of the Harijans ?
- (c) Whether it is a fact that a gentleman has claimed the ownership of the plot of land where the said Mandir is situated ?
- (d) Whether it is a fact that the said gentleman instituted a case in the law court against three particular Harijan individuals one of whom is long dead, and obtained an *ex-parte* decree about two years back from the Court to evict them from their private lands ?
- (e) Whether it is a fact that attempt was made to enforce the above decree in the plot of land where the Harijan Mandir is situated ?
- (f) Whether it is a fact that two years back the said decree could not be served because the Government Piyada reported that the Mandir land did not belong to the three individual Harijans against whom the decree was obtained ?
- (g) Whether it is a fact that Government has connived at the illegal and unauthorised demolition of religious Mandir ?

- (h) Whether it is a fact that the present Deputy Commissioner of Kamrup when he along with the Additional District Magistrate went to make an enquiry on the spot in the Harijan Mandir area was attacked by the man of the decree-holder?
- (i) Whether it is a fact that on behalf of the Harijan Unnayan Samiti several representations have been made to Government including the Chief Minister of Assam and the Prime Minister of India?
- (j) Whether it is a fact that the Chief Minister assured the Samiti's deputationists on the 21st of December 1959 that he would settle the matter within a week?
- (k) Whether the Chief Minister has by now acted his assurance and what steps have been taken by him to meet the demand of the Harijans?
- (l) Whether it is a fact that the Chief Minister with the Deputy Commissioner, Kamrup asked the said decree-holder to meet him in connection with the above matter but the decree holder refused to meet him?
- (m) Whether Government are aware as to whether the Prime Minister of India has replied to the memorandum submitted to him by the Harijan Unnayan Samiti on the 10th January last and or whether the Prime Minister has given any advice to the State Government on the matter?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

306. (a)—After the decree of the Civil Court, Government have no authority to restore the alleged temple to the Harijans. The parties affected by decree may seek, if they like, redress in the appellate court.

(b)—Yes. The Nazir executed the decree passed by the learned Sub-judge, L.A.D., Gauhati in T. S. No. 81/53 under the directions of the court.

(c)—Shrimati Nafizunnessa has claimed the ownership of the land.

(d)—The lady obtained an *ex-parte* decree. Government have no information and it is also not clear from the judgment whether one of the parties was long dead.

(e)—Yes, the decree was executed and delivery of possession was given as per court's order.

(f)—It is not a fact.

(g)—Government only carried out the direction of the Court.

(h)—There was no attack or attempt at attack on the Deputy Commissioner or Additional District Magistrate but a Chowkidar of the decree-holder attempted to attack some other persons who went there to assist the Deputy Commissioner and Additional District Magistrate in an enquiry in connection with law and order.

(i)—Yes.

(j)—The Chief Minister assured the deputationists that he would look into the matter, but no specific time was set.

(k)—The Chief Minister instructed the Deputy Commissioner, Kamrup to look into the matter and if possible to provide a plot of land elsewhere for a temple.

(l)—It is not a fact.

(m)—This Government is not aware of the Harijan Unnayan Samiti received any communication from the Prime Minister of India. The Prime Minister has passed on the representation to the Chief Minister.

**Regarding pending cases in Land Settlement Advisory Committee,
Barpeta Subdivision**

Shri GHANASHYAM TALUKDAR (Sorbhog) asked :

307. Will the Minister, Revenue be pleased to state—

(a) How many cases relating lands and their settlement as well as other land disputes are now pending in Land Settlement Advisory Committee, Barpeta Subdivision ?

(b) When they will be disposed of finally ?

(c) Why they are pending for such a long time ?

Shri RADHIKA RAM DAS (Deputy Minister, Revenue) replied :

307. (a)—Six such cases are now pending for consideration of the Land Settlement Advisory Committee, Barpeta.

(b)—Precise time can not be given but these will be disposed of as soon as the Land Settlement Advisory Committee come to decision on them.

(c)—The cases are pending for settlement of various conflicting claims of different groups of people. Much time has been lost in making necessary enquiries into these claims and counter claims.

Shri GHANASHYAM TALUKDAR (Sorbhog): Sir, with regard to reply (a), may I know what are those six cases now pending ?

Shri RADHIKA RAM DAS (Dy Minister Revenue): Sir, Kaimari P. G. R., Secondly, settlement of 2000 bighas of land from Sonakuchi Dhanbandha VGR, thirdly, 6000 bighas of land from Barpeta P. G. R. fourthly Borbala PGR, fifthly Sorbhog town and the next is Balarbhita waste lands. These are the 6 cases.

Shri GHANASHYAM TALUKDAR : Sir, when these are pending ?

Shri RADHIKA RAM DAS : Some of the cases are pending since 1944.

Shri GHANASHYAM TALUKDAR : Is it fact that Borbela is pending from 1944.

Shri RADHIKA RAM DAS : Yes, from 1944. Now Sir, some settlements were made, at the begining but the Revenue Tribunal set aside those settlements, and then there was dereservation in 1954 again.

Regarding reservation of Barbill Kacharibari P.G.R. in Nowgong District

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked :

308. Will the Minister. Revenue be pleased to state—

- (a) The time when Barbill Kacharibari P. G. R. of Dhing Circle, Nowgong District was reserved ?
- (b) The area that is reserved now ?
- (c) With whom it is settled, *i. e.*, whether in co-operative or individual basis it is distributed ?
- (d) Whether it is a fact that in Dhing Bagatikrishi Samalaya which demanded land, was not given land ?
- (e) If not, why not ?

Shri RADHIKA RAM DAS (Deputy Minister, Revenue) replied :

308. (a)—Altogether an area of 2,500 bighas of land from the Barbill Kacharibari P. G. R. was temporarily thrown open on different dates as shown below :—

- (1) 200 bighas on 5th June 1951.
- (2) 1,400 bighas on 15th April 1953.
- (3) 600 bighas on 18th February 1956.
- (4) 300 bighas on 29th January 1957.

(b)—An area of 4,862B. 1K. 19L. of land still remains as reserved.

(c)—Out of 2,500 bighas of land temporarily thrown open, an area of 200 bighas was allotted for cultivation on Co-operative basis and the rest to the deserving individuals who are landless cultivators of the locality.

(d) & (e)—No application from the Dhing Bagati Krishi Samalaya praying for allotment of land in Barbill Kachari P. G. R. was received. But on receipt of application, dated 1st May, 1958 for land in the said P. G. R. from the Pragati Krishi Samabay submitted by Shri Lakhikanta Barua and others Government directed the Deputy Commissioner, Nowgong that the individual settlement in the reserve should not be given and if the reserve is to be permanently opened for settlement the view of the Land Settlement Advisory Committee should be obtained and reported to Government. No land has been yet settled in the P. G. R. and all the petitions for lands are under consideration of the sub-committee constituted by the Land Settlement Advisory Committee held on 2nd September 1959. As such the question of granting settlement does not arise at this stage.

Completion of the incomplete embankments of Nonoi in Mangaldai Subdivision

Shri DANDI RAM DUTTA (Mangaldai) asked :

309. Will the Minister-in-charge of Public Works Department (flood Control) be pleased to state :—

- (a) Whether Government received several representations from time to time for completing the incomplete embankments of No.

noi in Mangaldai Subdivision from North Trunk Road to Patharriaghat ?

- (b) Whether Government are aware that due to keeping the said embankments incomplete, six mouzas of Mangaldai Subdivision *e. g.*, Sipajhar, Lokrai, Roinakuchi, Dipila, Dahi and some parts of Hindughopa were affected by the last flood ?
- (c) Whether Government will be pleased to take up the project for protection of this area from flood in future ?

M. MOINUL HAQUE CHOUDHURY (Minister-in-charge, Public Works Department, Flood Control) replied :

309 (a)—Yes.

(b)—Yes. Due to copious spilling of the banks during high floods some of the areas in these Mouzas used to be flooded occasionally since long time.

(c)—The Scheme will be considered for inclusion in the Third Plan on the basis of its relative priority.

Establishment of one Seeds Farm in each Anchalik Panchayat

Shri MAHADEV DAS [Barpeta, (Reserved for Scheduled Castes)] asked

310. Will the Minister, Agriculture be pleased to state—

(a) Whether there is such provision as to establish one Seed Farm in each Anchalik Panchayat ?

(b) If so what step is being taken to establish one such Farm in the Bhabanipur Anchalik Panchayat ?

Shri LARSINGH KHYRIEM (Deputy Minister, Agriculture) replied :

310. (a)—The Government propose to establish progressively one Seed Farm in each Block.

(b)—There is yet no such scheme for Bhabanipur.

Regarding the Sluice gate of Boraikhowajan in Barpeta Subdivision.

Shri SURENDRA NATH DAS (Pataharkuchi) asked :

311. Will the Minister, P.W.D. (Flood Control) be pleased to state—

(a) Whether the sluice gate of Bareikhowajan was recommended to be executed to the Subdivisional Development Board, Barpeta ?

(b) If so, when the work of the project will be started ?

(c) Whether the work will be started soon ?

(d) Whether Government will be pleased to complete the work of the coming rainy season ?

M. MOINUL HAQUE CHOUDHURY [Minister-in-charge, P. W. D. (Flood Control & Irrigation Wing)] replied :

311. (a)—The proposal was approved by the Subdivisional Development Board, Barpeta in its meeting held on 3rd September, 1959.

(b), (c) & (d)—The scheme comprising of (i) construction of marginal embankments along Kaldiya and Deojora rivers in the affected area and (ii) a sluice at Bareikhowajan has been drawn up at a rough estimated cost of Rs. 2,68,000. Due to stringent financial position its implementation could not be taken up during the 2nd Plan period. The proposal will have to wait till the 3rd Plan period for implementation on the basis of its relative priority.

Number of Dispensaries taken over by Government in 1959-60.

Shri SARAT CHANDRA GOSWAMI (Kamalpur) asked :

312. Will the Medical Minister be pleased to state—

- (a) How many Dispensaries have been taken over by the Government in the year 1959-60 ?
- (b) Whether Guiya Dispensary has been taken over by the Government in Kamalpur Circle ?
- (c) If not, whether Government will be pleased to take over the said Dispensary in the year 1960-61 ?

Shri RUPNATH BRAHMA (Minister, Medical) replied :

312. (a)—Presumably, the hon'ble Member refers to the taking over of the Local Board Dispensaries. If so, the number of such dispensaries taken over by the Government in 1959-60 is 200 and five out-centres.

(b)—No.

(c)—Government will give due consideration along with others.

Circular issued by Secretary, State Basic Board regarding appointment of teachers of Lower Primary Schools

Shri SARAT CHANDRA GOSWAMI (Kamalpur) asked :

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

- (a) Whether it is a fact that a circular has been issued by the Secretary, State Basic Board to the Secretaries of School Boards to the effect that in the matter of appointment of teachers of Lower Primary Schools only the cases of those candidates who have passed the Teachers Test Examination held by the State Basic Board are to be considered and the candidates who passed the Teachers Training Examination held by different School Boards prior to the State Board Examination who are still un-employed are not to be considered ?
- (b) Whether the results of the Teachers Training Examination held by different School Boards are approved by the State Basic Board ?
- (c) Whether it was notified that the cases of those candidates who were declared to have passed the Teachers Training Examination held by different School Boards and approved by the

State Basic Board will not be considered eligible for subsequent appointments if they do not pass the examination held by the State Board ?

(d) Whether Government are aware that many School Boards informed many unemployed Teachers Training passed candidates that those who have already passed the Teachers Training Examination need not appear in State Board held Examination ?

(e) Whether Government will be pleased to withdraw the said Circular and lift the bar to appointment of those candidates who were declared to have passed the Teachers Training Examinations held by different School Boards and approved by the State Board ?

Shri RADHIKA RAM DAS (Deputy Minister of Education) replied:

313. (a)—Yes, in the matter of appointment of teachers in Lower Primary Schools, only the case of those candidates would be considered who have passed the Teachers Test Examination held by the State Basic Education Board.

No Teachers Training Examinations were held by School Boards.

(b)—No Teachers Training Examinations were held by School Boards as such no approval by the State Board was necessary.

(c), (d) & (e)—Do not arise.

Shri SARAT CHANDRA GOSWAMI (Kamalpur) : Sir, here the question has been wrongly printed. The question would have been "who passed the Teachers Test Examination" and not "who passed the Teachers Training Examination" and in all the subsequent questions the words "Teachers Training Examination" have been written. Therefore, the whole answer is wrong. So, Sir, may I ask the Deputy Minister whether there was any Teachers Test Examination held by the different School Boards prior to the examination held by the State Board Examination ?

Shri RADHIKA RAM DAS : Yes Sir,

Shri SARAT CHANDRA GOSWAMI (Kamalpur): Whether the result of the candidates who have been declared passed by the respective School Boards were forwarded to State Board for their information and necessary approval ?

Shri RADHIKA RAM DAS : Approval is not necessary, but for information the results were sent.

Shri HARESWAR GOSWAMI (Rampur) : Is there any examination like Teachers Test Examination ?

Shri RADHIKA RAM DAS : Yes.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : What is the qualification required for appointment of primary teachers ?

Shri RADHIKA RAM DAS : M. V. or M. E.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : When compulsory M. E. Examination is abolished what will be the equivalent qualification necessary?

Shri RADHIKA RAM DAS (Deputy Minister, Education) : M. E. is equivalent to M.V.

Shri MOHI KANTA DAS : (Barchalla) : Whether the persons who have passed Class VII, VIII and IX will be eligible ?

Shri RADHIKA RAM DAM : Yes.

Shri SARAT CHANDRA GOSWAMI (Kamalpur) : Whether the Government will be pleased to consider the cases of those who have passed the examination held by the different school Board in 1956 ?

Mr. SPEAKER : I think the examination is conducted by the State Basic Board.

Shri SARAT CHANDRA GOSWAMI : Recently a circular has been issued by the Government that those who have passed the examination conducted by the School Board, their cases will not be considered. Will the Government be pleased to withdraw that circular ?

Shri RADHIKA RAM DAS : Government will not withdraw the circular. The School Boards used to conduct teachers Training Examination upto 1956 but since 1958 the State Board conducts Teachers Training Examination.

Shri SARAT CHANDRA GOSWAMI : Is it a fact that the persons who have not passed any examination have been appointed as teachers whereas the cases of those who have passed the Teachers Test Examination have not been considered ?

Shri RADHIKA RAM DAS : I have no information to that effect, Sir.

Shri HIRALAL PATWARY (Panery) : স্কুল বোর্ডৰ পৰীক্ষা দি অহা শিক্ষক সকলে আকৌ কিয় পৰীক্ষা দিব লগাত পৰিছে ?

Mr. SPEAKER : ১৯৫৮ চনতে পৰীক্ষা লোৱা হৈছিল, সেই বিলাক উপযুক্ত বিচাৰ নোলোৱাৰ কাৰণে আকৌ পৰীক্ষা লব লগা হ'ল।

Shri SARBESWAR BORDALAI (Titabar) : স্কুল বোর্ডৰ পৰা ৮৯ জন্ম নান শিক্ষকে পৰীক্ষা দিবলৈ আহে—কিন্তু ১৫ জন দৰকাৰ হ'লে বাকী কেইজন কৰ পৰা আনিব ?

Shri RADHIKARAM DAS : যথেষ্ট বেচি সংখ্যক শিক্ষক পাচ কৰি আছে।

Regarding benefits of enhanced pay scale to Veterinary Field Assistants

Shri TARUN SEN DEKA (Nalbari-West) asked :

314. Will the Minister-in-charge of Veterinary be pleased to state—

(a) Whether it is a fact that some of the trained Veterinary Field Assistants who are serving in the various insemination branches, have not been given the benefit of enhanced pay scale as has been given to others *vide* Finance Department order of October, 1956 ?

(b) If so, why ?

M. MOINUL HAQUE CHOUDHURY (Minister-in-charge of Veterinary) replied :

314. (a)—Yes.

(b)—The pay scale of the Messenger Stockman (who are trained in the Veterinary Field Assistant Course) was not included in the Government Notification No.FEP.3/56/36, dated 26th December, 1956 regarding the revised pay scale, 1956. However, proposal for granting the revised scale to them is under consideration.

Expenditure of the Cattle show held at Gauhati in 1958-59

Shri PRABHAT NARAYAN CHOUDHURY (Nalbari-East) asked :

315. Will the Minister-in-charge of Veterinary be pleased to state—

(a) What is the total cost of the cattle show held at Gauhati last year (1958-59) and probable cost of that of the current year (1959-60) ?

(b) Who are the participants of the Execution and who are the beneficiaries ?

(c) Whether Government are aware that a very negligible part of rural population is benefited by such Exhibition confined among a few residents in the Town ?

(d) Whether Government are aware that a Committee for the purpose is formed out of persons who are not interested and some of whom have no privilege of their inclusion at all ?

(e) Whether Government propose to arrange in future small exhibitions alternatively at all important centres for the benefit of the cattle rearers ?

M. MOINUL HAQUE CHOUDHURY (Minister, Veterinary) replied :

315. (a)—Rs. 27,780.00 nP. was the total cost of the Cattle Show held at Gauhati last year (1958-59) and Rs.22,000.00 nP. during the current year.

(b)—*Bonafide* Cattle Breeders and persons interested in Live-stock of the State have participated in the show. The beneficiaries are mostly rural people.

(c)—Although the Cattle Show was held in the Town, most of the participants came from the rural areas of the State.

(d) No. The members of the Committee are directly or indirectly connected with Livestock Industry.

(e)—Yes. The Department also organise Village and District level shows since 1959-60. This year 50 Village level and 4 district level shows were held prior to holding the State Show.

Shri PRABHAT NARAYAN CHOUDHURY (Nalbari-East) : Do this Minister know that some of the Members of this august House who were appointed in the Exhibition Committee have no knowledge about the inclusion of their names in the Exhibition Committee ?

M. MOINUL HAQUE CHOUDHURY (Minister, Veterinary) : Sir, I have no information that the Hon. Members were not informed that they were appointed as Members of the Exhibition Committee.

Shri GAURISANKAR BHATTACHARYA (Gauhati) : Whether the persons whose names were included as belonging to the Committee were informed that they were appointed as Members of the Committee ?

M. MOINUL HAQUE CHOUDHURY : I have no information, Sir, but I find that the names of Shri Gaurisankar Bhattacharyya and Shri Prabhat Narayan Choudhury amongst others are in the list of members of the Committee. A booklet was printed giving the names of the members.

Shri MOHI KANTA DAS (Barchalla) : Whether Government will take steps to inform them now ? (*Laughter*).

M. MOINUL HAQUE CHOUDHURY : That can be done but it will be of no use.

Amount of loan allotted for Cattle and Poultry Farming in 1959-60

Shri PHANI BORA (Nowgong) asked :

316. Will the Minister-in-charge of Veterinary be pleased to state—

(a) What is the amount of loan paid to private persons for Cattle and Poultry Farming in the year 1959-60 ?

(b) To how many persons it is paid ?

(c) What is the result ?

M. MOINUL HAQUE CHOUDHURY (Minister-in-charge Veterinary) replied :

316. (a)—Government have issued loan to the extent of the entire amount of Rs.50,000 allotted for the Scheme.

(b)—15 (fifteen) persons (including one Samiti—Assam Goseva Samiti) were given such loan.

(c)—It is too early to assess result as in most cases the loan has just been given.

Settlement of Khas lands by S. D. C., Mangaldai from 1956 to 1959

Md. MATLEBUDDIN (Dalgaon) : asked.

317. Will the Revenue Minister be pleased to state—

(a) How many Bighas of Government Khas land have been settled with the people by the S. D. C., Mangaldai during the period from 1956 to 1959 ? (Answer may be given with the area of land settled year by year).

(b) Whether the S. D. C. has taken any advice or suggestion from the Subdivisional Land Advisory Committee at the time of settlement ?

(c) What are the mauzas in which such lands have been settled ? (Answer may be given with the area of land mauza-wise) ?

Shri RADHIKA RAM DAS (Deputy Minister, Revenue) replied :

317. (a)—1175B. 1K. 15L. in 1956-57, 771B. OK. 9L. in 1957-58, 307B. 3K. 14L./2254B. OK. 18L. in 1958-59.

(b)—No.

(c)—The information are as follows—

Mauza	Area Settled		
	B:	K:	L:
1. Dalgaon East
2. Dalgaon West
3. Sialmari
4. Samabari
5. Chapai
6. Rangamati
7. Dahi
8. Bonmajha
9. Sarabari
10. Lakrai
11. Rainakuchi
12. Sipajhar
13. Dipila
14. Hindughapa

Shri BAIKUNTHA NATH DAS [Rangiya (Reserved for Schedule Tribes)] : Sir, in reply to (b) the answer is negative. May I know when the land Settlement Advisory Committee was constituted for that purpose ?

Shri RADHIKA RAM DAS (Deputy Minister, Revenue) : The Land Settlement Advisory Committee is constituted generally for five years.

M. MOINUL HAQUE CHOUDHURY [Minister, P. W. D. (Embankment and Drainage)] : Sir, I give an assurance in this House that the report of the Embankment & Drainage Project Review Committee, Assam, generally known as the Bhagawati Committee would be published. After the assurance was given by me I tried to get the report printed so that every Hon. Member might be supplied with a copy of the report. But unfortunately neither the Government Press nor any private agency could undertake to print it within the session. As such, Sir, I would crave your indulgence and permission to place copies of this report on the Library Table. I am placing 8 ciclostyled copies so that the Hon. Members may look into the same. (Please see Library Register No.)

Shri MOHI KANTA DAS (Barchalla) : Each Member should be supplied with a copy so that each of us can go through the report and discuss it.

M. MOINUL HAQUE CHOUDHURY . In this session.

Mr. SPEAKER : No, in the next session.

Shri HARESWAR GOSWAMI (Rampur) : In the meanwhile the report may be printed so that each member can be supplied with a copy.

M. MOINUL HAQUE CHOUDHURY : That can be done.

Regarding pay scales, system of of promotion, appointments and heavy works in the Department of Local Fund Accounts

Shri TARUN SEN DEKA (Nalbari-West) asked :

318. Will the Minister-in-charge of Finance be pleased to state --

- (a) Whether Government are of the feelings of the Local Auditors that their pay scales were not suitably revised by the last pay committee ?
- (b) Whether there is any move for revision of their scales with a view to upgrade the same ?
- (c) Whether it is a fact that the conditions of service of the Local Auditors are of exceptional nature, viz., they are to remain on constant tour from the date of appointment till retirement ?
- (d) Whether it is a fact that the scope of promotion of the Local Auditors is practically nil ?
- (e) Whether there is any selection Grade of posts of Local Auditors as in some other services ?

- (f) Whether the Local Auditors are enjoying any special benefit in shape of Compensatory Allowance, etc. ?
- (g) If so, in what shape ?
- (h) Whether it is a fact that the Government have recently ordered for reduction of their daily allowances ?
- (i) Whether it is a fact that very few qualified candidate now come forward to accept job of the Local Auditors due to bad service conditions and the posts are filled up by indiscriminate promotions from among the clerical staff ?
- (j) Whether Government are aware that this is a great hindrance to the efficiency of the department ?
- (k) Whether it is a fact that the trainees for appointment as Assistant Auditors were subsequently appointed as Junior Auditors, a newly created cadre with a higher scale of pay ?
- (l) Whether the scope of training was extended to the existing Assistant Auditors or not ?
- (m) Whether it is correct to say that the Junior and Assistant Auditors are entrusted with the similar nature of work with equal responsibility ?
- (n) Whether Government will remove the disparity of pay between the Assistant Auditors and the Junior Auditors ?

319. Will the Minister of Finance be pleased to state—

- (a) Whether it is a fact that some posts of Senior Auditors are lying vacant since the last 2 or 3 years ?
- (b) Whether the Junior and the Assistant Auditors require to pass any qualifying examination for appointment as Senior Auditors ?
- (c) Whether it is a fact that very often the Junior and the Assistant Auditors are entrusted with independent Audit ?

320. Will the Minister of Finance be pleased to state—

- (a) Whether it is a fact that the Department of Local Fund Accounts is running in heavy arrears specially in School Accounts ?
- (b) Whether it is a fact that the reports even when audited are neither promptly sent to authorities concerned nor the audit objections are pursued for settlement ?
- (c) With whom the responsibility for settlement of the Audit objections rests, i. e., whether with the Examiner of Local Fund Accounts, Assam or with the officer who operate the Fund ?

Shri FAKHRUDDIN ALI AHMED (Finance Minister) replied :

318. (a)—Yes.

(b)—No, because any revision at this stage will disturb the pay-structure.

(c)—The local auditors have to be on-tour continuously for long periods.

(d)—No. The post of D. E. L. A. is usually filled up by promotion of Senior Auditors. The post of Examiner of Local Accounts is also opened to them.

(e)—No.

(f) & (g)—With effect from 1st April, 1960, the Senior Auditors will get a fixed monthly T. A. of Rs.70 and House Rent Allowance of Rs. 25 per month. The Auditors and Junior Auditors will also get the House Rent Allowance at the same rate and fixed monthly T. A. of Rs.42.

(h)—There has been no reduction in the rate of daily allowance as such. But there T. A. is being replaced by fixed T. A. as stated above.

(i)—There is no dearth of candidates for the post of Assistant Auditors and it is not a fact that posts have been filled by indiscriminate promotion of clerical staff.

The dearth is of qualified candidates for the post of Senior Auditors because there posts can be filled up only by candidates who have passed the prescribed examination.

(j)—Does not arise.

(k)—Yes, some graduates after training were appointed as Junior Auditors.

(l)—No, only new recruits were selected for training.

(m)—The nature of duties of Junior and Assistant Auditors are similar but the Junior Auditors who have successfully completed a course of training in Audit and Accounts are expected to be able to take up more responsible work.

(n)—This is under consideration.

319. (a)—Yes.

(b)—Yes.

(c)—Information is being collected.

320. (a)—Yes.

(b)—Information is being collected.

(c)—It rests primarily with the officer operating the Fund.

Calling attention to matter of urgent public importance under Rule 54 re:forcible taking away of 58 cattle from Indian border village Ratanpur in Karimganj Sector on 15th March, 1960 by Pakistani

Mr. SPEAKER : Now, there are two calling attentions—one is under Assembly Rule 54 and the other is under Assembly Rule 50. The first one is under Rule 54 and it is in the name of Shri Biswanath Upadhyaya.

Shri BISWANATH UPADHYAYA (Patharkandi) : Mr. Speaker, Sir, I have the honour to invite the attention of the Chief Minister under Rule 54 of the Assembly Rules, to the news item published in the column 1 of the Hindusthan Standard dated 21st March, 1960. The news is as follows:—

Mr. SPEAKER : Give the gist of the report.

Shri BISWANATH UPADHYAYA (Pathar-kandi) : Yes Sir, It is reported that 58 cattle have been forcibly taken away from the Indian border village of Ratanpur on the Karimganj section on March 15 by some Pakistanis assisted by Pakistani armed forces. It is also reported that these cattle are going to be auctioned at Sheola, Pakistani border outpost.

Now I want to hear the Chief Minister in this connection.

Shri BIMALA PRASAD CHALIHA (Chief Minister) : Mr. Speaker, Sir, report was received from D. C., Cachar, on 18-3-60 that on 15-3-1960 at about 11 a. m., a herd of buffaloes and cows were taken by two Indian cowherds viz. Abdul Gani and Abdul Matin of village Sutarkandi to Balinganala near old Ratanpur B. O. P. (India) for drinking water. The herd consisted of 3 he-buffaloes, 21 she-buffaloes, 7 bullocks, 8 cows, 12 buffalo calves and 7 cow calves, altogether 58 cattle belonging to Indian nationals (1) Haji Basarat Ali, (2) Nachir Ali (3) Eshaid Ali, (4) Sikandar Ali (5) Achaddar Ali (6) Moina Mia, (7) Sona Mia, (8) Khotir Ali, (9) Sonkhar Ali, (10) Amir Ali, (11) Abdul Gani, all of Sutarkandi, (12) Ayas Ali of Bahubal and (13) Abdul Rakib and (14) Intaz Ali, both of Khrikhola. While the cattle were drinking water, EPR personnel along with one Pak security Havildar and Pak villagers Akol Mia alias Bhongai and Pochai Mia of Kunagram (E. Pakistan) trespassed into Indian territory by crossing the Balinganala and drove away the entire herd of cattle along with the two cowboys to Sheola in East Pakistan. It was also learnt that the herd was kept in custody of Pak Custom post at Sheola for disposing them of in auction. Formal protest was lodged with E. Pakistan at district level vide D. C. Cachar's telegrams No. SC27/59-60 dated 17-3-60 to the D. C. Sylhet and the Government of E. Pakistan were requested at State level vide Government telegram No. C.2860 Pt. dated 21-3-60 for a joint enquiry into the incident at S. D. O's level and not to dispose of the cattle by auction. The two cowherds were, however, released the same day and they returned to India on 16-3-60. E. Pakistan in reply vide telegram No. 1645-Comrel dated 24-3-60 denied the allegations. Their version of the incident is that on receipt of previous information that smuggling of cattle on the border in that area was on the increase, a raid was organised under the supervision of a responsible officer well within Pak territory and that these cattle were seized in course of such a raid in Pakistan territory in village Bangalhuda under Beanibazar P. S. and that a case has been started under sections 4 and 5 of the Land Customs Act for disposing of the cattle according to law. They also denied the forcible taking away of the two cowherds and disagreed to the holding of any joint enquiry by S. D. O's of both sides.

However, as agreed to by the E. Pakistan Government in their above mentioned telegram and as provided under the Ground Rules, a joint discussion was held at Sector Commander, E. P. R., Sylhet, on 24-3-60 at Sutarkandi over this incident. Meeting was also held by the D.I.G., Border, with East Pakistan Rifles officers on the other side. The matter was raised by the Chief Secretary in the recent Chief Secretaries' Conference held at Dacca also. The auction sale of the cattle has been stayed. The Pakistan Government is looking further into the matter. Request has been made by our side in discussions to release the cattle if enquiries revealed that no smuggling was attempted, but the cattle might have strayed into Pakistani area for grazing. The decision of the Pakistan Government is awaited.

**Calling Attention of the House under Assembly Rule 50 regarding situation-
arising, of lathi charging, tear gassing and firing outon the refugeesby
[Police at Borbil in Namati area, Mikir Hills**

Mr. SPEAKER : Before initiating the discussion on the motion for Calling Attention, I like to impress on the hon. Members that this matter was discussed rather threadbare in the earlier discussions by this House, *Viz.*, in course of discussions on the Governor's Address and also in the general discussions on the Budget. Therefore, I request the Hon. Members who will be taking part in the discussions not repeat those arguments which have already been advanced in the earlier debates.

***Shri GAURI SHANKAR BHATTACHARYYA (Gauhati) :** Mr. Speaker, Sir. I am quite aware of the position that since I submitted the notice for raising these discussions, there have been some changes in the situation in the meantime. We also had an opportunity of discussing some aspects of the matter and, therefore, I do not propose to repeat the things that were already discussed.

After the tabling of the notice the death-roll has been raised to 3. When I gave the notice, number of persons killed by Police firing was 2 and subsequently another died. Therefore, the death-roll has gone up to 3 and when I gave the notice my information was that the number of the injured was about 50 but my information is that the number would exceed 100. However whatever might be the number, the position has since been revelled by the subsequent conduct of the Police force there and also by the subsequent situation there. It has been amply proved that the firing was entirely unjustified. The law and order situation at present has eased to a very great extent but in the meantime there has been no necessity of any firing. The reason is that there has not been any effort to use a large number of persons of demolishing houses, etc. of the refugees and others who are sought to be evicted. The position at present is that there are, according to official sources, about 3,000 families who may be termed as encroachers; and out of these 3,000 families, according to official sources again, 8,00 families are refugees and 12,00 families are others. So far as these 18,00 displaced families are concerned, it has been admitted that it is primarily the responsibility of the Government to settle and rehabilitate these families. The arrangement at present is that about 450 families would be settled in the Borbil area and 200 more families would be settled at Barapani, Kalimukh, Jorabari and another place. About 500 families would be settled in certain de-reserved reserves of Nowgong district and the Mikir Hills District accordingly is reported to have agreed to that extent that the reserves of Nowgong would be de-reserved for the purpose and the Mikir Hills District Council would replenish to that extent to the Nowgong District. Now this really is an approach, so far as the indication is concerned, which ought to be taken earlier than the tragic incident. If this sort of an approach would have been earnestly started earlier, this tragic happening would not at all have taken place and, therefore, as I

*** Shri BIMALA PRASAD CHALIHA (Chief Minister) :** How does the Hon'ble Member know it ?

***Shri GAURI SHANKAR BHATTACHARYYA :** I am subject to correction. This is my information and I shall know from the Chief Minis-

ter how far it is correct. If my information is correct, this is a right direction. If my information is not correct, the situation I consider to be a calm situation—calm a little before the storm. Because to my information a large Police force is even now posted in the area and the police created a situation which has compelled them to be, so to say, guards of properties which are threatened from all sides. It was because certain sentiments were roused and heat was generated. One section of the people were engaged against another section because, so to say, a private army was raised in order to help and aid the Police Force. So far a tense situation, a situation of terror and panic, even now is prevalent there. So much so that quite a large number of police is being posted in that area even now not for any other purposes than to watch and see that one section may not take the law into their hands. My charge is that this section of private individuals taking the law into their own hands was instigated to do so by the police themselves and therefore, my complaint is that it is the police themselves who violate the law and order by instigating one section of the private individual against another section. Now, as I said, if the effort for a reconciliation for a settlement by mutual understanding succeeds that will be good for all concerned. But if it fails, the situation will become worse, not only that, even if the effort succeeds that will amount to the proposal for settlement only 650 families out of 3,000 families, the remainder will remain a big problem still. Now, some say that it is expected that about 450 families would be rehabilitated on their own individual efforts. It is individual effort at rehabilitation that brought them to this area and led them clear the jungles and made the jungles now an area smiling with paddy and other crops. But if these about 450 families are again under police protection and under police instigation expelled from there by a private army, how can we expect that they would be rehabilitated by their own individual efforts elsewhere and what that elsewhere will be? That remains a big question even now. And so far as the other 200 families are concerned nobody can say what would be their lot not to speak anything about the 1200 families who are said to be non displaced families. Therefore Sir, so far the basic problem is concerned, in spite of the lapse of time, in spite of the apparent lull and calmness, the core of the problem remains. I can only expect and hope that the police will try to maintain law and order and not to meddle with the core of the problem because it is not the function of the police either to rehabilitate or to uproot the people in certain places.

Now Sir, so far as the other side is concerned, those impoverished Mikirs who have been on the top of the hills and who constitute a section of the people deserving all sympathy and help from all quarters, this is also a matter which should be considered in this context. So long as those people are not properly rehabilitated, so long as those people are not settled with land and also with other amenities to raise their crops and to arrange their living, there will always be the problem, the problem which leads to these sorts of police excesses in this area or in other areas also. Therefore, now that we are in a less tense atmosphere, in spite of the agony and pain for all this loss of life, loss of property and physical suffering to hundreds of people, we can in a calmer atmosphere tackle the problem. I earnestly request to the Government is that they will contact the District Council and also the leaders of these displaced persons to see that no such situation will again arise in that area. We should see that the police who are meant to maintain law and order, to protect the lives and property of the people may not be used as a machinery for taking the life of the people. It is a sad thing that in the present regime our police instead of becoming the protectors

of the lives and property of the people should instead become the means for taking innocent lives and our Government instead of being the protector and guardian of the people should go with a black record for taking lives and destroying properties of the people. It is indeed a very sad thing. Let me hope that these things may not recur in future. Such an attitude will only aggravate the problem. Sir, I do not want to speak much and I do not want to generate heat in these discussions. We are all sorry for what has happened. Let us all try to see what we can contribute in our own way for maintenance of peace and ameliorating the sufferings of the people. With that end in view we proposed to the Chief Minister that a delegation of this Legislature should go there and help in this matter. The Chief Minister also agreed but for some reason or other ultimately Government thought it proper not to materialise that proposition. At any rate, it does not matter so much whether the Government send a delegation or not. What is an important factor is for Govt. to see how best they can help to remove the sufferings of the people be they refugees or otherwise.

With these words Sir, I resume my seat.

***Shri MAHI KANTA DAS (Barchalla) :** মাননীয় অধ্যক্ষ মহোদয় বিবোধীদলৰ পক্ষৰ পৰা ক্ৰিয়ত ভাট্টাচাৰ্য ডাঙৰীয়াই--Calling attention প্ৰস্তাবটো আনি চৰকাৰক দোষাৰোপ কৰিছে আৰু লগতে কৈছে যে, চৰকাৰে যি খিনি, শাস্তি আৰু শৃংখলা বক্ষা কৰিবৰ কাৰণে, ব্যবস্থ লৈছে তাৰ দ্বাৰাই যুদ্ধকাৰী বিলাকৰ বিৰুদ্ধে শাস্তিৰ ঠাইত অশান্তি আৰু মিকিৰ সকলৰ শান্তিপূৰ্ণ অৱস্থাত অশান্তিৰ সৃষ্টি কৰি শাস্তি আৰু শৃংখলা বক্ষা কৰিব পৰা নাই আৰু এই প্ৰসংগতে তেখেতে চৰকাৰৰ ওপৰত এটা Black Sear দিব খুজিছে। তেখেতৰ মতে, অসমৰ বিভিন্ন সমস্যাৰ মাজত চৰকাৰে কিছুমান দালাল আৰু বিশেষকৈ কমিউনিষ্ট পাৰ্টিৰ কিছুমান মানুহক লৈ ভগনীয়াৰ বিলাকৰ পুনৰসংস্থাপনত কাম কৰিব লাগিছিল। তেখেতে পাহৰি গৈছে যে এওঁলোকৰ কাৰণে Sixth Schedule ত যি বক্ষা কৰা আছে - সেইটোও বক্ষা কৰিব লাগে। পুলিচে মিকিৰ সকলৰ লগত সহযোগ কৰি চৰকাৰী কামৰ অবহেলা কৰাৰ যি অভিযোগ তুলিছে—মই কওঁ সেইটো নহয়। পুলিচে শাস্তি আৰু শৃংখলা বক্ষাৰ কাৰণেই কমিউনিষ্ট তৰফৰ পৰা বিপথে চালিত লোক সকলৰ বিৰুদ্ধে action লব লগা হৈছে। ইয়াৰ দ্বাৰাই তেওঁলোকৰ নিজৰ দায়ীত্ব আৰু চৰকাৰী কৰ্ত্তব্য পালন কৰিছে।

আজি আমাৰ মিকিৰ পাহাৰত যি ঘটনা হৈছে সেইটো ষড়যন্ত্ৰ মূলক। মিকিৰ সকলক দুৰ্বল বুলি ভাবি আজি ইমান ডাঙৰ এটা পাৰ্টিয়ে তেওঁলোকৰ বিপক্ষে আহি বিফিউজী সকলক উচতাই দিছে। বাহিৰৰ মানুহ আনি স্থানীয় মানুহৰ ওপৰত অত্যাচাৰ চলাইছে। এই আক্ৰমণ বিপক্ষে মিকিৰ সকল মিল হোৱাৰ স্বত্বে তেওঁলোকৰ আছে। আজি যদি মোৰ ঘৰ কোনোৱাই আক্ৰমণ কৰিবলৈ আহে তেন্তে মই সেই সকলৰ আক্ৰমণ প্ৰতিৰোধ কৰিৰেই এইটো মোৰ আইন সংগত স্বত্ব। কমিউনিষ্ট পাৰ্টিয়ে দুখীয়াৰ নিমিত্তে শ্ৰমিকৰ নিমিত্তে নানা বক্তৃতা দি ধৰিয়ালৰ চকুৰ পানীটোকে কিন্তু সেই কমিউনিষ্টেই আজি দুখীয়া মিকিৰ সকলৰ মাটি কাটি নিবৰ বাবে বাহিৰৰ পৰা অহা বিফিউজীক উচতাই দিয়ে। তাতে যদি গবৰ্ণমেণ্টে প্ৰায়কৰণ protection দিবলৈ যায় তেতিয়া তেওঁলোকে গবৰ্ণমেণ্টক নানা কথাতে দোষাৰোপ কৰে।

I donot expect such a statement from the Communist Party. When the Government is taking some steps for the purpose of saving the hearths and homes of the poor Mikir people, should the Communist member say that the Government has created a black record. The Government has taken some stand in this matter and I would request the Government to be firm in their

stand order to save the hearths and houses of the Mikir people. The Government of India also have given due protection to the tribal people under the Sixth Schedule of the Constitution.

Mr. SPEAKER : Order—মই আগৈয়ে কৈছো যে এজন মেম্বাৰে প্ৰথমতে যি ভাষাত বক্তৃতা আৰম্ভ কৰে সেই ভাষাতে শেষ কৰিব লাগে, মিহলি ভাষাত বক্তৃতা দিলে আমাৰ বিপোৰ্টাৰ সকলৰ বিপৰ্টি লোৱাত বৰ অন্তৰিধা হয়। আপোনাৰ সময় শেষ হৈ গল—তথাপি আকৈ দুই মিনিট সময় দিছো।

***Shri MOHIKANTA DAS (Barchalla) :** আমাৰ বাম ভগনীয়া বাদী ভগনীয়া মানুহেই মাটি পোৱা নাই অথচ বিকিউজি আহি অসম সোমাই থাকিবহি আৰু মাটিৰ কাৰণে দাবি জনাব ইকালে আমাৰ মাটিহীন মানুহবোৰ law abiding হোৱাৰ কাৰণে তেওঁলোক তেনেকৈয়ে পৰি থাকক এয়ে হল কমিউনিষ্ট পাৰ্টীৰ উদ্দেশ্য।
(Bell rang)

Shri NILMONEY BARTHAHAKUR (Dibrugarh) : Sir, the situation at Barbil in Namti area of United Mikir and North Cachar Hills district at the time when we gave a Calling attention of the House under Assembly Rule 50 was serious, but I am happy to learn that the situation has eased to some extent now, therefore, we should try to solve this problem in the right direction. This is a very important matter so far the lives and properties of the refugees and displaced persons are concerned, so I hope the Hon. members of this House should not get heated over the sentiments and feelings expressed in this House. Therefore, the problem should be tackled from both sides. If we look from the side of rehabilitation, we will find that these displaced people have not come there by, they have been forced to come as a result of partition of the country to take shelter and settle there. Sir, that area before the constitution of the Mikir and North Cachar Hills district was part of the Nowgong district and then the Deputy Commissioner of Nowgong allowed some of these displaced persons to settle there and at that time the number of these displaced persons was not very great. After the promulgation of the Constitution that particular area became part of the Mikir and North Cachar Hills district, thereafter the problem of rehabilitating of these refugees is really fomented and now therefore, it is the duty of the people and the State Government to see that this problem is tackled in the right direction. The other sides of the problem is regarding the under developed Mikir people, it is our sacred duty to see that these undeveloped Mikir people also should be developed along with others, therefore, they should be allowed to come and settle down in accordance with their own ways, customs and traditions and to that effect the 6th Schedule to the Constitution of India has given enough protection to the tribal people, therefore, the problem has to be visualised and tackled in the right direction, but to generate heat as has been shown by Mr. Mahi Kanta Das just now it will not go to solve the problem but it will go simply in fomenting troubles; so the problem, I am afraid cannot be solved satisfactorily. Now therefore, we suggest from this side of the House that a small delegation should visit that area to study the problem and render necessary advice to the Government. But I do not know, for reasons best known to the Chief Minister though he agreed previously to this suggestion but I am sorry to say that the suggestion was not implemented. If we look from the side of the displaced persons, the District Council Mikir Hills they also agreed previously to rehabilitate 450 families in that area. But now the

number of displaced persons has gone up to 1,200 so it will not be possible to rehabilitate all these people there, at the sametime, we have also to take into account the number of landless Kachari people they also have no economic holdings and a large number of them are now in the Mikir Hills, so the problem therefore, should be taken up together, so we don't hold the view that it is not possible to settle the displaced persons in that area. It should be decided to settle as many displaced person as is possible in that area keeping in view the right of the local people, the scope of development of the Mikir people. These indigenous people are not in the habit of living in group of villages. Their habit is nomadic. They move from one hill gorge to another and they do not undertake any permanent cultivation. At the same time it will be entirely wrong to dispense with the rehabilitation of the displaced person. The Government has taken only one sided view of the matter. They have evicted the displaced persons and put them in the street. The government has not given them shelter. These uprooted families have not been given any alternative lands for settlement. Therefore, the approach of the government for tackling this problem is entirely wrong. The government and District Council have evicted the people first to create a new problem afterwards. No alternative arrangement or land has been given to these uprooted people for their settlement and livelihood.

Sir, the police has instigated the simple Mikir people. Instead of maintaining law and orders, the police has violated this sacred duty and allowed the people to take law and order into their hands. The action of the police was highly unwarranted. The firing could have been easily avoided. This is apparent from the statement of the Inspector General of Police. He has said that compensation should be given to the victims. Why this compensation was suggested if there was really lawlessness. The police had instigated the innocent people. The behaviour of the police was extremely surprising. They allowed the people to take law and orders into their hands. They have destroyed the property, burnt down the houses. Instead of destroying the property of the country, the police should have protected them and the property could have distributed to the owners after the normalcy was restored. But the police, betrayed their own wisdom and acted quite wrongly. This would remain as a dark chapter in the annals of police administration in our state.

Now, if we look this problem from other sides, we find that the pattern of agriculture of the Mikir people should be forthwith changed. Where it is possible to form village, this should be done and they should be encouraged to raise permanent crop. The area should be properly surveyed and it should be determined how much land can be spared for the rehabilitation of the real refugees. I am told there are some non refugees also. I donot deny it. There may be some opportunists people but that does not mean that were no real refugees. If we donot tackle the problem with right earnest, we will be confronted with fresh problem. I, therefore, would like to suggest to reconsider the position to form a small delegation to visit the Mikir Hills to make an on the spot study and advise the state government in the matter.

***Shri HARESWAR GOSWAMI (Rampur) :** Mr. Speaker Sir, we are really sorry that three valuable lives were lost in the incident that took place in the Mikir Hills. We have also great respect for the right of the Mikir people to grow in their own way or develop themselves and live as honoura-

ble citizen of our country. Sir, it was with that view that we discussed this problem during the Governor's speech as well as after that. We also showed our readiness to go to the Mikir Hills to see how this problem can best be solved. Unfortunately the Delegation could not go there.

As I have already stated, the approach of this problem should not be an approach of agitation or of unscientific one. Sir, the question before us is how best we can rehabilitate these people—these refugees. There cannot be two opinions about this proposition. If we want to make planned settlement, then we may have to encroach upon other. These two things cannot go together. Therefore, encroachment has been committed by somebody, he should be brought to book. But how do we do that? These people, as I have already said last time, lived in the portion which belonged to the Now-gong District and subsequently this portion was transferred to the North Cachar and Mikir Hills districts. These people should not have been evicted. If necessary these people could have been transferred to other areas so that the land of the Mikir Hills District would not have been encroached. But we did not do so. That was our first mistake. I donot desire that these people should be evicted and leave them on the street and thereby created another problem. If these people are evicted and left on the street without providing any alternative settlement, they will naturally encroach upon the other's land. Thus our problem will not end. Therefore, we must respect the sentiment of the Mikir people. We have to shift these people somewhere else. We shall have to find out alternative lands for these people. Sir, I donot want to make a distinction between the landless indigenous people to get land. The land should be settled with the deserving persons only whether he is a refugee or a local indigenous man. In distributing land, we should particularly see the interest of the local indigenous people who are landless. If they are deserving they should be given land.

We were told that the District Council also were ready to give certain amount of land to these people. I would like that that proposal should be pursued further so that whatever lands the District Council are willing to give, without causing any inconvenience to the Mikir people, should be given to these displaced people. Government should explore that possibility. In the matter of giving lands to these people. I am here to state clearly that there are some people who do not deserve to get lands, who are Dalals as stated by Mr. Das, for such people we do not hold any brief, for they do not deserve consideration from the Government. But there are people who really deserve lands, who have nothing to depend upon. For such people, Government should try to settle them as best as possible. In this matter, the co-operation of the District Council, the co-operation of the refugees will be needed. I received a telegram from one of the refugees who has stated that for the present if they are allowed to cultivate during this agricultural season, they would be grateful to the Government. If that can be done, I think we can have a proper solution of the problem and with that view also I am requesting Government to explore that possibility also. It is no use to generate heat on this problem or to create tension amongst the people. Let us discuss this problem in a peaceful and scientific manner so that without creating any difficulty to the Mikir people, we can solve this problem properly.

Shri CHATRASING TERON [Mikir Hills-West (Reserved for Schedule Tribes)] : Mr. Speaker, Sir, I do not propose to speak much on this subject, as it was also previously discussed. I would like simply to draw the attention of the hon. Members to one remark that was being made by my friend, Shri Gaurisankar Bhattacharyya regarding the fact that the police instigated

a particular community to take to violent attitude against another community by which indirectly he has tried to cast aspersions on a particular community, if I have correctly understood him. It is a fact, Sir, that because of the activities that were practised by some of the encroachers in that area who belong to a particular community, there was agitative situation in that area. It is not in this area alone, but the agitation had been continuing for years in other places also. The activities are such that on the lands that were cultivated by the particular Mikirs, these people taking advantage of the weakness and also absence of any board and unified organisation among them, these people used to encroach upon the lands of those people which have been cultivated by the indigenous people themselves. Under this context, Sir, such incident occurred. It is quite natural that these indigenous tribal people would feel agitated because being simple folk they do not understand whether they should raise a question of community wise or not. It is very unfortunate that in spite of wise leadership there, such incident took place, though such activities were being practised by the encroachers since several years past. Therefore, Sir, in course of eviction, there was no such sensation though it apparently appeared to be something like very communal. That was only because that had been continuing from the past because of the activities that were practised by the encroachers themselves.

Now, Sir, so far as the allegations that the police had been instigating these people to go against a particular community is concerned it does not hold good. My friend has mentioned another point that this problem could have been approached in a way he has apparently heard. Sir, I agree with him that this problem could have been solved but at the same time I would like to remind him of the fact that this approach was being made by the Government not only to-day but even in the past. Government in the past was proposing to remove or shift some of the displaced families to different places where they were proposed to be settled and to be given rehabilitation benefits. This attempt was made some three years back. But in the meantime some leaders from among these people insisted upon them to remain where they were. These people were requested and given cards to go to different places to obtain rehabilitation benefits, but they did not go. As I have stated, there is that section of the population behind this move who are doing these things with an intention to get more lands. I really feel pity for them and I am really sorry for the practice and attitude that is being adopted by some vested interests. The genuine people who are really suffering till now—their cases are being made complicated. Unfortunately, the so-called refugee leaders and some political aspirant moved in such a way to instigate these people by which way this problem will not be solved early. Therefore, I would like to say that the accusation against the Government, that the Government did not try to solve the problem and were not taking it seriously does not hold good. In fact Government all time were anxious to solve the problem and to help the displaced persons by rehabilitating them in other places. Unfortunately, at the instigation of their leaders, at the instigation of some political aspirants, this problem could not be solved uptil now. And now the situation has gone from bad to worse. Therefore I now appeal to the hon. Members, and as assured by the hon. Members in the Opposition also, that we should not spoil the situation by either abusing Government or abusing the Mikir people or abusing the District Council. It will be our solemn duty to solve the problem of these wretched people which involved both sides of the Mikir and those of the displaced persons. I appreciate the views that have been expressed by my friends in the past that

the solution of the problem of the landless people is to be made somehow. On the past occasion I have also said about the problem of landless Mikir people which has prompted the District Council to take up their case early. Therefore, I request them also that in spite of what some political parties and some leaders have done in the past in the interest of their party, to expedite solution of the problem and not to instigate the refugees to resist the eviction.

I feel that practice should no longer continue and from the Government side also definite steps should be taken so that the displaced persons may be rehabilitated at some other place so that the land vacated may be given to the local landless people. With these words I conclude my speech.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : Mr Speaker, Sir, I am glad that Shri Bhattacharyya at last came to the conclusion that no further heat should be generated although his speech was not free from it. Speeches of some other honourable members were also not free from it.

I have been hearing this case of encroachment in the Mikir Hills since 1957. Since I was elected to this House, I have been hearing that the number of encroachers are increasing. They have been forcefully occupying cultivable land of Mikirs. It was reported that hatred was spread against the Mikirs. If I am correctly reported some of the leaders associated with Shri Bhattacharyya have hands in creating hatred against the Mikirs. If it is so, it was natural that there should be counter hatred. Mr. Teron has explained all about it. I find that the Mikir Hills District Council was very reasonable in agreeing rehabilitation of a number of refugees.

Partition of India has created the problem of refugees and this is not only the problem of Assam, but it is the problem of India. With the problem of refugees, we have some responsibility to share according to our capacity. If you try to put the burden more on the Mikir people than others, I do not think it will be just and fair, when we have given certain protection to the Mikir people in the Constitution. We should be true and honest to the provision of the Indian Constitution. Our sacred duty should be to see that our weaker section of the people should be amply protected. In the name of humanity a human race should not be allowed to be extinguished. The living condition of the Mikirs is far more inferior than that of refugees. It would be unjust Sir, if we do not feel for these weaker people. It pains me to find that some of the honourable members from the opposite bench try to make the situation cloudy. There should not be any hatred and narrowness. I request the Leader of the Communist Group to see that situation should not be made complicated as some of his followers are trying to create complication instead of solving it amicably. We should see that the situation should not be deteriorated due to our friction. The condition of the Mikir people is far from normal. It should be our duty to see the welfare of these indigenous people and keep them free from all troubles both political and private so that their condition should be improved. Political design of certain people must not be encouraged to oust the Mikirs from their homeland. With these words I conclude my speech.

* **Shri BIMALA PRASAD CHALIHA (Chief Minister)** : Mr. Speaker, Sir. I have listened the speech made by the honourable members in the opposite. I am surprised to some extent to find this motion today. I have no other alternative but to take part with him, but I would have preferred if this discussion has not come to this House again, for the reason which was mentioned by the honourable member on the opposite that let there be no fling in the subject, because from our experience we find that the continued discussions of this type instead of serving an useful purpose, really create lot of complication as a result of which no one else except the refugees will suffer most. Sir the first charge that the honourable member has brought against the Police is unwarranted for the simple reason that the mob or crowd behaved in such a way about which the District officers kept us informed which ultimately resulted into firing. With your permission I like to read 2 messages which were received on the 8th instant prior to this firing.

***Shri NILMONEY BARTHAHUR (Dibrugarh)**: Who sent these messages ?

***Shri BIMALA PRASAD CHALIHA** : D. C. Nowgong.

EVICION STARTED TODAY TEN A. M. (.) ABOUT FIVE THOUSAND UNRULY CROWD RESISTED WITH VIOLENCE (.) TEAR GAS AND LATHI CHARGE FAILED BUT MOB CHARGED BACK POLICE PARTY WITH LATHIS BRICKBATS ETC INJURING SEVERAL POLICE AS WELL AS DISTRICT COUNCIL PERSONNEL (.) CROWD DETERMINED TO RESIST EVICION ALTHOUGH WARNED NOT TO RESIST (.) THEY ARE BEING WARNED BY DEPUTY COMMISSIONER BUT FIRING WILL BE RESORTED (.) ONE CONSTABLE VERY SERIOUSLY INJURED.

ANOTHER ATTEMPT TO DISPERSE WITH THE HELP OF TEAR GAS AND LATHI CHARGE FAILED (.) MOB BECOME MORE UNRULY AND COUNTER CHARGED EVICION AND POLICE WITH DEADLY WEAPON (.) DECIDED TO DISPERSE MOB BY USE OF FIRING WHICH IS INEVITABLE (.) ONE MIKIR SERIOUSLY INJURED ANOTHER SLIGHTLY (.) TWO CIVIL CONSTABLES RECEIVED INJURIES.

When these messages came, I advised the Chief Secretary who sent a signal. At my instance S. P. had been telegraphically told to avoid firing, but no categorical prohibitory order in this regard can go that no firing will be resorted to. So, from here we sent these instructions to avoid firing. But as I said, subsequently this incident took place about which I gave information to this House earlier. Therefore, Sir, I submit that although I am sorry firing had to be resorted to. I feel Sir, the police had no alternative but to resort to firing.

Then Sir, the second question which has been raised is that why arrangements were not made before to shift the refugees elsewhere. I avoid to give a straight reply. It is not only that shifting would have been possible perhaps the Mikir problems could have been solved had the so-called champions of the refugees been less active. Sir, it is they who misled the refugees and gave wrong advice not to co-operate with the authorities. I can appreciate how difficult it is to get land. But whatever may be the arrangement, if the arrangement of land for 50% or 20% of the families were

made, it was on the advice of the so-called champions of the refugees that the refugees would not go. The result was that actually while we were trying to shift them, the other attempt was to go on increasing this problem, go on putting pressure on the authority so that they are forced to make room for the refugees in Mikir Hills, in Nomati area itself. That is actually what they did for which the situation became more complicated.

The other charge that the police incited the local public is also not correct. Sir, you know very well that under the Constitution the land within a autonomous district is managed by the District Council and the responsibility of management rests with the District Council. So the District Council have been telling the Government, and a matter of fact, one of the important Organisations of the Mikirs took a very strong resolution against the Government for not evicting the refugees from Mikir Hills, and not once but more than once. But we have been pleading for their patience, and we are trying to shift the refugees from that place. Now Sir, so far as the police is concerned, that charge, that the police incited the Mikirs to fall upon the refugees, is not justified. As a matter of fact when such a report reached me that people are getting excited it was the effort of the police to see that no untoward incident could take place by the mob action of the Mikirs. Therefore, Sir, I also do not accept the charge that has been brought against the police about inciting Mikirs to evict the refugees.

Now Sir, as was said by the Hon'ble Member from the the Mikir Hills that it would not be fair to charge the Government that we have done nothing in this respect. We have been trying to resolve this problem since a long time. If we had not succeeded it was due to want of co-operation from all sections of the people. I would not particularise which particular section has been making an effort to precipitate this problem rather than to solve it.

Sir, I also moved the Government of India, in view of the difficulty of getting land, to accommodate about 2 to 3 thousand refugee families in the Dandakaranya Scheme. I attempted twice but on both occasions I was told and it was replied that 'first priority will have to be given to the camp refugees of West Bengal. After they are accommodated then only this question should be considered'. So, there is no possibility of getting any land in Dandakaranya for our refugees. The Hon'ble members, i.e. the Leader of the Opposition and also Shri Gaurisankar Bhattachayya were good enough to suggest that it may be a good idea if a Delegation visits the Mikir Hills. Sir, I feel that for the successful work of the Delegation we must get the co-operation of the District Council. After all whatever we have to arrange we have to arrange with the full co-operation of the District Council. The Chief Executive Member of the District Council was away for many days at that time perhaps he was in Haoraghat and other places and therefore he was not available. But subsequently when our Session, adjourned, he came here at my request and as a matter of fact I gave him some further proposals also. I need not speak about the proposals now. But Sir, I must say that so far the Mikir Hill's District Council is concerned they are very anxious that the land should be cleared forthwith. They plead that they have waited enough and now they can no longer wait. They want that the land should be cleared forthwith. That is what they represented and the District Council is very much annoyed with them.

Now Sir, we are considering various proposals, and because the proposals have not been finalised I would not like to mention here about the proposals and create undue expectations also. But we have certain proposals under

consideration, and my personal request to the Chief Executive Members and other Members of the Mikir Hill's District Council—explained to them our difficulties also, but they have only agreed, as a matter of fact, they have laid down a programme and dates also by which they want that the land should be cleared. Therefore, Sir, I would submit that I am as anxious as the Hon'ble members to see that we solve this problem peacefully for which I request their co-operation. But I have no hesitation to say, and I have materials also sufficient in my possession, that this problem not only of Mikir Hills but the refugee problem as well could be solved much earlier if the so-called champions of the refugees became less active in the field.

Sir, with regard to the note I would like to read it out.

Sir, as the House is aware, while participating in the debate on the Governor's address and also when an adjournment motion was tabled on this subject on the 10th March, last, I endeavoured to enlighten this House with the history of the case. A brief account of the incidents which took place on the 7th and 8th March was also given in the Press Note of 9th March 1960.

Sir, however, for the re-appraisal of the House I may mention that the eviction operation in the Namati area was resumed by the District Council on the 7th March, 1960. After only 5 houses could be demolished, violent resistance was offered by about 3,000 people. They pelted stones, brickbats, acid bulbs etc., on the police and eviction party. They also set fire to the houses themselves to scare away the elephants used for demolition of the houses. As a result of this violent activities some members of the police as well as of the eviction party were injured. The Magistrate, who was present there declared the mob unlawful and ordered its dispersal; but it was to no effect. There being no other alternative, tear-gassing had to be resorted to for dispersal of the crowd. Forty one persons were taken to custody. The eviction was stopped for the day thereafter.

Eviction was resumed on the 8th March, 1960. The resistance offered by the refugees was more violent. A crowd of about 5,000 refugees armed with lathis, daos and other deadly weapons gathered and resisted the eviction party with violence. They also set fire to a house to scare away the elephants. The District Magistrate, who was present in the scene, ordered the mob repeatedly through microphone to disperse peacefully and to allow the eviction to proceed on. But they refused to obey the orders of the District Magistrate and became more violent. Thereupon the District Magistrate declared the mob unlawful and again asked them to disperse. He also warned them that otherwise he would ask the police to effect dispersal by force according to law, but this had no effect. The police then under the orders of the District Magistrate started lathi charging, but the members of the mob who were also armed with lathis etc., counter-charged the police and the eviction party causing injuries to some of them. The lathi-charge having failed, tear-gas was fired, but this also proved ineffective to disperse the mob. The District Magistrate then warned the mob repeatedly over the microphone that if they did not disperse he would have no other alternative but to order firing. But the unruly mob paid no heed to the warning and continued their violent activities. The first round was then fired at 12-45 hrs. resulting in injuries to two persons. At this the crowd became more furious pelting stones and throwing lathis at the police and the eviction party. Some of them took possession with guns behind plaintain groves. Two more rounds were then fired at interval of about 5 minutes. At this

all male members of the mob took positions in strategic points. The mob was then warned further that they would be fired at again unless they dispersed peacefully. Thereafter the eviction party proceeded towards another direction for eviction with elephants. As the elephants began demolishing the House the mob numbering about 1,000 themselves set fire to the houses and scared away the elephants. They also charged the police and the eviction party injuring several persons. At this 3 more rounds were fired at intervals of one minute each resulting in some injuries. The mob then retired along with the injured persons. In the face of organised and violent resistance, the police force showed utmost restraint and the firing was ordered only when it was found absolutely unavoidable. The firing was fully controlled and only minimum number of rounds were fired till the firing was effective to disperse the unlawful assembly.

The eviction was thereafter carried out successfully. The eviction concluded for the day after demolishing 15 houses in all. It was discovered on the 9th March that two refugees were killed as a result of firing on the 8th.

The actual figures of casualties on both sides during the two days' operation are as follows :—

Police—32 injured (of whom 2 received severe injuries)

Eviction party—16 injured (of whom 2 received severe injuries)

Refugees & their supporters :— 2 killed and 4 received bullet injuries. Another 25 received minor injuries.

There was no resistance on the 9th March and hence there was no tear-gassing and lathi-charging.

Sir, as regards the feeling of racial hatred alleged to have been roused by the police, I would say that it is not a fact. The police did not associate themselves in any other activities than the exclusive task of the maintenance of law and order. I may mention for the information of the House that a telegram was received on 9th March, 1960 from Secretary, All Assam Refugee Association alleging that hundreds of Mikirs were helping the police in the eviction operation and their leaders were delivering inciting lectures. Government took serious view of this and instructed the Deputy Commissioner, Mikir Hills to the effect that anybody whether Mikir or displaced person inciting violence or taking part in violent activities should be dealt with under the law. Government received no such complaints thereafter.

* **Shri MOHI KANTA DAS (Barchalla)** : Will the Government be pleased to take up the question of sending the refugees to Dandakaranya with the Central Government ?

* **Shri BIMALA PRASAD CHALIHA (Chief Minister)** : I have already stated that I took up the question but there is no possibility of sending them to Dandakaranya now.

The Assam Maintenance of Public Order (Amendment) Bill, 1960.

***Shri FAKHRUDDIN ALI AHMED (Minister Law):** Mr. Speaker, Sir, in raising the point of order one of my friends from Gauhati yesterday conceded that the amendment of two or more Acts was in vogue in India. He raised objection mainly on two grounds. His first objection is that if the amendment is of consequential nature then he has no objection and a Bill amending two Acts can be introduced and can be passed by this House. So far as his first objection is concerned, I referred yesterday to the Central Finance Act where not only consequential amendment but also substantial amendments were made in the Income-Tax Act. I also referred to the Cr. P.C., (Amendment) Act, 1955 where I find that not only consequential amendments but substantial amendments were made in the Act. Similarly in the Indian Penal Code, 1860, Indian Oath Act, 1873, Indian Limitation Act, 1908, Calcutta Police Act and Calcutta Suburban Act, substantial amendments were made. These examples can be multiplied. So, there can be no objection if the amendment is with regard to substantial provision of the Act. Now his second point is that it is open to objection if the extent of the operation of the two Acts to be amended are different. In respect of this objection he also got support from my friend, the Leader of the Opposition, Shri Hareswar Goswami. Yesterday, while referring to the Calcutta Police Act, I also brought to the notice of the Hon'ble Members that in that Act, the two Acts which are sought to be operated by one Act, the fields of operations were different. One referred to the suburbs of Calcutta and the other referred to the city area under the Calcutta Police. Yet these two very Acts were amended by the same Acts. Therefore I submitted that there can be no objection if the Acts to be amended have a different operation because such has been the practice in other States and other parts of India and that has not been objected to and considered unconstitutional or illegal by the High Courts or Supreme Court. Now if the Hon'ble Member will be pleased to see that what we intend to amend by the present Bill is that in the interest of security we want to give power to the State Government to declare a certain area where people can be prevented from going. The purpose in a nut-shell under this amending Bill is that the Legislature wants to give authority to the Government in the interest of public security and order; if in the particular place entry of some people is considered bad, the authority should be given jurisdiction to regulate, impose and restrict the entry of such persons. We want to give this enabling power to the Government both in respect of matters which are regulated under the Assam Act 1947 and under the Assam Maintenance of Public Order (Autonomous Districts) Act 1953. So when the Bill is passed what will be the effect? The effect will be that these advantages shall be availed of in the two Acts which are already in existence. I mean the amending Bill seeks to give these powers and this will be added to the Acts concerned. So, it is not intended that by this Bill we are changing the operation of these respective Acts which are sought to be amended. Apart from this the Hon'ble Member will be pleased to see that Assamese Act V 1947 extends to the whole of Assam and the Assam Act XVI of 1953 extends to Autonomous Districts. Now Assam consists of Assam proper plus the Autonomous Districts and if it is intended that the operation of these amendments should be throughout the State of Assam—where is the harm? Therefore, my submission is that there cannot be any objection and even assuming my friend's contention that the ambiguity

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in the provision should be avoided, I do not know how a Point of Order can be raised. That difficulty can be overcome by suggesting an amendment saying that the extent of this Act will be in accordance with the extent as in the original Act. This Act will apply or the extent will be the same as provided in the original Act. I personally think that that ambiguity can be overcome thus. In order to avoid ambiguity it is necessary that we should be clear in our mind and on that ground a Point of Order cannot be raised.

Now the only thing I would like to place before the Hon'ble House is with reference to Clause (4) which the Hon'ble Member read in extenso, page 557 of May's Parliamentary Practice, under the heading "Consolidation Bills". Now I would like to submit that so far as this present amending Bill is concerned, this is not a bill of Consolidation. Our Bill only seeks to make amendments in the two Acts and, therefore, what he referred to was entirely irrelevant so far as consideration of this point is concerned. Now the portion he read was "Where the title of a bill is only consolidate" Now, Sir, you will be pleased to see that the title of the Bill is not to consolidate but it is to amend these two Acts which are in operation by adding certain things.

"Where the title of a bill is only to consolidate the law on a particular subject, it is out of order to amend the provisions of the statutes which by the bill are to be consolidated.

Sir, what is prescribed is, to consolidate the several provisions, you cannot bring amendments to these Acts. You can only consolidate the provisions that exists in these particular Acts. This is what it prescribes. It does not say that a bill or an Act cannot be enacted in order to bring amendments in the two Acts. So this portion refers to consolidation. Therefore, whatever he has read has no relevancy at all. This is not a bill of consolidation. If it had been a bill of consolidation, I could not have amended the provisions of these Acts.

Mr. SPEAKER : That is to say, the Acts will remain as they are.

***Shri FAKHRUDDIN ALI AHMED (Minister Law):** It is not to interfere. We want to make certain amendments in order to prevent and control or regulate or restrict the entry of particular persons in the interest of public order. We want to give power to Government, both in this area and as well as in the other areas. The provisions of the Acts will remain untouched and will not be affected by these amendments. My submission is that what we want to provide is not a novel procedure. It has been in existence for a very long time and I can give a number of instances not only in our State but also in other States. In the Central Parliament till now such a procedure has never been challenged nor any objection upheld by the High Courts. My friend was asked to cite a precedent or precedents where such a procedure was objected to or was declared unconstitutional or illegal. My friend was not able to cite any precedent. I also wanted to satisfy myself whether in the British Parliament or in the legislature of any other country there was any instance where when such a bill was placed before the House any objection was taken and that objection was upheld. My submission is that I could not find out any such instance in those Acts, statutes, laws or in May's Parliamentary Practice where any objection of a similar nature at any time was taken by any legislature or where such an objection was upheld. On the other hand I have been able to say, as my friend himself has admitted,

that there are precedents where a Bill or Act amending two previous Acts have been brought, and enacted. These have been not only with regard to consequential amendments; they deal with substantial amendments. I already placed before you the Calcutta Police Acts. Therefore my submission is that the points raised by my friend are very superficial and there is no substance in them. They do not deserve any consideration by the Advocate General. The law and precedents are so clear that there is no need to refer the matter to the Advocate General.

I oppose this point of order.

* **Shri NILMONEY BORTHAKUR (Dibrugarh)** : Mr. Speaker Sir, I also want to speak a few words on this point of order motion of my friend Gaurisankar Bhattacharyya. Our objection is that this Bill seeks to amend two distinct Acts. The Chief Minister said that the original Acts are distinct and will remain distinct. Now, what is proposed by the present amending Bill? It is to amend the provisions of those Acts and for that purpose this amending Bill is distinct. Its jurisdiction is to the whole of Assam. Now, the two Acts, one of 1947 and the other of 1953 are not identical either in jurisdiction or otherwise. Unless it is stated that these are identical then the present Bill is out of order. That has not been stated. It is not the business of this House to see whether these Acts are identical or not. Of course there are precedents of one amending Bill amending provisions of different Acts, and the Advocate General's opinion was taken but that has been changed any number of times. The way this amending was brought is not a correct procedure. It is not a procedure of enactment in any Parliament in the world or any Assembly in the States. It is completely irregular. So unless this irregularity is removed, this Bill cannot be taken into consideration.

Mr. SPEAKER : The points raised by my hon. friend Shri Gourisankar Bhattacharyya in connection with the point of order motion did also occur in our mind when the notice of the Bill in question was received in our office. The matter was immediately brought to the notice of the Chief Minister who is in charge of the Bill. The Chief Minister referred the Bill for legal opinion. The legal opinion is that the Bill is in order on the following grounds.

"Amending of two or more Acts by a single Bill is not a novel procedure. This procedure is followed by our Parliament and there is precedent of such cases in West Bengal Legislature also *vide* the Representation of the People (Amndt) Act, 1958 (LVIII of 1958) and the Calcutta and Suburban Police (Amendt) Act, 1957 (XX of 1957) respectively. The latter Act has inserted same substantive provisions in two separate Acts as is sought to be done under the Bill under consideration. Coming to our Assembly It may be noted that the Assam Panchayat Act, 1959 (XXIV 1959) not only did amend and consolidate the laws relating to the Assam Rural Panchayat Act, 1948, but also made amendment to the Northern India Ferries Act, 1878 (XVII of 1878). Similarly the Assam Board of Revenue Bill, 1959 recently passed by the Assembly provides for the amendment of the Eastern Bengal and Assam Excise Act, 1910.

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The Code of Criminal Procedure (Amendment) Act, 1955 (XXVI of 1955), a Central Act, made amendment to the I. P. C. and the Indian Limitation Act, 1908 besides the Criminal Procedure Code.

We need not further multiply precedents.

There is nothing in the Rules of Procedure and Conduct of Business in Assam Legislative Assembly prescribing any restrictions for amending two or more Acts by a single Bill”.

After obtaining the legal opinion once I do not feel any more necessity to refer it again to the Advocate General for further opinion. I have found it difficult to appreciate the fine distinction Shri Bhattacharyya has tried to establish between the Acts referred to above by the Legal Remembrancer and the Acts involved in the Bill in question, namely the Assam Act V of 1947 and the Assam Act XVI of 1953. The extent of these two Acts cannot be held different. Assam Act V of 1947 extends to the whole of Assam including Autonomous Districts. Assam Act XVI of 1953 extends to all Autonomous Districts which is a part of whole of Assam. That means both these Acts have concurrent jurisdiction over the whole or a part of the State of Assam. The provisions of these two Bills are also analogous and almost identical. There is nothing in these two Acts which may be held repugnant to each other.

Therefore, I do not see any reason in absence of any definite rule or precedence to the contrary why the present Bill, namely Assam Maintenance of Public Order (Amndt) Bill, 1960 can be held inadmissible and out of order. I agree with the observations made in this connection by the Hon'ble Finance Minister Shri Fakhruddin Ali Ahmed that this Bill is not brought with a view to consolidate two Acts. The present Bill is to amend the Act for certain purposes. Those Acts will remain as they are.

I rule that the Bill is in order.

***Shri NILMONEY BORTHAKUR (Dibrugarh) :** Mr. Speaker Sir, I beg to move that the Assam Maintenance of Public Order (Amendment) Bill, 1960 be circulated for circulating public opinion thereon by 31st May 1960.

Now Sir, this amending Bill seeks to cenroach on the fundamental rights of private citizens. The reason stated that it is necessary to take security measures for the improvement of industrial undertakings and in interest of the safety of the State. Now, for industrial development of the country Government thought it necessary to curtail the liberty of the people. It is a most absurd proposition. Industrial development and civil liberty of the people do not go together. The whole idea of this Bill is repugnant to our tradition and culture. Sir, the people of India have been very peaceful. They like more industrial development in the State. Now, if we look two years' back we will remember how our people demanded establishment of an Oil Refinery in the State. Now, why should the people of Assam now want to destroy that Oil Refinery? But curiously enough the Government now seeks to curtail the liberty of private citizens by restricting this area from the people as a prohibited area. I would like the Chief Minister to remember one instance in his anxiety to protect the Oil Refinery, The Taj Mahal was built 700 years ago, now who protected this Taj Mahal all these years? It is the British rulers or the people of India?

***Shri BIMALA PRASAD CHALIHA** (Chief Minister) : But the Oil Refinery is not the Taj Mahal! (*Laughter*).

***Shri NILMONEY BORTHAKUR** (Dibrugarh) : Now Sir, my point is why one should be afraid that industrial establishments will be destroyed, why it is necessary to take away the right and liberty of the people, the people should be allowed to go there and live in that area, so we find that the whole Bill is obnoxious. The Taj Mahal was not touched by the Indians but it was done so during the regime of the British but the Indians did not touch it. But here because we are having our Refinery at Gauhati, because we are having our Thermal Plant at Naharkatiya.

Shri KAMAKHYA PRASAD TRIPATHI (Minister Industries) : Recently it was very unfortunate there was strike at Jamshedpur so in order to keep the machineries cool they were trying to blow wind to keep them cool. If the machineries could not be cooled down, the same would have been out of commission. As a result of this some of the workers had to work with their hands to save it from going cool.

***Shri NILMONEY BORTHAKUR** : Whatever may be, now that we have got our Refinery and Thermal Plant the time has come that it is necessary to declare those areas as prohibited or restricted areas, therefore, we are to be armed with this amending Bill. Now that these areas have been declared as prohibited or restricted areas, the residents of those areas will have also to obtain permits.

Mr. SPEAKER : Then you are not opposing the Bill.

***Shri NILMONEY BORTHAKUR** : I want that this Bill be circulated for eliciting public opinion, I want to stand by the verdict of the people, I want the unanimous support of the people for this Bill. If the people support then we have no other alternative than to support the Bill. But I say, the Bill as it is, is quite obnoxious. Therefore, the opinion of the people shall have to be taken into account. So the question whether I will support this Bill does not arise at this moment. I hope the Hon. members of this House also will support our suggestion that the Bill be circulated for eliciting public opinion.

Now Sir, I am referring to one section, that is, Section 8(f)(2) On and after such a day as may be specified in, and subject to any exemptions for which provision may be made by, an order under sub-section (I), no person who was not immediately before the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order". By this section, it is not known, what power is there in the hands of the Government that at any time the Government can declare a certain area or a certain place to be a protected area or place and therefore the residents of that area or place will have to obtain permits from the authority concerned for the purpose. It is better to say in plain words, that we are going to have industrial development in that area or place so the people should move away from that area or place. The Government want to guard such protected areas against whom, after all it is our people themselves who will have to guard the industries. Now again

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we find that along with the establishments of the industries, the question of wages also will come in, there will be tussle between the workers and the employers because the people who will come to work here will give their labours and earn their wages. But here also the Government may try to exclude some workers from going there, they may exclude any person they like, so such persons will not be able to earn their livelihood, so these people will be left unprotected. Then what is the meaning of protection? Are the Government afraid of the people? Do they think that the people of Assam will destroy the pipe lines, the Naharkatiya Gas Plant or Barapani Dam? Are the Government not afraid of the other particular type of organisations? Do the Government think that the other organisations will be in the hands of the Government? But whatever may be, I may say that it is our own people who are protecting the railway stations and others. Therefore, I feel that the maintenance of public order is not at all necessary and that it is wrong on part of the Government to say that it is now necessary to protect the industries. The Constitution has given the right to the people, but that right is now going to be taken away by this Bill, therefore, I commend that this Bill be circulated for eliciting public opinion thereon by 31st May, 1960.

Mr. SPEAKER : The motion moved is that the Assam Maintenance of Public Order (Amendment) Bill, 1960 be circulated for eliciting public opinion there on by 31st May, 1960.

***Shri GAURISANRAR BHATTACHERYYA (Gauhati) :** Sir, in supporting the amendment of my friend, let me make it clear that I am totally opposing the purpose of this Bill. By purpose, I mean the undelying purpose which is apparent after careful reading of the Bill. The purpose of the Bill is not to maintain public order, the very purpose of the Bill is to protect certain areas for certain special purposes of the ruling Party, that is the main purpose. Not that the Government is going to protect the machineries and plants but what they are going about is to protect their own pet organisation there and not to allow the other free organisations to develop, that is the purpose. This Umtru Project is a very important project, it has remained there without that area being declared a protected area. There are other industrials concerns ann centres and they have remained protected without any extra-ordinary measures and yet now the Government is very keen in bringing in this Bill at thhis moment, the reason is that because of late, there is a growing tendency, there is a growing spirit of developing the Unions and that fact is known to the power that is now bolding the rains of the Government so long this thing is free from the rains of the Government, therefore, the Government want to check that growing tendency among the Unions and so they bring in this Bill.

Now I want to refer to Clause 2 of the Bill, it is said "No person shall, without the permission of the State Government.....shall pass over, any protected place....."

The State Government does not speak of any plant, does not speak of any machinery of does not speak of any such particular place where certain explosive or inflammable things are kept but if Government speak of a place or kind of place where we consider necessary for public interest, public interest means whatever we see to be public interest or in the interest of safety or security that such and such a place is to be declared a protected

area, I quite understand, or if it is said that for the safety of a place or class of a place this extra-ordinary power is necessary, that is understandable but Government does not want to clarify the matter. But if Government declare to be of public interest so for that purpose we may make certain areas prohibited but if Government say that only those persons whom they shall give the certificate shall be allowed to enter such protected areas and those who have got to permits shall not be allowed to go to such areas, in that case Government want to create certain problem for the people. If the saboteurs will not be allowed to go to such areas that is a different thing but if we say that other persons will not be allowed to go there without the certificates given to them, that is a very wrong thing, we don't want to create division among our own people.

Mr. SPEAKER : How long you take ?

***Shri GAURISANKAR BHATTACHARYYA : (Gauhati)** Half an hour, Sir

Mr. SPEAKER : But the time allotted is one hour and forty five minutes only.

Shri GAURISANKAR BHATTACHARYYA : Sir, I shall try to finish my speech in half an hour.

ADJOURNMENT

The Assembly was then adjourned for lunch till 2-30. P.M.

AFTER LUNCH

***Shri GAURISHANKAR BHATTACHARYYA (Gauhati) :** Mr. Speaker Sir, I said that the underlying purpose of this Bill is not really to protest peace and tranquility in this State, but actually to curve the legitimate activities particularly the legitimate Trade Union activities of certain section of the people and this will be abundantly clear when we remember that so far as Assam Maintenance of Public Order Act is concerned, it has undergone several amendments year after year as rolling i. e. the scope, dimension and ferocity of this Act is also increasing. This Act was first put into the Statute Book in 1947 and amendments were accepted in 1948, 1949, 1950, 1951, 1953 and the other is just now. It will be seen that in these amendments one after another more and more power and also extraordinary power have been taken by the State Government for curving the liberty of the people. The purpose of this original bill was very limited. But now it has been sought to be extended to a great extent. When the original bill came the Minister piloting the bill had given in the Statement of Objects and Reasons which appeared to be quite limited. It was said at that time.

“ The Government of Assam find it necessary to take power beyond the provision of the ordinary law in order to prevent a deterioration in the public order within the Province. The serious disturbances in other provinces which have disfigured life have, it is true had but few repercussions in Assam. Yet even in this Province they have caused acute apprehension among minority communities in various parts, which have naturally been increased

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by the flow of refugees from Bengal into Assam in numbers which have been estimated as being in the neighbourhood of 24,000. Unfortunately certain elements have shown a disposition to exploit current occurrences of this kind for immediate political advantage and there by created an atmosphere where the most trivial event, misinterpreted or wrongly described by rumour, may light the initial spark of a conflagration. Government are satisfied that the wiser elements of all parties desire whole-heartedly to preserve peace, but they have been driven to the conclusion that unusual measures may become necessary at any time to cope with the risk that ensue such activity, particularly the efforts of such persons as may seek locally to misrepresent the intention of Government in implementing the programme—agreed upon by both the political parties chiefly concerned in this matter--of eviction of unauthorised and unprotected encroachers on land reserved from occupation pending planned settlement operations.

“ Powers were therefore required to provide for preventive detention of persons who may present a danger to the peace, for the imposition of collective fines upon any areas which encourage the activities of such persons and thereby lead to the infraction of peace and order, the control of public meetings and processions, and the security of services essential to the life of the community ”.

Sir, now in piloting the bill the then Home Minister Shri Basanta Kumar Das said that while the legislature was not in session an Ordinance was to be passed in order to maintain peace and security in the Province. It was said—“What I mean is this, Sir, that there are activities of the Muslim League which are a definite menace to the maintenance of public safety in the this Province and there are also the activities of another party of politician—who they are, I think, the hon. members can very well understand which cannot be ignored. They were once members of the Congress, but they are now following a different political ideology and their activities, I should say constitute a graver menace to the maintenance of public peace in the Province. Sir, I wish to take a little time of the House and my liberty to unfould and narrate some of the activities of these two parties in order to convince the House that the course they are following would go to destroy peace and amity that is prevailing in this country between communities and communities and between classes and classes. I would ask the hon. members to recall to their minds the days of anxiety and tribulation of the last few hectic months about the peace and security being disturbed in manifold ways after the Direct Action Day of 16th August, 1946 observed by the Muslim League through out the whole country.”

Therefore Sir, it was sacred cause for which the Act V of 1947 was brought. Now that this specific amendment is brought the original intention of the Act remains somewhere. The scope of the bill has been extended almost beyond recognition and this particular amendment, is for no other purpose then to create a situation where none but the licencing Trade Unions will be allowed. Therefore, it is said “that no person shall without the permission of the State Government or of any person in authority connected with the protected place duly authorised by the State Government in this behalf or of the district Magistrate or of the Subdivisional Magistrate having jurisdiction enter or be on or in or pass over, any protected place”. It is not necessary that place should be one where valuable machinery is kept. The State Government may declare any place as protected area. I have found only one such Act parallel to this bill. That is the

Government of India Act, 1939. When the Congress Government for the first time ruled in this State. As a matter of fact after the august visit of Pandit Jawaharlal Nehru, there was an organised trade union and due to some emergency Digboi was declared as a protected area. The victim No. 1 of this declaration was the Trade Union there. The Trade Union was crust.

I have not found any such parallel during peace-time. I have not seen any peace being broken anywhere in Assam for which Government should take there extraordinary measures. I have not seen any disturbance breaking out in any part of Assam to tackle which the ordinary law of the land is not sufficient or competent. So, my apprehension is that this Bill is designed only for the purpose of frightening away people from legitimate trade union activities. Moreover, when in 1953, the Home Minister, Shri B. R. Medhi, brought the Tribal Area Maintenance of Public Order Act, he made it clear that it had become necessary because so far as the original Act was concerned, *viz.*, Act V of 1947, that did not apply to all parts of Assam. That was limited only to particular areas. So far as the excluded and partially excluded areas under the Government of India Act, 1935, were concerned, that Act was not operative and, therefore, he thought that in order to bring uniformity in certain matters and in order to consolidate the amendments that were made applicable to these hill areas also, it had become necessary to bring in an Amending and Consolidating Act. At that time also it was nowhere stated that that measure was meant to create certain protected areas or to shut out certain people from certain areas or class of areas. Now, by this present Bill Government probably has in its mind the Barapani, Umtru or Cherrapunji area where a cement factory is going to be started. Now, one thing I should like to submit, as my friend Mr. Barthakur said, that the best guarantee, the best protection and the best protector for any place or class of places is the people. If the workers be contented they will themselves protect those areas. If the workers are not contented then simply by making certain areas protected under certain extraordinary legislations will not bring safety or security either to that area or class of areas. I should, therefore, like to submit that when Government consider that certain protection has become necessary they will do well to take measures so that the people who deserve sympathy and who deserve justice do get them. If they are satisfied they will be best guarantees, the best protection for all these places. I should like in this connection to remind Government about the scope of the 1953 Bill. Shri B. R. Medhi, the Minister-in-charge of that Bill, which ultimately became Act XVI of 1953, had said. He said: "The Assam Maintenance of Public Order Act, 1947, was extended to Tribal 'A' Areas which were formerly known as Partially Excluded Areas and Excluded Areas under the Government of India Act, 1935 by notification under Section 92 of the said Act. All subsequent amendments to the Act were not so extended in all those areas nor the amendments made after the commencement of the Constitution were applied to the Atonomous Districts under paragraph 19 of the Sixth Schedule. The Act therefore is in force in different forms in different areas. It is necessary to make amendments which were made to the Act as in the rest of Assam to make this law complete and comprehensive in Tribal 'A' Areas also. Instead of bringing in amending measures for this purpose which will obviously be different areas, it is desirable to consolidate the law and incorporate the amendments in it as are considered necessary. It is therefore proposed to repeal the Assam Maintenance of Public Order Act, 1947, as in

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force in the Part 'A' Tribal Areas and make a self-contained law on the subject".

Thus Sir, it will be seen from Government's extending Act V of 1947 to different parts of the Sixth Schedule Areas by different notifications, that Government felt at different times that the danger to public peace and tranquility in different parts of the Sixth Schedule districts stood at different levels. Now, by the present Bill that difference is obliterated. I personally fail to understand how, for example, those areas falling in the North Cachar Hills where there is Naga depredation may be equated with areas which fall within the Garo Hills, which are quite peaceful. And as a matter of fact Government have from time to time been declaring certain areas in different parts of the hill districts as protected areas or disturbed areas so as to give those areas special protection. Now, if any such special occasion arises, the same thing can be done in future also. I do not see any person why this omnibus provision should be extended to the Sixth Schedule districts also. Therefore, I cannot support the very purpose of this Bill.

Moreover, it has been said that some persons might enter into areas on authority. Those authorities might be taken either from the person who is there in the locality or from the District or Subdivisional Officers. Now, if the purpose of the Bill is to protect a delicate area — an area where, as I have already said, certain delicate machinery and inflammable materials are kept, the best person to give such authority is the technical officer in the area. The Deputy Commissioner or the Subdivisional Officer is not expected to know under what circumstance a people may be allowed into that area. If the authority would have been from the person who is in charge of the plant or machinery concerned that would have been understandable. Similarly it would have been understandable if it was said, say for example, that certain areas have been enclosed by barbed wire because of safety reason and authority is necessary for any person to enter those areas. But nowhere it is stated in the Bill that the areas sought to be protected would enclose areas. It simply says places or class of places. A place may mean a town; a place may mean a cluster of villages, also. It, therefore, seems that Government may extend the scope of this Bill to any area it pleases. We, of course, know that in certain matters Government may need extraordinary powers. We may also hope that Government will use those extraordinary powers very carefully and judiciously. But it is one thing to expect judicious use of powers and another thing to make provision for such far-reaching and wide-range powers. Therefore I cannot support this Bill and I believe if this Bill is circulated for eliciting public opinion the public opinion will be against the spirit of the Bill. I, therefore, support the motion moved by my friend Mr. Barthakur.

***Shri HARESWAR GOSWAMI (Rampur):** Mr. Speaker, Sir, this Bill should be sent for eliciting public opinion because it is in a way a deviation from the original Bill; deviation in the sense that the whole background of the original Bills was different and even amendments to the Assam Act VI of 1915 were moved before this House. That was a different situation. Therefore, these powers were sought through this House for maintaining public order and peace in our State.

Now, the Bill as it is to-day, wants to go on different lines altogether. As I said yesterday, in connection with the point of order that if the Government had sought just to bring a Bill for protecting certain industries

or industrial concerns and for that purpose it was necessary to amend the Assam Maintenance of Public Order Act, that would have been a different matter altogether. But to-day, Government wants to exercise police power for a different purpose and thereby usurp for itself a tremendous power to be exercised at its own sweet will. Now, Sir, it is not disputed that there may be some industries which need protection and for that purpose, the compound or the area on which the industries are started is sought to be protected. That can be done even without this Bill. In certain States there are Ordinance factories, there are other important and essential industries which should be protected from unsocial elements or from spies from outside. That may be necessary and for that purpose, it is not necessary to bring an amendment to the Assam Maintenance of Public Order Act. Sir, when I go through the clauses of this Bill...

***Shri BIMALA PRASAD CHALIHA (Chief Minister) :** What are the clauses the hon. Member is speaking about ?

***Shri HARESWAR GOSWAMI (Rampur) :** Sir, so far as these industries are concerned the Manager of the industries can prohibit anybody from entering the area without his permission. For instance, the Digboi Oil Co. They have prohibited the people from entering into the factory area. But there is no Bill for that purpose empowering the State Government or the Management to stop people from going inside. It is on their own order that they have prohibited the people from entering inside the factory area. And nobody can enter without the permission of the Assam Oil Co. But anybody can go to Digboi. Anybody can move about in Digboi town. But so far as the factory area is concerned, nobody can enter without the permission of the General Manager. So for that purpose, nobody could enter within that area because there are certain machineries which need protection and all these things can be done even without this Bill. But here the Bill goes further. The Bill wants that a particular area may be declared a protected area and if anybody goes there, he must first get the permission from the authorities concerned. The authorities may not like my colour but may like Shri Gaurisankar Bhattacharyy's colour. All these things are done at the whims of the authorities. So Shri Bhattacharyya may be allowed to go there. There is a difference here between the prohibitive area and protected area. It is not only a place but it is also a bigger area which is sought to be protected and thereby the liberty of the people will be restricted to a great extent. Secondly, if somebody goes there, there are penal provisions. So far as penal provisions are concerned. I am not concerned. Supposing in Digboi, if anybody enters into the factory area without the necessary permission then he can be penalised. Similarly, here, if we agree that this area should be protected and that if anybody goes there, the penal laws should come automatically ; we have nothing to say about that. But my submission is this, so far as the area and places are concerned, if they are protected in this way thereby restricting the liberty of the people, that will be going against the people's right. But that was not contemplated in the Assam Maintenance of Public Order Act. If we go on enlarging the scope of the Assam Maintenance of Public Order Act in this way, a time may come when the whole State may turn into a prison, when the whole State will be under certain restrictions and nobody will be able to move freely, even to talk freely. It is not understood as to what is the purpose, particularly until these

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things come up, in having this Bill at this moment. Therefore, it is necessary to have the opinion of the people on this Bill and I would request the Chief Minister not to press for this Bill. As there is no hurry about passing this Bill it is better to have the opinion of the people on such an important legislation, before we can have an enactment.

***Shri BIMALA PRASAD CHALIHA (Chief Minister) :—**

Mr. Speaker, Sir, I have heard with attention the objections which have been raised by the hon. Members in regard to the proposed legislation.

I have also heard the hon. Member, Shri Nilmoney Barthakur. I readily agree with him that it is the people ultimately who protect and destroy the thing. Sir, in fairness to our people of this State, I may say that our people are exceptionally good, in the sense of and from the point of view of discipline and from any other point. I really feel proud about our people. But all these preventive measures which we have adopted either through this legislation or through any other legislation are not meant for the people in general but for those few exceptions who do not fall in line with the people in general and who may try to create troubles. It is for protection against such destructive elements that the legislation of the kind is adopted:

Sir, I also heard the honourable Member from Gauhati the objections which he raised about the validation act which we passed yesterday. I feel personally that it is very healthy thing for this House to be more careful in giving extraordinary powers to the executives. As a matter of fact all the objections which have been raised by the honourable Member with regard to the Validation Act I anticipate this when earlier Validation Acts were passed. Any way from our side of the executives, we must be able to satisfy this August House about the need of justification of the extraordinary powers. If we fail it will be in the fitness of thing of this House to reject the proposal for the extraordinary powers. Now, Sir, this Assam Maintenance of Public Order Acts which were passed in 1947 and also subsequent Acts of 1953, with regard to its application, I submit, Sir, if records are checked it would be found that if there was any objection at all that was for the interest of the State and Society. Therefore I would like to submit that whenever this House gave the executives or to the Govt. the extraordinary powers, these power will never be misused or used at any time except for the best interest of the people. Sir, in the same way, the powers which we are asking for not by amending bill in our opinion are necessary. I would have been happy if I have accepted the proposal for elucidating public opinion but I submit, Sir, all the accelerated works under the construction of the Refinery, the machinery and like thing which are already on way to reach very soon, it has become necessary to protect that areas as protected areas. But I can assure the honourable Members they would never find us misusing these powers at any time.

There is one amendment also that in with regard to the determination of the boundary or marking of the boundary which are to be protected. Sir, that question will be considered when we considered this bill clause by clause. I also feel that instead of mentioning in a general way that these people should be protected, there should be suitable demarcation of boundaries of the protected areas. I do not know why that would not fit in here. If the House agrees about the boundary matter I feel, Sir, it will be worthwhile to consider about that and the apprehension of the honourable Member that we are coming forward with the bill just to

debar these Trade Unions whom we do not support or whose ideology we do not and that suspicion is actually very unfortunate because we have no intention of anything of this kind. As a matter of fact, this is not noval provision with the State of Assam, alone is going to adopt. I think those of the honourable Members who have visited other States they will find that importance are given for protection under suitable provision of the law. The honourable Leader of Opposition has agreed to the principle or about the need of protecting or at least certain areas. But the point he raised that these enhanced power to disallow anybody to enter into the protected place is not necessary. Here I think it is only the power we want to actually reinforce with the legislation. I can assure the honourable Member that they would find that Govt. had at no time misuse these powers. So, I hope, Sir, with this explanation and assurance the honourable Members would find my motion is acceptable to them.

Mr. SPEAKER—I put the question.

The question is that the Assam Maintenance of Public Order (Amendment) Bill, 1960 be circulated for eliciting public opinion thereon by 31st May, 1960.

HOUSE DIVIDED.

AYES—10

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|-----------------------------------|----------------------------------|
| 1. Shri Bishwanath Upadhyaya | 6. Shri Hiralal Patwary |
| 2. Shri Gaurisankar Bhattacharyya | 7. Shri Nilmoney Borthakur |
| 3. Shri Ghanashyam Talukder | 8. Shri Prabhatnarayan Choudhury |
| 4. Shri Gopesh Namasudra | 9. Maulavi Sahadat Ali |
| 5. Shri Hareswar Goswami | 10. Shri Tarun Sen Deka |

NOES—50

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|-----------------------------------|---|
| 1. Shri Bimala Prasad Chaliha | 26. Mrs. Jyotsna Chanda |
| 2. Capt. Williamson A. Sangma | 27. Shri Karka Chandra Doley |
| 3. Shri Fakhruddin Ali Ahmed | 28. Prof. (Shrimati) Komol Kumari Barua |
| 4. Shri Rup Nath Brahma | 29. Shri Lila Kanta Borah |
| 5. Shri Kamakhya Prasad Tripathi | 30. Srimati Lily Sen Gupta |
| 6. Shri Hareswar Das | 31. Shri Mahadev Das |
| 7. M. Moinul Haque Choudhury | 32. Maulavi Mahammad Idris |
| 8. Shri Mahendra Nath Hazarika | 33. Shri Manik Chandra Das |
| 9. Shri Radhika Ram Das | 34. Shri Mohananda Bora |
| 10. Shri Larsingh Khyriem | 35. Shri Mohi Kanta Das |
| 11. Shri Girindra Nath Gogoi | 36. Shri Molia Tati |
| 12. Shri Sai Sai Terang | 37. Shri Narendra Nath Sarma |
| 13. Shri Chatrasingh Teron | 38. Shri Maulavi Nurul Islam. |
| 14. Maulavi Abdul Matlib Mazumder | 39. Shri Omeo Kumar Das |
| 15. Shri Baikuntha Nath Das | 40. Shri Purnananda Chetia |
| 16. Shri Bhuvan Chandra Pradhani | 41. Shri Radha Charan Choudhury |
| 17. Shri Bishnu Lal Upadhyaya | 42. Shri Radha Kishan Khemka |
| 18. Shri Dandeswar Hazarika | 43. Shri Rajendra Nath Barua |
| 19. Shri Devendra Nath Hazarika | 44. Dr. Ram Prasad Choubey |
| 20. Shri Dhirsingh Deuri | 45. Shri Sarat Chandra Goswami |
| 21. Shri Emerson Momin | 46. Shri Sarbeswar Bordoloi |
| 22. Shri Gauri Shankar Roy | 47. Shri Tajammul Ali Barlaskar |
| 23. Shri Hakim Chandra Rabha | 48. Shri Tamijuddin Prodhani |
| 24. Shri Harinarayan Baruah | 49. Shri Tankeswar Chetia |
| 25. Shri Hem Chandra Chakravarty | 50. Mrs. Usha Barthakur |

(The question was negatived).

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Mr. SPEAKER : Then I put the main question. The question is that the Assam Maintenance of Public Order (Amendment) Bill, 1960 be taken into consideration.

(The question was adopted)

***Shri NILMONEY BORTHAKUR (Dibrugarh) :** May I request Sir that the time that has been saved in disposing of these items may be added to the items that are still to be disposed of on the 8th, 9th and 11th, particularly the Assam Maintenance of Public Order (Amendment) Bill, 1960 and the Annual Financial Statement of the Assam State Electricity Board?

Mr. SPEAKER : There is no amendment to clause 1. So, I put the question. The question is that clause 1 of the Bill do form part of the Bill.

(The question was adopted)

Now Mr. Gopesh Namasudra to move all the amendment Motions together.

***Shri GOPESH NAMASUDRA : [Patharkhandi] (Reserved for scheduled castes)** Mr. Speaker, Sir, I beg to move that for the new sub-section (1) of proposed Section 8E going to be inserted by clause 2, the following shall be substituted. namely :—

“8E(1) If as respects any enclosed place or class of place where valuable machineries or inflammable materials are usually kept, the State Government considers it necessary or expedient in the public interest or in the interest of the safety and security of such machines and materials, that special precaution should be taken to prevent the entry of unauthorised persons, the State Government may by order declare that place or class of place to be a protected place and thereupon, for so long the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purpose of this Act.

(2) Sir, I also beg to move that in the new sub-section (2) of proposed section 8E going to be inserted by clause 2, the words “or of the District Magistrate or of the Subdivisional Magistrate having jurisdiction” appearing in the third, fourth and fifth lines shall be deleted.

(3) Sir, I also beg to move that in the sub-section (1) of proposed section 8E going to be inserted by clause 2—

(1) between the words “any” and “area” in the third line the word “enclosed” shall be inserted ; and

(2) after the word “declare” in the sixth line for the word “the” the word “that” shall be substituted.

(4) Sir, I also beg to move that the new sub-section (2) of proposed section 8E shall be deleted and the subsequent proposed new sub-section shall be renumbered accordingly.

Mr. SPEAKER : The amendments are moved.

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)] Sir, এই সংশোধনীয় সমর্থনে বলতে দাড়িয়ে আজ এই কথাটাই তুলে ধরতে চাই—যে গণ আন্দোলনকে বা নিয়ম তান্ত্রিক ট্রেড ইউনিয়নকে দাবিয়ে দেবার জন্তই সরকার এই সংশোধনী এনেছেন আসাম জন নিরাপত্তা আইনের। এই একখণ্ড আইনে এত বেশী সংশোধনী আনা হয়েছে যে তা আর বলবার নয়। আইন পাশ হওয়ার পর প্রায় প্রতি বৎসর এর একটা না একটা সংশোধনী আনা হয়েছে। কোন বৎসর দুইবার আইনকে সংশোধন করা হয়েছে। কেন—না রাজনৈতিক উদ্দেশ্য সাধনের জন্ত—গণ আন্দোলনকে দাবিয়ে দেওয়ার জন্ত।

এই আইনের শীকার আমিও হয়েছিলাম। কোন এক ধারার বলে দীর্ঘদিন তৃতীয় শ্রেণীর বন্দীরূপে আটক রাখা হয়েছিল আমাকেও। আজ সরকার বাইরে যাই বলুন না কেন কার্যত তারা তৈল শোধনাগারে, বড়পানি জল বিদ্যুৎ ষ্টেশনে বা নাহারকাটিয়ায় বা ডিগবয়ে যে যে খানে শিল্পগড়ে উঠছে সেই সেই খানে ট্রেড ইউনিয়নকে স্বাভাবিক গতিতে চলতে না দেওয়ার জন্ত এই আইনে বিধান করে নিচ্ছেন। যদি উপরোক্ত কোন জায়গায় সরকারে অপছন্দ কোন লোক অর্থাৎ I. N. T. U. C. ছাড়া অন্য সংগঠক ইউনিয়ন গড়ে তবে তাকে অবাস্তিত লোক বলে বহিকারের আদেশ দেওয়ার অধিকার সরকার নিজের হাতে নিয়ে গেলেন।

এই সেদিন বিধান সভায় দক্ষিণ আফ্রিকার কালা কাঙ্কনের বিরুদ্ধে যারা লড়াই করছেন শার্পে ভেলী ও অন্যান্য স্থানে সেই কৃষকায় মানুষের প্রতি সহানুভূতি আমরা জানিয়েছি আর কালা আইনের নিন্দা আমরা করেছি। যদি এই অবস্থায় আইনটা পাশ হয় তবে দক্ষিণ আফ্রিকার কালা আইনের সংগে এর তফাৎ কোথায়? দক্ষিণ আফ্রিকার কৃষক ব্যক্তি কোন বিশেষ এলাকায় চুকতে হলে পাসপোর্ট লাগে এখানেও সেই ব্যবস্থা রয়েছে তবে রংএর জন্ত নয় সরকারের পছন্দ বা অপছন্দ হল তার রং এর ব্যাখ্যা।

আসামের মানুষ গড়েছে বা গড়বে তার শিল্পাঞ্চল। এটা তার জীবনে অর্থ নৈতিক জীবনের অঙ্গ। এ অঙ্গকে সে নষ্ট করবে না সে করতে পারে না। সে ই তার হবে উপযুক্ত রক্ষক। নতুবা কোন সরকারই তা রক্ষা করতে পারবেন না এই কালা কাঙ্কন কেন এর চাইতে জঘন্য আইন চালু করেও।

সরকার যে শুধু তাদের অবাস্তিত ট্রেড ইউনিয়নকে বাধা দেবার জন্ত এই আইন এনেছেন, মাননীয় অধ্যক্ষ মহোদয় আমি তা তুলে ধরতে চেষ্টা করব।

তৈল শোধনাগার হয়েছে গোঁহাটীতে তৈল আসবে নাহারকাটিয়া থেকে দীর্ঘ পাইপ লাইন দিয়ে। পাইপ লাইনকে বাদ দিলে তৈল শোধনাগার হতে পারে না বা চলতে পারে না। কারণ খনিজ তৈল তো আর আকাশ দিয়ে গোঁহাটী উড়ে আসবে না। তবে কি গভর্নমেন্ট সেই দীর্ঘ প্রায় ৪০০ মাইল পাইপ লাইনের গতিপথ নিষিদ্ধ এলাকা বলে ঘোষণা করবেন এবং কৃষকরা তাদের ক্ষেতে খামারে যেতে—বাজারে যেতে হলে লাইনের উপর দিয়ে সরকারের কোন বিশেষ ব্যক্তির অনুমতি নিতে হবে? সেটাতো হতে পারে না,—কারণ সেটা অবাস্তব। আর সরকারও এই দীর্ঘ পথজুড়ে পাহারাদার বা অনুমতি দেওয়ার অফিসার রাখতে পারেন না। তাহলে যে সমস্ত ব্যক্তির হাত থেকে আমাদের শিল্পাঞ্চল রক্ষার জন্ত এই আইন আনা হয়েছে সে সমস্ত ব্যক্তি গিয়ে পাইপ লাইন ধ্বংস করে তৈল শোধনাগার অচল করে দিতে পারে না? সরকারও সেটা বিশ্বাস করেন না। তাদের উদ্দেশ্য নিজেদের লোক ছাড়া যাতে অন্য কেউ ট্রেড ইউনিয়ন করতে না পারে।

ঠিক সেই ভাবে বড়পানি ও উমটুতে পাওয়ার হাউস থাকবে সেখানে একট
এলাকাকে নিষিদ্ধ এলাকা বলে ঘোষণা করে নিজেদের অবাস্তিত লোক কে ঢুকতে বাধ
দওয়ার উদ্দেশ্যে এই আইন আনা হয়েছে।

বিজ্ঞাতের লাইন দীর্ঘ পাহাড় অঞ্চল দিয়ে যাবে যদি ধ্বংসাত্মক মনোভাবাপন্ন কোন
ব্যক্তি থাকে তবে যে কোন পাহাড় এলাকায় লাইন কেটে দিয়ে সমস্ত system অচল
করে দিতে পারে সেটাকে তো সরকার রক্ষা করতে পারেন না বা পারবেন না। কিন্তু
সেটা যে হবে না তা আমরা জানি সরকার ও জানেন দেশের মানুষ তার শির বিজ্ঞাৎ
গড়েছে সে সেটা বানচাল করে দিবে এ হতে পারে না।

শুধু অবাস্তিত হলো নিজেদের পেটুরা লোক ছাড়া অগুরা যারা ট্রেড ইউনিয়ন
সংগঠন করবে।

যদি আজ এই আইন প্রয়োগ হয় তবে আসামের কি অবস্থা হবে আমরা একবার
কল্পনা করে দেখতে পারি।

— বড়পানি উমটু বা কপিলীতে “পাওয়ার” উৎপাদন করা হবে—এটা হবে
সংরক্ষিত এলাকা।

—উলুবাড়ীতে হয়েছে ইলেকট্রিকের Transmission Centre সেটা হবে
সংরক্ষিত এলাকা।

—নুন নাটীতে তৈল শোধনাগার হয়েছে সেটা হবে সংরক্ষিত এলাকা।

—ব্রহ্মপুত্রের পুল হবে সংরক্ষিত এলাকা।

—নাহারকাটিয়া বা মোরানোর বা শিরসাগরের তৈল খনি অঞ্চল হবে সংরক্ষিত
এলাকা।

—ডিগবয় হবে সংরক্ষিত এলাকা।

—বদরপুর হবে কাছাড়ের বিজ্ঞাৎ পরিবহন ও সঞ্চালনের কেন্দ্র-সেটা হবে
সংরক্ষিত এলাকা।

—বড়াই গাওঁতে রেলের কি একটা হবে কাজেই সেখানেও হবে একটা
সংরক্ষিত এলাকা।

এই সমস্ত শিল্পাঞ্চল এবং আরও শিল্পাঞ্চল যা গড়ে উঠবে তা যখন সংরক্ষিত এলাকা
বলে সরকার ঘোষণা করবেন এই আইনের বলে তখন আমরা আসামের মানচিত্রে
কতকগুলি চিত্রিত বা চিহ্নিত স্থান দেখতে পাব। সেই স্থান সমূহে ঢুকতে হলে আসামের
বা বাহিরের স্তন সাধারণের লাগবে “পাসপোর্ট” ঠিক দক্ষিণ আফ্রিকার খেতাংগদের জন্ম
সংরক্ষিত এলাকায় ঢুকতে হলে যে ভাবে “পাসপোর্ট” লাগে কৃষ্ণাংগদের। আজ আমরা
দেখছি দক্ষিণ আফ্রিকায় “পাসপোর্ট” প্রথার বিরুদ্ধে কৃষ্ণাংগদের বিদ্রোহ। এক সময়
আসামেও দেখতে পাব সংরক্ষিত এলাকায় ঢুকবার অধিকারের দাবীতে আন্দোলন “কাল
কালুন ধ্বংস কর” আর সেই আন্দোলনের জোরে এই কাল কালুন বরবাদ হয়ে যাবে এটা
আমরা বিশ্বাস করি।

স্মার, এই বলেই আমার সংশোধনী প্রস্তাব আম উত্থাপন করলাম। আশা করি
আমার এই সংশোধনী গৃহীত হবে।

***Shri NILMONEY BORTHAKUR (Dribugarh) :** Mr Speaker, Sir, I support the amendment moved by the Hon'ble Member from Patharkandi. In the second reading of the Bill, the Minister who was piloting this Bill said that it was necessary to protect the valuable machineries and other establishments that were coming for the Oil Refinery and that the Bill would be applicable to the other industries as well. For that purpose the omnibus provision is not necessary. For example, it is not necessary to protect everything, to protect our homesteads. Take for example again the official residence of the Ministers. The official residence is protected by a sentry or by a Policeman but the private residence of the Ministers is not protected. It is not at all necessary to protect those houses. The private citizens are protecting their own homesteads, and for that this provision is not necessary.

Here the question is that there are materials or machineries which are so delicate that it is necessary to protect it from destruction. For example, in the Refinery there will be crude oil and petrol - the whole of the benzene group - which are highly inflammable - it is necessary to take extra-ordinary precaution. But that precaution can be taken by giving an enclosure and by restricting the entry into the enclosure. In all the factories, in Rice Mills or even in a Refinery like the Digboi Refinery, they are protected by an enclosure. The sentry to this area is controlled by the managing staff or by the sentry. That could have been done here. Such a provision of restricting the civil liberties of the people is not necessary. The same thing will apply here.

It is necessary to protect the embankments. Some time we hear certain embankments being cut by miscreants. The Law is there that nobody can cause damage to the embankments and there is provision for their being protected. It is the people who guard them. Yes, it is true that there are one or two bad characters amongst them but they can be rounded up and the provision is there in the law. Here in the Refinery the question is a little different. If a person inadvertently throws a match-stick, it will cause a huge fire and what not. So there should be protection but that protection should not take away the liberty of the people. Protection may be taken for control of fires, by having a fire brigade, by having extinguishers and by placing sentries and providing for all these in the Act itself. This can be done without taking away the liberty of the people. This being the biggest industry in the State, people have an inclination to visit that area, to know how the Refinery is working how crude oil is refined and for that some scope should be given. Keeping the other point in mind, namely, protecting the delicate machineries and the inflammable materials, this provision is not necessary. In this amendment it is suggested that "If as respects any enclosed place or class of places where valuable machineries or inflammable materials are usually kept, the state Govt. considers it necessary or expedient in the public interest or in the interest of the safety and security of such machines and materials, that special precaution should be taken to prevent the entry of unauthorised persons, the State Govt. may by order declare that place or class of place to be a protected place, and thereupon, for so long the order is in force, such place or every place of such class as the case may be, shall be a protected place for the purpose of this Act."

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AMENDMENT BILL, 1960

Here without enacting this piece of Legislation that could have been done as it has been done at Digboi, and in most of the factories except Nihijam. No law is there to protect the machineries and such other things. We have hardly come across a case of sabotage in those places. In the Tata Steel & Iron Works, in Durgapur and in such other big industries sometime we hear a complaint of the plants being shut-down or accidents taking place but these are on account of defects in the machineries and not because of sabotage. Even if the Government of Assam thinks that extra-ordinary protection is necessary for the oil refinery, Government can restrict entries to that particular enclosure. Here this amendment will serve this purpose, namely, the factory area or the Refinery area or the area where crude oil is shifted to the factory, that area should be protected. This amendment will serve this purpose and it is not necessary to declare the entire area as protected, irrespective of the valuable materials and inflammable materials being there. Therefore there should not be any difficulty in accepting this amendment.

Secondly, here powers have been given: "No person shall, without the permission of the State Government." Now the State Government can exercise their powers through their officials. That power is already there. The State Government does not mean the Chief Minister. They will frame rules as to who will exercise these powers on behalf of the Government or any person connected with the protected place may be duly authorised by the State Government. A person in authority in that establishment who knows what is important, how the place is to be protected, how to disallow entry of undesirable persons, or persons going with match-sticks or smoking, can be given these powers. These restrictions will normally apply. The person in authority in the industrial establishments can give effect to these restrictions imposed by this bill. Why the sub-divisional Officer or the District Magistrate should have this additional burden? They will, in fact, have to go to that place and make enquiries and also refer to the persons in authority there. This is a lengthy process which is not necessary. On the other hand the Deputy Commissioner or the Deputy Magistrate will apply this right in an omnibus way as Shri Bhattacharya and Shri Goswami have said. They will issue permits to persons they like and refuse permits to those whom they do not like. I do not think that the S. D. O. or the D. Cs should be given these powers. The State Government can give these powers to some person in authority in the establishment.

Therefore, I believe that there should not be any difficulty for the Minister to accept this amendment.

*Shri BIMALA PRASAD CHALIHA (Chief Minister): I am extremely sorry that we cannot accept this amendment moved by the Hon'ble Member, Shri Gopesh Namasudra. One of the main reasons why his amendment to Clause 2 is not acceptable to me is that in drafting this amendment he has kept in view only one point, namely the Refinery. But when we make the draft of the bill, we have to keep in view the point that many other industries may be set up in this State. Therefore the purpose and the way we want to cover all these undertakings will not be served by the amendment proposed by the Hon'ble Member. Therefore, as

I said before, if the House agrees and if the hon. Member also agrees, the only provision which I am inclined to accept is that whatever place is declared a protected area that should be demarcated before it is declared a protected area. That course will be helpful to the common man to know the exact place which is so declared. So, if you Sir, agree and if the House also agree I suggest that there should be a proviso to clause 2 to the effect that—'Provided that any area which will be declared a protected area should be properly demarcated.'

***Shri NILMONEY BORTHAKUR (Dibrugarh)** Sir, that is not an acceptance because in any case if any area is declared a protected area, automatically that place should be demarcated. In other words, the actual boundary line should be defined.

***Shri BIMALA PRASAD CHALIHA (Chief Minister)** Defining a boundary line is one thing and demarcation is another thing. That is why I think it will be helpful to the common man to know exactly the demarcated protected place. Sir, my difficulty in accepting the idea of an enclosure which the hon. Member has proposed is because there may not be any enclosure in certain places which may be declared protected area. There may be only a cross line. That is why I am suggesting this proviso. If you Sir, agree to admit I think it will be better if we put such a proviso to clause 2 and also to clause 3.

Now Sir, with regard to the authority who will issue passes or permits I quite appreciate the difficulty of any intending visitor, say to Barapani, if he will have to come all the way to Shillong to get the permit. That is why it has been provided in this Bill that, the State Govt or any person authorised by the State Govt in this behalf or of the District Magistrate or I suppose this will be helpful for any person intending to visit the site of any undertaking declared to be a protected area to get a permit. I suppose hon. Members should have no objection to the additional authorities who would be in a position to issue permits. The hon. Member said that supposing an Hon'ble Minister goes out of his official residence he does not apprehend any harm to happen. Well, as to that Sir, my submission would be that the value of these industries or the Hydro Electric Project is more important than the life of a Minister. Therefore we want to give more importance to the protection of these industries than to the life of Ministers.

I am therefore, sorry Sir, that the amendments are not acceptable to me. I request the hon. Member to withdraw it.

Mr SPEAKER : Mr. Namasudra, are you withdrawing ?

Shri GOPESH NAMASUDRA : [Patharkandi (Reserved for No Sir, scheduled castes)]

Mr. SPEAKER : I will put the question. The question is that—
For the new sub. section (1) of the proposed Section 8E going to be inserted by clause 2, the following shall be substituted, namely :—

"8E (1) If as respects any enclosed place or class of places where valuable machineries or inflammable materials are usually kept, the State Govt. considers it necessary or expedient in the public interest or in the interest of the safety and security of such machines and materials, that special precautions should be taken to prevent the entry of unauthorised persons, the State Govt. may by order declare that place or class of place

*Speech not corrected.

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to be protected place, and thereupon, for so long the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purpose of this Act".

(2) Sir, I also beg to move that in the new sub-section (2) of proposed section 8E going to be inserted by clause 2, the words "or of the District Magistrate or of the Sub-divisional Magistrate having jurisdiction" appearing in the third, fourth and fifth lines shall be deleted.

(3) Sir, I also beg to move that in the sub-section (1) of proposed section 8F going to be inserted by clause 2 —

(1) between the words "any" and "area" in the third line the word "enclosed" shall be inserted; and

(2) after the word "declare" in the sixth line for the word "the" the word "that" shall be substituted.

(4) Sir, I also beg to move that the new sub-section (2) of proposed section 8F shall be deleted and the subsequent proposed new sub-section shall be renumbered accordingly.

HOUSE DIVIDED

AYES — 8

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|-----------------------------------|----------------------------|
| 1. Shri Bishwanath Upadhyaya | 5. Shri Hiralal Patwary |
| 2. Shri Gaurisankar Bhattacharyya | 6. Shri Nilmoney Barthakur |
| 3. Shri Ghanashyam Talukder | 7. Shri Pakhirai Deka |
| 4. Shri Gopesh Namasudra | 8. Shri Tarun Sen Deka |

NOES — 48

- | | |
|-----------------------------------|---|
| 1. Shri Bimala Prasad Chaliha | 24. Shri Hakim Chandra Rabha |
| 2. Capt Williamson A. Sangma | 25. Shri Harinarayan Baruah |
| 3. Shri Fakhruddin Ali Ahmed | 26. Shri Indreswar Khaund |
| 4. Shri Rup Nath Brahma | 27. Mrs. Jyotsna Chanda |
| 5. Shri Kamakhya Prasad Tripathi | 28. Prof. (Shrimati) Komei Kumari Barua |
| 6. Shri Hareswar Das | 29. Shrimati Lily Sen Gupta |
| 7. M. Moynul Haque Chondhury | 30. Shri Mahader Das |
| 8. Shri Mahendra Nath Hazerika | 31. Shri Mohananda Bora |
| 9. Shri Radhika Ram Das | 32. Shri Mohi Kanta Das |
| 10. Shri Larsingh Khyriem | 33. Shri Molia Tati |
| 11. Shri Girindra Nath Gogoi | 34. Shri Narendra Nath Sarma |
| 12. Shri Sai Sai Terang | 35. Maulavi Nurul Islam |
| 13. Shri Chatrasingh Teron | 36. Shri Omeo Kumar Das |
| 14. Maulavi Abdul Matlib Mazumder | 37. Shri Purnanandu Chettia |
| 15. Shri Baikuntha Nath Das | 38. Shri Radha Charan Choudhury |
| 16. Shri Bhuban Chandra Pradhani | 39. Shri Radha Kishan Khemka |
| 17. Shri Bishnu Lal Upadhyaya | 40. Maulavi Rahimuddin Ahmed |
| 18. Shri Dandeswar Hazarika | 41. Shri Rajendra Nath Barua |
| 19. Shri Devendra Nath Hazarika | 42. Shri Ram Nath Das |
| 20. Shri Dhirsing Deuri | 43. Dr. Ram Prasad Choubey |
| 21. Shri Durgeswar Saikia | 44. Shri Sarat Chandra Goswami |
| 22. Shri Emerson Momin | 45. Shri Sarbeswar Bordoloi |
| 23. Dr. Ghanashyam Das | 46. Shri Tajammul Ali Barlaskar |
| | 47. Shri Tankeswar Chetia |
| | 48. Mrs. Usha Barkhakur |

(The question was negatived)

Mr. SPEAKER : I put the question.

The question is that Clause 2 forms part of the Bill.

(The question was adopted)

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for scheduled castes)] : Sir, I beg to move that clause 3 of the Bill shall be deleted.

Mr. SPEAKER Amendment moved is that the clause 3 of the Bill shall be deleted.

Shri BIMALA PRASAD CHALIHA (Chief Minister) : This amendment is also identical to the amendment in respect of clause 2. Therefore, for the same reason Sir, this amendment also is not acceptable.

Mr. SPEAKER : The question is that clause 3 of the Bill shall be deleted.

(The question was negatived)

I put the main question.

The question is that clause 3 does form part of the Bill.

(The question was adopted)

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

(The question was adopted)

***Shri BIMALA PRASAD CHALIHA (Chief Minister) :** Mr. Speaker Sir, I beg to move that the Assam Maintenance of Public Order (Amendment, Bill, 1960, be passed.

***Shri NILMONEY BORTHAKUR (Dibrugarh) :** Mr. Speaker, Sir, I oppose the passing of this Bill because this Bill seeks to take away the civil liberty of the people. Sir, we are a democratic country and our Constitution has guaranteed the fundamental rights, the right of the private citizens, the right to assemble, the right to move freely in our country and also the right to organise. These are the rights that are sought to be taken away by the State. Sir, the object of this Bill is to protect some of the industrial establishments in our country and here it has been discussed that the best protectors for the property of the State are the people to protect the valuable industrial establishments in our country and there does not exist any danger that all these valuable industrial establishments will be destroyed by our own people. Sir, only the other day, we tabled a resolution condemning the policy of racial discrimination and suppression of the African people in their own homeland and against colonialism by the white race in South Africa. There is discrimination about race in South Africa and here also by this Bill we are going to create trouble and discrimination about persons. Who are then the desirable persons and who are the undesirable persons that this Bill sought to put some restrictions. So long the reasonal

Restrictions are always there. These restrictions are imposed by the management of the industries. In the case of Refinery, the Government will impose restrictions under essential order. The area of the Oil Refinery will be declared protected. Our people will naturally be interested to see what the refinery is, how it work, what are its machineries etc. They have sacrificed so many things for the establishment of the Oil Refinery in Assam. Now if they are not given permission to see its functioning then the sentiment of the people will be wounded. Of course, we may not allow to carry any explosive materials with them. That sort of restriction will always be there. That is necessary in the interest of the safety and the security of the industries. In case of heavy industries also there is always reasonable restriction.

Sir, this is the age of Democracy. The Government are in favour of decentralization of power. They are in favour of giving power to the common people. That is why they have framed certain rules. They got the Panchayat Act passed by this House and they have also framed certain rules thereunder just to give some power to the people. By this Act, the people have been given power to take part in the nation building activities. The government have gone to the extent of making reappropriation from the State's Budget for this purpose. In such circumstances, it is difficult to understand when such amended bill has been put forward. This bill has sought to curbe the liberty of the people.

The government are going to set up some industries in the State Sectors. In that case the employer will be State Government. The employees as well as the other public will know that since these are state managed industries, the properties of the industries belong to them. Therefore they will be very careful about the safety and security of the industries. It appears from the bill that there is no guarantee whether general public will be allowed to visit such establishments set by in the protected areas. The bill will therefore infringe the fundamental rights of the people. The Minister piloting bill has said that the provisions of this bill would not be used against the interest of the people. In this context it should be borne in mind that if it is necessary for the purpose of giving facilities to the working classes to join any Trade Union, they should be allowed to do so. They should be allowed to carry on deliberation even in the industrial areas. They should be given permission to do so. There should not be any discrimination between this employee and that employee. Permission should be given to all. All genuine visitors should be allowed to visit the industrial establishment. There will be a lot of demands from the general public to visit such industrial establishments and they should be allowed. Of course, there may be rush sometimes but that does not mean that the people should be deprived of their legitimate right. We agree that law and orders should be maintained. But these will not be violated because the people know that it is their property. Sir with these words I oppose the passing of the Bill.

Shri TARUNSEN DEKA (Nalbari-East) : অধ্যক্ষ মহোদয় মুখ্য মন্ত্রীয়ে যি প্রতিশ্রুতি দিলে সেই প্রতিশ্রুতি কিমান দূৰ বক্ষা কৰা হব কব নোৱাৰো, মুখ্য মন্ত্রীৰ ভাষণত ট্ৰেড ইউনিয়ন সম্পৰ্কে আশ্বাস দিয়া হৈছে। যদি সঁচাকৈ সেই আশ্বাস অনুৰূপ পৰা হ'ল হেতেন তেনেহলে আইনত লিপিবদ্ধ হৈ থকা হ'লে ভাল হ'ল হেতেন। বেলখনৰ উদ্দেশ্য ব্যাখ্যা প্ৰসঙ্গত কোৱা হৈছে যে গুৰুত্বপূৰ্ণ শিল্প সমূহ বক্ষাৰ কাৰণে আৰু ৰাষ্ট্ৰৰ নিৰাপত্তাৰ কাৰণে এই বিলখন প্ৰণয়ন কৰা হৈছে। ৰাষ্ট্ৰৰ নিৰাপত্তাৰ কথা কিয় কিয় হৈছে মই বুজি পোৱা নাই।

এই আইন পাচ কৰাত আমাৰ আৰু এটা আপত্তি আছে যে পুলিচ কৰ্মচাৰীক জুলুম কৰিবাব বাবে যথেষ্ট সুবিধা দিয়া হৈছে। এইটো কথা স্পষ্ট ভাৱে উল্লেখ কৰা উচিত আছিল ট্ৰেড ইউনিয়নক কি বক্ষা কৰচ দিয়া হব। তাকে নকৰি ইয়াত বহু কথা লুকাই ৰখা হৈছে। মুখ্য মন্ত্ৰীয়ে কৈছে যে শিল্পবোৰ মন্ত্ৰীৰ জীৱনতকৈ বেচি মূল্যবান। সেইটো সঁচা কথা। কিন্তু এইটো সঁচা কথা যে সেই শিল্পত কাম কৰা কৰ্মচাৰী সকলৰ সুযোগ সুবিধাৰ বাবে গঠন কৰা ট্ৰেড ইউনিয়নক বক্ষা কৰচ দিয়া উচিত। কিয়নো শিল্প মানুহৰ কাৰণেহে। ট্ৰেড ইউনিয়ন গঠন কৰাৰ যি অধিকাৰ সংবিধানে দিছে—তাৰ ইয়াত উল্লেখ নাই। কাৰণেই এই আইন পাচ কৰাৰ মই সম্পূৰ্ণ বিৰোধী।

***Shri BIMALA PRASAD CHALIHA (Chief Minister) :** Mr. Speaker, Sir, I am very thankful to the hon. Members who participated in this debate on this Bill. It appears that we are agreed that there should be some restrictions for some industries. But at the same time some hon. Members are opposed to the passage of this Bill. I am finding it difficult to understand that position. Hon. Member Mr. Barthakur is under the misapprehension that when this bill will be passed, nobody will be able to visit any of the industrial undertakings which will be set up in the protected areas. Sir, recently I have been to Bangalor and I visited many of these industries are in protected areas. But, Sir, I saw thousands and thousands of people visiting these industries; call it the Hindustan Aircraft or Machine Tools, etc. Thousands of people are moving in these areas throughout the day. They take a pass at the gate and they are guided to the industrial area. Therefore, Sir, I feel that there should be no apprehension that as a result of the application of the provisions of this amending Bill, the refinery area or any allied undertakings should be closed even for a visit by the people. It is not so.

Hon. Member, Shri Deka said that I have given an assurance that the provisions of this Act will not be applied in case of Trade Union. May I clarify what I said before, Sir? The hon. Member from Gauhati said that our intention is to deprive the I.N.T.U.C. workers of their entering into those industrial areas. I want to refute his allegations. As I said, it was not our intention to deprive them or any of the I.N.T.U.C. workers of their visiting those areas. I do not know whether he may be allowed or any other Trade Union may be allowed. That will depend upon the circumstances, and it is difficult to say who would be allowed and who would not be allowed. But I would say that even now it is far from our intention to deprive the rights guaranteed under the Constitution. It is true that we support the ideology of the I.N.T.U.C. because of certain historical reasons. As you know, Sir, the Congress, and I suppose many of the hon. Members were supporters of the Congress, is trying to do whatever is possible for the welfare of the labour welfare and that labour welfare works should be taken up. Then, various Trade Union leaders had their own views about it and at the same time, Gandhiji had certain opinion about it and there were some people who believe in this way of thinking. So for historical reasons also we the Congressmen appreciate the ideology of the I.N.T.U.C. But that does not mean that we are going to suppress the Trade Union movement either under this law or any other law. I feel, Sir, that I have explained my views to the best of my ability and the hon. Members would be kind enough to pass this Bill.

Mr. SPEAKER : The question is that the Assam Maintenance of Public Order (Amendment) Bill, 1960 be passed.

(The question was adopted)

The Report Of The Assam Public Service Commission, 1954-55.

***Shri BIMALA PRASAD CHALIHA (Chief Minister) :** Mr. Speaker, Sir, with your permission, I beg to lay out copy of the Report on the Working of the Assam Public Service Commission for the year 1954-55 together with a memorandum explaining as respect the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance under Article 323 (2) of the Constitution.

***Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** Sir, in this connection, may I get the information from the Chief Minister whether Government proposed to fix a date for discussion on this report ?

Mr. SPEAKER : If you give a motion to that effect, then we can take it up in the next session.

Amendment to Assam Motor Vehicles Rules, 1940

***Capt. W. A. SANGMA (Minister Transport):** Mr. Speaker, Sir, I beg to move that the Amendment to the Assam Motor Vehicles Rules, 1940 be adopted.

Mr. SPEAKER : The motion moved is that the Amendment to the Assam Motor Vehicles Rules, 1940, be adopted

The question is that the Amendment to the Assam Motor Vehicles Rules, 1940, be adopted.

(The question was adopted)

Discussion on the Budget of the State Electricity Board for the period from 1st April, 1960 to 31st March, 1961.

Shri KAMAKHYA PRASAD TRIPATHI (Minister Industries) : Mr. Speaker Sir, I beg to move that this Assembly do now take into consideration the Annual Financial Statement of the Assam State Electricity Board for the period from 1st April, 1960 to 31st March, 1961 as provided under sub-section (3) of Section 61 of the Electricity (Supply) Act, 1948.

Sir, in this connection, I only want to point out that as per statement the anticipated revenue receipts during 1960-61 is Rs. 55,28,400 as against the anticipated revenue expenditure of Rs. 39,57,593 thus giving a trading surplus of Rs. 15,71,007. After providing for depreciation as required under section 69 of the Electricity (Supply) Act, 1948, there is a net deficit of Rs. 14,45,164/-. Sir, the assets which have been used for some years and which were passed on to us, we have heard, should be given at reasonable depreciated amount. Rough estimate shows that the depreciation from this should be Rs. 10.35 lakhs. The Government of Assam have been requested to reduce the initial deemed loan of Rs. 3,32,00,000 by Rs. 10.35 lakhs. In this connection, I also want to draw the attention of the hon. Members to

what has been provided at page 4. Certain very interesting developments are going to take place. Now, Item 2 where it is stated that miscellaneous development schemes for installation of additional Diesel sets at certain places the amount provided is Rs. 66.00 lakhs. We have in the middle of the Second Five Year Plan requested the Planning Commission for an additional 8,000 Kws and we are now about to place order for the same.

Then, Sir, Item 3. We have undertaken extension of High Tension lines from Umtru to Jagi Road. The power is required for the newly spun silk mill which is coming into being shortly.

Item No. 4 Hydel Electrical projects construction. Construction of Umium Hydro-Electric Project Rs. 113.00 lakhs.

Item No. 5 Investigation for certain Hydro-electric and Thermal projects—

1. Umium Hydro-electric Project.
2. Kapili Hydro-electric Project.
3. Tura Thermal Station.
4. Badarpur Thermal Station.
5. Alignment of the transmission line to Bongaigaon, Tezpur and

Badarpur from the Umium Umtru system.

This will cost about Rs. 8.26 lakhs.

Item No. 6 Naharkatiya Thermal station. The initial cost will be about 5 lakhs.

Mr. SPEAKER : The motion moved is that this Assembly do now take into consideration the Annual Financial Statement of the Assam State Electricity Board for the period from 1st April, 1960 to 31st May, 1961 as provided under sub-section (3) of Section 61 of the Electricity (Supply) Act, 1948.

*** Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** Sir, it is interesting to note that after deduction of the depreciation in the asset which is transferred by the Government to the Board, the capital asset has been at Rs. 3,58,21,000 as shown in the first page of the report. But when we compare the Revenue Receipt and Expenditure, we shall see that the revenue receipt is not up to the mark in comparison within Capital Asset that the Board at present has at its disposal. Another thing noticeable here is that this Board is predominant with not by those who know industry, but by Administrative Officers. I had stated in my Cut Motion during the Budget discussion that the recommendation of the Expert Committee was that part time service of an I.A.S. officer for the Board would have sufficed for keeping the Board in close collaboration with the Government. But at the present stage, we find that there is one full time I. A. S. officer in the Chair in addition to two other I.A.S. Officers, I hope for part time, but it would have been better if there is provision of 1½ technical personnel—one full time and the other part time. So in view of the responsibility, I feel the very circumstances of the Board is not justifiable. There is no justification in going from the recommendation of the Expert Committee.

Now, so far as the Revenue Receipt and Expenditure is concerned, it is seen that though the Receipt in comparison with 1959-60 was increased by much higher on the Receipt side itself. So also in the Generation side expenses has shown a great increase, while Transmission and Distribution sides show some decline. I do not know the cause of special increase in the side of Generation. We have also seen that there is an increase of expenditure in the Consumer's Servicing though the increase is not very great. In view of the fact that most of the concerns were started recently, it is not properly understood why so much of money is necessary in Servicing. One item which did not exist in the previous year's budget, is, 'Unallocated Expenses', is added this time. There is also another new item shown in 1960-61 and this is Contribution to Leave Salary. Now, it is quite proper that there should be contribution to leave salary, but in the previous year also payments were made on the occasion of leave, and no item of some form or other was shown. Last year total figure of expenditure was about 35 lakhs whereas this time it has gone upto 39½ lakhs. So, we find that the position in comparison with that of last year cannot said to have been improving. Last year, there was an argument that this being a new venture, time will be required for making certain economy, but that argument does not hold good this year.

Now, another aspect which drawn our attention is that the Board is operating at a recurring loss. My submission is that when there is recurring loss and when there is fresh loans from the Government to meet this loss there should be curtailment in the expenses.

Again, provision in the Wage Bills shows that there are employees with basic salary of Rs.28 p.m. under this Board. I think the Board is not justified in keeping officers whose salary is in the range of Rs. 2,500, 2,000 or so. In this connection, it should also be noted that while in case of those top ranking officers one special policy is followed, in the case of those who are at the bottom, another policy is maintained. Let me site one example. The Chairman, Chief Engineer and Additional Chief Engineers — all these people get some Special Pay of Rs. 200 and another House Allowance of Rs.150 p.m. or so. But for those workers who are giving their toils and tears in the wild region at Umtru and the interior, there is no provision for Special Pay. Before the concern was taken over by the Board and when it was run by the Government, these poor paid employees were placed at Dam site or in the Power House or at Burni Hat, they used to get 30 per cent. of their basic pay as Compensatory Allowance only. When the Board took it over then this Compensatory Allowance was reduced to 10 per cent. of their basic salary, and now when the Chairman, the Chief Engineer, the Additional Chief Engineer are being given special pay of Rs. 250/- per month or 150/- per month, that 10 per cent. Compensatory Allowance of those poorly paid workers with basic pay of Rs.28/- or Rs.35/- per month has been withdrawn altogether. I think, Sir, this is a very unkind and unsympathetic attitude towards the working class.

Then another aspect is to be noted. When these concerns are given in the hands of Boards or Corporations it is generally said that it is done so because a Corporation or a Board — because of its experience in commercial lines would do things better. The Government officers are not expected to be necessarily good Managers of Industries or good business men. This is one of the reasons which prompt the Government and the Captains of the

Governmental policy to hand over these concerns to the Boards and Corporations. But if the Board is composed of mostly by Government servants, simply because it is named a Board, they do not necessarily become Experts Industries or commerce or business or trade. Simply changing the sign-board does not matter. This has, as a matter of fact, resulted 2 things, one is that in private industrial or commercial undertakings the workers are in a better bargaining position. After all the workers, if they are well organised, can bargain, can agitate and can give due pressure to the management for realisation of their legitimate dues. But when they are confronted with the allpowerful mighty Governmental machinery, overt or covert, they find themselves in a very tight corner, and therefore they always become pushed not to the position of bargainers but to the position of petitioners and in that way their applications ought to receive special consideration. But that is not what is taking place in the Assam State Electricity Board. When we see that in the Governmental machinery there are 3 different stratas. Different treatment for the same type of employees employed in different stratas. We have all along been complaining here, for example, that for the Secretariat there is one scale and one grade for the Heads of Departments there is another scale and grade and for the District Heads there is another scale and grade. We have always been saying that this is a very unfortunate hang-over of British imperialistic regime in this country. But when the State Electricity Board is only newly formed we find that the same old unhappy hang-over is brought here also. Here also we find that the scale and grade in the Secretariat of the Board, that is to say, the establishment under the Chairman, is different from that which is under the Chief Engineer, which may be compared to the Heads of the Departments, and the pay scale and grade in the District establishment is even lower than the establishment under the Chief Engineer. In other words the same parallel of injustice of not paying according to the work — equal work, equal pay — is being brought to the State Electricity Board also. That is not the case in private undertakings and even in some of the Central undertakings which have gone over to Corporations or Boards. We have seen that either in some cases those All-India Corporations have give up this zonal policy. The agitation and struggle of the working classes are going on for abolition of this thing. Sir, we all know of the latest direct action which was lunched by the employees of the State Bank. One of their principal demand was that the abolition of the discrimination zone-wise. Same type of Bank employee who works in Calcutta gets much higher pay and other emoluments than an employee who works, say at Tezpur. There was an agitation for abolition of this zonal system. I expected that under the guidance of our Ex-INTUC General Secretary, the State Electricity Board would have set an example of abolition of this discriminatory policy zone-wise but unfortunately, that differentiation in the Secretariat, Heads of Departments and the Districts administration is still there. I also find Sir that even though several undertakings which were privately owned have now been taken over by the State, and those who were in the managerial employment, have been accommodated with generosity; but so far as the actual workers of the lower rung are concerned, many of their legitimate demands and grievances are still to be met. They as yet do not know where they stand. It has not yet been assured to them that their service would be counted from the date of their appointment in the private concerns. I should say, many of them have not yet been given any grade pay scale. The question of seniority has not as yet been finally settled. Many people, who because of their efficiency and also because

of their seniority of service ought to have been place in higher position have been arbitrarily pushed to a down-grade, to a lower position, and many have been placed at a higher position though perhaps they did not so desere. As a result of that there has been a lot of discontent, dis-satisfaction and demoralisation among the different sections of the workers. I am not saying that all their grievances can be redressed just here and now, but one thing is to be remembered that they require a sympathetic approach and a kind treatment. Very recently I had gone to Umtru and Burnihat area and I was told that the Chairman of State Electricity Board also had been there. The Chairman met the workers of Umtru, and those workers complained to him that they are living in a jungle where there is no facility for transport, there is no medical facility near at hand, they have got no proper housing arrangement, they have no proper arrangement for water — there are so many married people but they have not get any water. Moreover, even the bachelors' barracks are also too inadequate. They also said that there has been a lot of discrimination in the payment to some types of workers. For example, the workers who have been brought from outside as time-keeper or the like have been placed in a particular job and there are others who are sons of the soil are doing the same work. While these people who have come from outside are given higher initial emolument. They also submitted that the State Electricity Board ought to have followed the policy of same pay for the same work because here there is no question of seniority or juniority as all of them have been appointed at the same time. But unfortunately the Chairman did not give them any hope. Thereafter the Chairman came to Bornihat and there he was approached by the staff including those who are working as Telephone Operators in the Departmental Telephone Exchange there. Sir, I speak subject to correction. These people said that they were very cordial towards the Chairman. Government also discriminate between the technical staff and the clerical staff because there are thousands of people hankering after clerical job, but there is dearth of technical staff. So the Government fear the technical staff and therefore they think that if they can keep the technical staff satisfied then they do not care for the clerical staff. As a matter of fact employees from top upto the Overseer and Foreman get fairly well treatment but the plight of the employees below the rank of Foreman is very miserable. Now if the employees do not get a word of sympathy from the authority then naturally there will not be sufficient incentive for the workers to exert themselves. You can drag the horse to water but you cannot force the horse to drink. You can suppress the employees by your governmental authority and by the club of discipline and subdue them but you cannot get their spirit. That spirit may either go for building up the industry or it may be wrongly chanelised and lead to degenerate resentment. I wish that the State Electricity Board authority would see that the spirit of the workers did not degenerate into resentment due to some unkind behaviour towards them. That suggestion I am humbly placing with all the sincerity that I command.

Another aspect of this matter is that when the workers come to represent their grievances it is not sufficient to say that it is receiving the attention of the administration. These poor workers need immediately some sort of relief. The other day I submitted about certain outstanding demands and grievances of the 56 workers of the Electric Supply, Jorhat. Similar grievances are there at Gauhati, Ulubari and Barnihat and I think

similar grievances are there in other places also. I would request the Board authorities to see that the grievances and demands of the employees, which are so humble, are attended to quickly otherwise their sufferings may be aggravated. It is said that delay defeats justice. Even if you give justice after six months, there may be bitterness in the meantime. So my last submission to the Board authorities is that they should see that the demands of the workers are attended to quickly.

With these few words, Sir, I conclude my observations.

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)] : মাননীয় অধ্যক্ষ মহোদয়—আমি যে পার্টির রাজনীতি এবং দর্শনে বিশ্বাস করি সেই দর্শন এবং পার্টির অন্যতম প্রতিষ্ঠাতা মহা মানব লেলিন সোভিয়েট রাশিয়ার shock brigade কর্মীদের সামনে বক্তৃতার সময় বলেছিলেন—
“What is communism?”

“Communism is nothing but Soviet system Plus Electrification.”

আমরা যারা কমিউনিজমে বিশ্বাস করি তারা বিদ্যুৎ বা Electricity কে কোন দৃষ্টি দিয়ে দেখি উপরের এই একটা কথা থেকে তা সহজেই বুঝা যায়, সস্তায় Electricity যদি পাওয়া যায় তবে তা নিয়ে আসবে মানুষের মধ্যে প্রাচুর্য এবং প্রাচুর্যের সমভাবে বণ্টন-ই কমিউনিজম এটা সহজ কথা—

বিশ্ব কৃষি মেলায় গিয়ে বিভিন্ন দেশের কৃষি উৎপাদনের নানা দিক দেখবার সুযোগ আমার হয়েছিল। সোভিয়েৎ রাশিয়ায় এবং আমেরিকা যুক্তরাষ্ট্রে আজ আনবিক শক্তিকে ফসল উৎপাদনের কাজে লাগান হয়েছে সেটা হয়তো আমাদের কল্পনার মধ্যে আসে না যদিও কৃষি মেলায় তার প্রদর্শনী দেখছি। কিন্তু সস্তায় উৎপাদিত বিদ্যুৎ শক্তিকে আজ কিভাবে ফসল উৎপাদনের ক্ষেত্রে প্রয়োগ করা হয়েছে তা দেখলে বিস্মিত হতে হয়।

ছোট রাষ্ট্র ইরাক—রাষ্ট্র ব্যবহার পরিবর্তন মাত্র হয়েছে সেই দিন—বিভিন্ন তথ্য দিয়ে দেখিয়েছে—রাজ তন্ত্রের সময়ের এবং বর্তমান সময়ের উৎপাদনের পার্থক্য এবং বিদ্যুৎকে লাগিয়েছে এই কাজে।

উত্তর প্রদেশের রেল লাইনের ধারে ধারে রয়েছে চিনির কল আর বৈদ্যুতিক লাইন নিয়ে যাওয়া হয়েছে আঁখ উৎপাদনের কার্যে জল সেচের জন্য ছুর ছুরান্ত গ্রামে। আসামের একজন চাষীত আজ তার ক্ষেতের কাজে বিদ্যুৎ ব্যবহারের স্বপ্ন দেখতে পারে না অথচ আসামের গ্রামে কৃষি উৎপাদনের ক্ষেত্রে কি কুটীর শিল্পের ক্ষেত্রে তার প্রচুর সম্ভাবনা রয়ে গিয়েছে।

উমটুকে যখন পরিকল্পনার মধ্যে আনা হয়, তখন শুনেছিলাম কামরূপের এণ্ডিমুগার উৎপাদনে বা কাঁসার বাসন প্রভৃতির উৎপাদনে সস্তায় বিদ্যুৎ সরবরাহ করবার একটা দৃষ্টি ছিল কিন্তু আজ সে সবার কথা কেউ কানেও তুলে না।

দ্বিতীয় পঞ্চবার্ষিকী পরিকল্পনার কাছাড় জিলা সিরিজে করিমগঞ্জে “village Electrification Scheme” বলে একটা scheme ও টাকার বরাদ্দ করা হয়েছিল। কিন্তু আজও তা হয় নি। আমরা কৃষকরা আশা করেছিলাম যদি কোন গ্রামে বিদ্যুৎ যায় ঘর আলো করবার জন্য আমরা তার ব্যবহার না করে ব্যবহার করবো নদী থেকে পাম্প দিয়ে মাঠে জল দেওয়ার কাজে কিন্তু কেন জানি না scheme বাতিল করা হল। প্রথম শুনা গিয়েছিল মনাছড়াতে ষ্টেশন হবে আর লালাবাজার রামকৃষ্ণনগর ও হাইলাকান্ডিতে বিদ্যুৎ সরবরাহ করা হবে।

তারপর শুনলাম করিমগঞ্জ থেকে লাইন নিয়ে গিয়ে নিলামবাজার ও পাখারকান্দিতে বিদ্যুৎ সরবরাহ করা হবে। কিন্তু এখন পরিকল্পনা শেষ হয়ে যাচ্ছে কোন সম্ভাবনা দেখতে পাচ্ছি না।

অঞ্চল করিমগঞ্জ সহরে একজন S. D. O. Electricity রয়েছেন—যার বেতন বৎসরে—

ভাতা—

T. A.—

মোট—

যদি প্রানাকালে বিদ্যুৎ সরবরাহের কোন প্র্যান না থাকে তবে একটি সহরে বিদ্যুৎ সরবরাহের জন্য Subdivisional Electrical officer নিযুক্ত করা হয়েছে কেন? এই একটা মোটা খরচ করার প্রয়োজনই বা কেন? আর পরিকল্পনার মধ্যে যা লিপিবদ্ধ করা হয় তার পরিবর্তনই বা করা হয় কিসের জন্য—এই কথার জবাব আশা করি মাননীয় মন্ত্রী মহোদয় দিবেন।

***Shri KAMAKHYA PRASAD TRIPATHI (Minister, Electricity) :** I am thankful to the Hon'ble Members who have taken pains to advise us in this matter. Sir, Shri Bhattacharyya has again raised the question of part-time Chairman based on certain report which is completely out of date. He should remember that this report was drawn up when Assam had the tiniest electricity in the whole of India. It consisted merely of a few rural stations. At that time not even Gauhati was contemplated to be taken over by the Government. Since then have gone forward and we have nationalised Gauhati, Jorhat and others. We have gone forward to undertake a very important electricity scheme : the Umiyam Project which will produce in the very first stage double the electricity which we have today and in course of the Second and Third Five Year Plans it will go forward to generate more than 1 lakh kilowatts of electricity which is nearly 10 times of what we have. When we started the Second Plan, we also undertook the Naharkatiya Electricity scheme from gas which will produce 50,000 Kilowatts. In the initial stage our plan was for 25,000 Kilowatts but now I am glad to say that the Planning Commission seems to be agreeable to double that capacity. It has brought in its wake the necessity for greater development from Nahorkatiya gas electricity starting from Ledo and extending to Dibrugarh and Sadiya in the different directions. The Umiyam system is going to cover on the one side Bongaigaon and Tezpur and on the other side Silchar and Badarpur. This huge scheme of electricity was not possible for those who drew up that miserable report in the early part before electricity was borne.

***Shri GOPESH NAMASUDRA :** [Patharkandi (Reserved for scheduled castes)] Whether Badarpur will cover the whole district of Cachar?

***Shri KAMAKHYA PRASAD TRIPATHI :** The whole idea is to take electricity to Cachar. So my friend should not be afraid because it is Badarpur and therefore Karimganj will not be covered. What we have done is that in the midst of the Second Plan we are revising the Plan and the Government of India has agreed to this revision. Now my friend has said that Marxism is socialism plus electricity. I fully agree. As a matter of fact there can be no modern life without electricity. I was looking through the figures of investment by the different States ; it is very interesting, Sir.

*Shri GAURI SANKAR BHATTACHARYYA (Gauhati) : Lenin used the word electricity figuratively. There were many other things.

*Shri KAMAKSHYA PRASAD TRIPATHI (Minister, Electricity) : In the Second Five Year Plan the provision was 16% of the Plan. In Madras it was 33% of the whole Plan and for the other States as follows :

Trivancore-Cochin	...	30.4%
Orissa	...	25%
Mysore	...	24%
Pepsu	...	24%
Delhi	...	23%
Cutch	...	23%
Punjab	...	21%
U. P.	...	21%
Rajasthan	...	19.5%
M. P.	...	19.3%
Andhra	...	17.3%

In this way the list goes on and the lowest I find is about 4.10%. Saurashtra 5.9% ; Jammu & Kashmir 9.7% ? West Bengal 8% because West Bengal was heavily electrified from before. Even Tripura 5%, Nefra 3.8% and Andaman and Nicobar is out of the picture.

We had the smallest provision in this respect inspite of the fact that the power consumption in our State is very small at present, it is about 15, 650 K. W.

Andhra	..	13,5000	K. W
Bihar		172,000	
Bombay		294,000	
M. P.		163,000	
Madras		287,000	
Orissa		257,000	
Punjab		546,000	
U. P.		300,000	
West Bangal		154,000	

and in this way we go on. Even Jammu & Kashmir has 16,000 Rajasthan 79,000 and we have got a paltry 15,000 K. W.

Now, if my Hon'ble friend Shri Namasudra becomes agitated for the reason that no electricity is being given by the Electricity Board, obviously he is trying to blama Piter for the sins of Paul. Sir, I fully agree that it was a mistake to have make such a small provision in the First and Second Five Year Plans. Our per capital consumption at the end of the Second Plan will be only 5 units whereas in the whole of India it is about 15 units ; our will be 1/10th. Now, therefore, to expect that all the villages in the rual areas will be electrified seems to be incorrect. I do not mean that rural electrification the type of electrification that will be in Roha ;

rural electrification means grid electrification. In Mysore electricity has been provided even for agriculture. We shall have these grids even for agriculture.

Now, Sir I again come to this part-time question I humbly submit that this question of part-time Chairmanship should be completely forgotten at this time. The type of electricity which we are going to develop can never be developed by a part time Chairman. Now the question is whether we should have an administrative Chairman or a Chairman of technical calibre. I do not know. My friend seems to think after H. G. Well that there may come a time when administration will pass on to the hands of engineers. I hold a different view. Even in the United Kingdom, I may inform my Hon'ble Friend so far as administration is concerned, even in industrial undertakings the percentages people managing the industries are more administrative than technical. Therefore it is a question of balance whether a technician is a better manager or an administrator is a better manager. Looking into the requirements of the present time, a great deal of work which the Board is undertaking are rather administrative than technical and for this reason, we thought that an administrative manager would be more suitable for dealing matters with the State Government or the Central Government and the various Commissions. We thought that for this type of work a technical person would be a fish out of water. I may tell you, Sir, that we have succeeded in getting a 8,000 K. W. Scheme because we had an administrative Chairman and I, therefore, Sir, believe that our decision in this matter is correct.

Mr. SPEAKER : How long will you take, Mr. Tripathi ?

***Shri KAMAKSHYA PRASAD TRIPATHI (Minister, Electricity) :** I am replying and shall not take much time.

Mr. SPEAKER : I have received a request from the hon. Member Shri Devendra Nath Hazerika that since we cannot finish all Govt. Business today we should sit late, say for one hour more. But I think the hon. members are all exhausted today.

Shri GAURISANKAR BHATTCHARYYA (Gauhati) : That is impossible, Sir.

Mr. SPEAKER : Yes, that is why I want to suggest that we may extend the House tomorrow by one hour (Voices from both the Treasury Benches as well as Opposition Benches — Tomorrow is a Private Member's Day, Sir) Yes, I am thinking of that, but we can sit after 4. That is my suggestion (Voices) — That may be done). All right, I shall be guided by the sense of the House tomorrow so now I adjourn the House till 10 A. M. tomorrow Saturday the 9th April 1960.

Adjournment

The Assembly was then adjourned till 10. A. M. on Saturday, the 9th April, 1960.

R. N. BARUA,
Secretary,

Legislative Assembly Assam.

