

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 10 A. M. on
Monday, the 4th April, 1960.

P R E S E N T

Shri Mohendra Mohan Choudhury, B. L. Speaker in the Chair, Six
Ministers, four Deputy Ministers and fifty four Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Conversion of the North Trunk Road into a National Highway

Shri GHANASHYAM TALUKDAR (Sorbhog) asked :

*96. Will the Minister-in-charge of the Public Works Department
(Roads and Buildings) be pleased to state—

- (a) Whether the North Trunk Road will be converted into a
National Highway ?
- (b) If so, when ?
- (c) How many rivers are to be bridged more over that road ?
- (d) What are their names ?
- (e) What will be the total amount required for completing the
National Highway ?

Shri GIRINDRA NATH GOGOI [Deputy Minister, Public
Works Department (Roads and Buildings)] replied :

96. (a)—Conversion of any road into a National Highway is the policy
of the Government of India and no action can be taken without their
approval.

(b)—Does not arise.

(c)—There are seven rivers more to be bridged.

(d)—Jiabhorali, Aie, Beki, Manas, Bhalukadoba, Hell and
Saralbhangha. Estimate for construction of a bridge over Jiabhorali river
has been sanctioned and work is being taken up and construction of
bridges over Aie, Beki, Manas, Bhalukadoba, Hell and Saralbhangha is not
included in any scheme.

(e)—Does not arise

†Shri GHANASHYAM TALUKDAR (Sorbhog) :

When these unbridged rivers are expected to be bridged ?

Mr. SPEAKER : The answer is clear : most of these rivers are not included in any scheme.

†Shri BHUBAN CHANDRA PRODHANI (Golakganj) :

চম্পামতী নদীৰ ওপৰতো দলং নাই। এই নদী খনৰ ওপৰত দলং
দিয়াৰ কাম কিয় ধৰা হোৱা নাই ?

Mr. SPEAKER : চম্পামতী নদীৰ ওপৰত দলং আছে বোধ্য হয়।

†Shri BHUBAN CHANDRA PRODHANI. নাই চাব।

†Shri GAURISANKAR BHATTACHARYYA (Gauhati) : With regard to the answer to (a) it has been said that it is the policy of the Govt. of India to decide as to what road would be made a National Highway and what not : my question is, whether the Govt. of Assam has made any representation to the Govt. of India to convert the Assam North Trunk Road into a National Highway ?

†Shri BIMALA PRASAD CHALIHA (Chief Minister) : Yes Sir, many representations were made to the Govt. of India but the Govt. of India so far have not decided to convert the whole of the North Trunk Road a National Highway but we expect that in the 3rd Plan at least a portion of it would be converted into a National Highway.

†Shri GAURISANKAR BHATTACHARYYA : What portion ?

†Shri BIMALA PRASAD CHALIHA : It is not possible Sir, to know that.

†Shri GAURISANKAR BHATTACHARYYA : Sir, with regard to answer to (d) it has been said that out of six or seven rivers, estimate for construction of a bridge over Jhabhorali river only has been sanctioned and for the rest there are no schemes what so ever for bridging them, my question is, whether Govt. is aware that for proper development of Assam falling on the North Bank of the Brahmaputra construction of bridges on all the rivers is an imperative necessity ?

†Shri BIMALA PRASAD CHALIHA : Yes Sir, we are fully alive to that and we are making every effort to that end.

†Shri HIRALAL PATWARY (Panery) What is the total length of the North Trunk Road ?

†Shri GIRINDRA NATH GOGOI : (Dy. Minister P.W.D.) I have not the figure with me now, Sir.

†Shri HIRALAL PATWARY (Panery) : Are the Govt. prepared to name the road running from Cooch Behar to North Lakhimpur as Gohai Kamala Ali ?

†Shri BIMALA PRASAD CHALIHA : (Chief Minister) Our plan is first to bring the roads to a proper standard and then we shall think about the names to be given to them.

Number of cases against Vehicle at Gauhati

Shri GAURISANKAR BHATTACHARYYA (Gauhati) asked :

*97. Will the Chief Minister be pleased to state how many cases of (1) Private cars plying as taxis, and (2) overloading in City Buses or State-carriages or Contract carriages were reported in 1959 by the Police Outpost Bharalumukh standing almost at the Western gateway of Gauhati on the Assam Trunk Road ?

Shri BIMALA PRASAD CHALIHA (Chief minister) replied :

97.—(1) 393 cases of private cars plying as taxis.

(2) 888 cases of overloading by Taxis/City Buses/State carriages/Contract-carriages.

†Shri GAURISANKAR BHATTACHARYYA (Gauhati) : Sir, out of these 393 cases of private cars plying as taxis and out of the 888 cases of overloading by taxis, city buses, stage carriages and contract carriages, how many were brought to the Court of law ?

†Shri BIMALA PRASAD CHALIHA (Chief Minister) The exact information is not readily handy with me Sir, but I believe all these cases were taken to the Court of law.

†Shri GAURISANKAR BHATTACHARYYA : If all these cases were taken to the Court of law, how many of them ended in conviction and how many ended in acquittal ?

†Shri BIMALA PRASAD CHALIHA : To give that information I will require some time Sir.

Proposal of the Inspector General of Police for delegation of the powers of District Transport Officers

Shri GAURISANKAR BHATTACHARYYA (Gauhati) asked :

*98. Will the Chief Minister be pleased to state—

- (a) Whether it is fact that Government is actively considering a proposal of the Inspector General of Police for delegation of powers of the District Transport Officers on the District and Sub-divisional Chiefs ?

- (b) If the answers to (a) above be in the affirmative to whom those Chiefs will be responsible in so far as these delegated powers are concerned ?
- (c) Whether the record of performance of their duties by police personnel in respect of Motor Traffic control is on the up-grade?
- (d) Whether it is a fact that crime position in Assam became worse in 1959 in comparison with 1958 ?

Shri BIMBALA PRASAD CHALIHA (Chief Minister) replied :

98 (a)—Yes. The proposal for giving the Superintendents of Police of different districts such concurrent powers with the District Transport Officers as

(1) Registration Officer,

(2) Licensing Officer and

(3) Secretary, Regional Transport Authority is under consideration of the Government in the Transport Department. No such proposal for delegation of powers to Sub-divisional Police Officer was submitted.

(b)—The proposal is still under consideration.

(c)—For better control of Motor traffic by Police, batches of selected officers have been trained in Calcutta and they are imparting training to the Traffic Police in the different districts. There has been much improvement in the work of the Traffic Police in Assam since. As traffic control is a specialised job, an informal separation of Town and Traffic Police has been made as an experimental measure in most of the towns in Assam and the results seem promising.

(d)—The crime position in Assam improved considerably during 1959 in respect of organised and heinous crimes though there has been increase under theft and other sections of the I. P. C. as well as cognisable crimes under other Acts. There has been increase of Motor Vehicles Act cases in 1959. The crime figures are placed on the Library Table.

(Please see Library Register No. S. 150.)

†**GAURISANKAR BHATTACHARYYA (Gauhati) :**

With regard to answer to (a) of 98, while considering the proposal of the Inspector General of Police has Govt. also considered the possibility or desirability of bestowing powers of motor traffic control to the District Transport Officers, that in, powers that they do not have at present?

Shri BIMALA PRASAD CHALIHA : Perhaps the hon. members know that a Committee was appointed by the Government of India—the Masani Committee. They have made certain recommendations with regard to traffic control and also traffic improvement. These proposals are before Government and the proposal mentioned in the reply is also before the Government. We have not been able to take a final decision in this matter because, on the one hand the trend of Masani Committee's recommendations is that transport should be as free as possible from the control of the Police Department and, on the other hand, from our experience we have found that if traffic is to be effectively controlled, this cannot be done unless Police is given some powers. That has been our experience. But I think when taking a final decision in the matter the hon. member's suggestion will be considered.

†**Shri GAURISANKAR BHATTACHAYYA :** (Gauhati) As it appears from the Government's reply that there is a common factor between the recommendations of the Masani Committee on this point and the suggestion of the Inspector General of Police that there is much room for improvement in the Transport Department. While the Masani Committee recommends that the transport authorities, particularly the D. T. Os., should be given certain powers of motor traffic control which they do not at present have, the proposal of the I. G. P. is that the powers of the D. T. Os. should be bestowed on the District Police. Now, may I get this assurance from Government that they will not take any decision which will go against the recommendations of the Masani Committee?

†**Shri BIMALA PRASAD CHALIHA (Chief Minister) :** That I cannot say. At the same time I also cannot accept the hon. member's contention that the D. T. Os. at present have no control over traffic.

†**Shri GAURI SANKAR BHATTACHARYYA :** So far as the control of motor traffic is concerned, this is now not the function of the D. T. Os. The Masani Committee recommends that the function should be given to the transport authorities. That would make the Transport Department more effective and traffic control safer and more effective. Now, I want to know whether Government, while considering all these proposals, will see that the recommendations of that All-India Committee, which was appointed by the Government of India, will be given proper weight and respect and that this Government will not take any steps which will go against the recommendations of the Masani Committee?

†**Shri BIMALA PRASAD CHALIHA :** It is difficult for me to give a categorical assurance like that. One of the most important recommendations of the Masani Committee is to develop the Transport Department fully, increase the staff in the districts as well as in the headquarters. That is a very important recommendation. At this

stage all the assurance I can give to the hon. member is that we shall see that there is proper traffic control. We also do not want unnecessary and undue interference by the Police. In order to achieve that object we will take into consideration all the recommendations and come to a suitable decision.

†Shri GAURI SANKAR BHATTACHARYYA (Gauhati) : In reply to (d), it has been stated that there has been an increase in the Motor Vehicles Act cases in 1959. May I know from the Chief Minister what was the number of cases in 1958 under the Motor Vehicles Act and the corresponding number of cases in 1959, so as to assess the difference?

†Shri BIMALA PRASAD CHALIHA (Chief Minister) : These are the figures for Motor Vehicles Act cases detected by Police during 1958 and 1959 :—

1958 10,003

1959 12,745.

These figures do not include those for Mizo Hills, which were not available at that time. In the Mizo Hills the number of such cases was very small.

†GAURI SANKAR BHATTACHARYYA : Out of 12,745 cases which were detected by Police in 1959, how many ended in conviction and how many in acquittal?

†Shri BIMALA PRASAD CHALIHA : That information I may supply later on if desired.

Constitution of Tribal Belts and Blocks in different district of Assam since 1947 up-to-date

Shri BIRENDRA KUMAR DAS [Patacharkuchi (Reserved for Schedule Tribes)] asked :

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

(a) How many Tribal belts and blocks were constituted in different districts of Assam since 1947 up to-date?

(b) What are their names and areas with boundaries and date of enforcement of each of the Tribal Belt and Block?

- (c) Whether a tribal belt and block once constituted to safeguard the interest of the tribals can be divided for the interest of the non-tribals by evicting the tribals ?

Shri HARESWER DAS (Minister, Revenue) replied :

99. (a)—10 (ten) Tribal Belts and 23 (twenty-three) Tribal Blocks have been constituted in the different districts.

(b)—A statement containing the information is placed on the Library Table. (Please see Library Register No. S. 151)

(c)—The question is not quite intelligible. Is the Hon'ble Questioner means exclusion of some part from a duly constituted Tribal Belt or Block the answer is in the affirmative. But such exclusion is not generally done unless the land is required for a very urgent and important purpose.

†Shri DEVENDRA NATH HARARIKA (Saikhowa) :

What are criteria of the formation of the tribal and what are the tribal blocks ?

†Shri HARESWAR DAS

Tribal belts are reserves for future expansion of the tribal people and block are constituted when more than 50 % of the residence in certain areas are tribal. That is the general principle of constituting tribal blocks.

†Shri GAURISANKAR ROY (Katlicherra) What are the tribal belts which are under proposal in each district ?

†Shri HARESWAR DAS At present we have no such proposal.

†Shri GAURISANKER BHATTACHARYYA (Gaubati)

The point is that from the statement placed by the Govt. on the library Table it appears that this belt, i. e. belt No 1, in North Lakhimpur was created on the 28th April, 1948 under chapter 10 of the Assam Land Revenue Regulation. I think to that extent it is clear. Now after about 9 years of this, the Govt. to my opinion through the Secretary, Revenue, ordered on the basis of a public representation dated 21st May, 1957, that non-tribal land speculators - I can state the names who these were because I have got papers who had subsequent to the formation of this tribal belt encroached into the area should be evicted. Now, however, the fact was that instead of evicting the land speculator-encroachers, the Govt. allowed them to have the block within the tribal belt itself thereby creating an island which went on expanding at the cost of different section of the tribal people including the Mikirs,

†Shri HARESWAR DAS (Minister, Revenue) :

I cannot say what has actually happened. I can make an enquiry into the matter.

†Shri HIRALAL PATWARI (Panery)

Sir, regarding Kaliabar belt is it a fact that in spite of several representations, petitions and resolutions being made and even deputations sent to the Revenue Minister, nothing has been done in that area? And is it also a fact that Govt. has allowed some persons in the tribal belt and S.D.O. and police officers are helping them in Barchala Mouza?

†Shri HARESWAR DAS : Actually what is the question?

†Shri HIRALAL PATWARI : Are the Govt. aware that a Magistrate was deputed to enquire about this and the Magistrate was in Mangaldoi subdivision sometime in October? Whether any report has been submitted to Govt., and if so, what are the findings?

†Shri HARESWAR DAS In which belt?

†Shri HIRALAL PATWARI In Koloigaon.

Shri HARESWAR DAS : I could not exactly follow In that block there are encroachers and the Magistrate went there and made enquiry, but whether any report has been submitted, I am not in a position to say now, and for that I want notice.

Maulavi NURUL ISLAM (Dhing) :

May I know Sir, what would be the fate of the non tribals living there in the belts since long long time even before 1947 and paying revenue regularly?

†Shri HARESWAR DAS :

There is some difficulty. I know what the Hon'ble questioner means. In some blocks particularly in Nowgong there are some Muslim encroachers. They purchased the land from the original tribal pattadars. All these pattas for transfer of annual patta have been cancelled and these people are therefor 15 to 20 years from before the constitution of the blocks.

Now they have no title over the land. They are simply occupying. So when the block was formed, according to the general provisions of law they are to be evicted. That is the position. But that will create great hardships on them that is also correct. But as they have no title over the land, according to the provisions of law they are to be evicted.

Shri RAMNATH SARMA (Lumding)

Whether Govt. are aware that there are some blocks where 60% of the pattadars belong to non-tribal; still these were made tribal belts?

Shri HARESWAR DAS (Minister, Revenue) :

This will be enquired into.

Maulavi NURUL ISLAM : (Dhing) :

May I know whether any tribal belt can be made there?

Shri HARESWAR DAS :

Yes, the Hon-ble Questioner told me about this that there are some villages in this blocks where there is not single tribal or 3/4 are non-tribals. But the calculation is done on the entire block and not village by village.

Shri HIRALAL PATWARY (Panery) :

Are the Govt. aware that the tribals are law abiding people and they do not like to encroach the land within the tribal belt and that some non-tribals are encroaching land and heavy encroachment has been made in the Darrang district?

Shri HARESWAR DAS :

Encroachment is there every-where in Assam. It is not a peculiar feature of Darrang district.

Shri HIRALAL PATWARY :

Whether the Govt. will defend these tribal people according to Section 46 of the Constitution?

Shri HARESWAR DAS :

That is the policy of the Government. We are evicting the encroachers.

Shri HIRALAL PATWARY (Panery) :

When these people can expect help from the Govt. the definite time within which the tribal people can get the help?

Shri HARESWAR DAS (Minister, Revenue) :

The eviction of encroachers is being done. In some places there may be some delay, but in some places it has already been done and in some places it is being done.

Shri RAM NATH SARMA (Lumding) : মন্ত্রী মহোদয়ে কৈছে যে সম্পূর্ণ ব্লক হিচাপেহে জনসংখ্যা গণনা কৰা হয়। যদি ৪ খন গাঁৱৰ ভিতৰত এখন বা ততোধিক গাঁৱত অনা ট্ৰাইবেল বা শতকৰা ১৫ জনহে ট্ৰাইবেল মানুহ হয়, তেন্তে সেই গাঁওবোৰ টানি নি ব্লকত ভৰোৱা যুক্তি সঙ্গত হবনে?

Shri HARESWAR DAS : সেইটো ঠিক নহয়। কৰবাত যদি তেনেকুৱা হৈছে তেনেহলে জানিবলৈ দিলে অনুমোদন কৰা হব। শতকৰা ৬০ জন অনা ট্ৰাইবেল হলে ট্ৰাইবেল ব্লকত ভৰোৱা নহয়।

Shri BAIKUNTHA NATH DAS : (Rangiya Reserved for Scheduled Tribes) যেতিয়া চৰকাৰে জানে যে Heavy encroachment হৈছে তাৰ ব্যৱস্থা কি লৈছে?

Mr. SPEAKER : লৈছে বুলি কৈ গৈছে।

Shri RAM NATH SARMA : গুৱাহাটীৰ উলুবাৰীলৈকে ট্ৰাইবেল ব্লক কৰা হৈছেনেকি?

Shri HARESWAR DAS : হয়।

**Provisional application for Assam Civil Service by
B.A. Candidates**

Shri KHOGENRA NATH BARBARUAH (Amguri) asked :

*100 Will the Chief Minister be pleased to state—

(a) Why the B.A. Candidates are debarred from applying provisionally for Assam Civil Service Examination this year?

(b) The last Final date of submitting applications by candidates for that Examination this year?

(c) The Final date fixed for that examination this year?

(d) Whether provisions for submitting applications by B.A. candidates on previous occasions, were there?

- (e) If so, why the same provision is not there this year ?
- (f) Whether Government will be pleased to withdraw the limitations ?
- (g) Whether it is a fact that this examination at future will be held on zonal basis ?
- (h) If so, which are the States that will form a zone with Assam State ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

100. (a)—The Assam Public Service Commission is the authority to accept or reject any application for admission to the Assam Civil Service, etc. Examination and those candidates who are not qualified in all respects are automatically debarred from applying. This year the advertisement was issued on 28th December 1959 fixing 15th March 1960 (since extended to 31st March 1960) as the last date for receipt of applications. Thus the last date will expire before the Degree Examination is held by the Gauhati University. Evidently there is no scope to accept provisional applications.

(b)—31st March 1960.

(c)—The date has not yet been finally fixed by the Assam Public Service Commission.

(d)—On the previous occasion, *i.e.*, during the 1957 Examination the advertisement was issued on 30th May 1957 fixing 31st July 1957 as the last date for receipt of applications. B. A., B. Sc., and B. Com. Examinations of the Gauhati University are held in April—May and results are out usually in July—August. In view of this and on representation some candidates who had appeared in the above examination were allowed by the Public Service Commission to apply on condition that they would have to furnish certificates to show that they had passed the degree examination before the selection of candidates for admission to the Competitive Examination was made and that otherwise their candidature would be summarily rejected.

(e)—It has already been stated under (a) above that the circumstances are quite different this time owing to the time factor involved.

(f)—The question does not arise in view of the circumstances explained in (a), (d) and (e) above.

(g)—There no such proposal.

(h)—Does not arise.

†Shri KHOGENDRA NATH BARBARUAH (Amguri)

When the final date for the A.C.S. Examination has not been fixed, why the last date for submitting applications was not extended ?

†Shri BIMALA PRASAD CHALIHA (Chief Minister)

The date of examination will be fixed in due course, but there must be some fixed date by which applications should reach the Public Service Commission.

†Shri KHOGENDRA NATH BARBARUAH : If Govt.

wait for the result of the Degree Examination it will be only a month.

†Shri BIMALA PRASAD CHALIHA : It may be

earlier also, I cannot say. That is a matter for the Public Service Commission.

Persons nominated by the Government to the Dibrugarh Municipal Board

Shri GAURISANKAR BHATTACHARYYA (Gauhati) asked :

*101. Will the Minister-in-charge of Local Self-Government be pleased to state—

(a) Whether there is any member belonging to the Scheduled Castes in the Dibrugarh Municipal Board ?

(b) Whether one of the two persons nominated by the Government to the said Municipal Board is non-resident in the Municipal area and the other is an M. L. A. ?

Shri GIRINDRA NATH GOGOI (Deputy Minister, Local Self-Government) replied :

101. (a)—No.

(b)—Both are residents of the Dibrugarh Municipality. One of them is an M. L. A.

**Eviction of Tea Planter from Sarkari and waste land in
Moderkhat Mauza**

Shri DEVENDRA NATA HAZARIKA (Saikhowa) asked :

*102. Will the Minister in-charge of Revenue be pleased to refer to the answer given to Unstarred Questions Nos. 1,033 and 1,034 asked by Questioner in the Assembly on the 2nd May, 1958 on the subject of Moderkhat Tea Company and state—

- (a) Whether it is a fact that the Tea Planter (*i.e.*, Proprietor of Moderkhat Tea Company) has not yet been evicted from the Sarkari and waste land in Moderkhat Mauza ?
- (b) What is the reason for the delay in evicting the unlawful occupant of these Grazing Reserves from Annual Patta land and other sarkari land ?
- (c) When the operation of eviction orders may be expected ?

Shri HARESWAR DAS (Minister, Revenue) replied :

102. (a)—Yes, The proprietor has applied for exchange of the encroached sarkari waste land with an equivalent area of his patta land for opening a regular path for the convenience of the public. The desirability or otherwise of the proposed exchange in public interest is under examination.

(b)—The proprietor has already removed his occupation from the Village Grazing Reserve and other reserved lands. Eviction from patta land does not arise. The eviction proceedings for ejectment of the encroacher from sarkari land have been stayed on the grounds mentioned at (a) above.

(c)—The question of eviction from the sarkari land will be decided as soon as decision is taken on the exchange proposal now under examination.

†**Shri GAURISANKAR BHATTACHARYYA : (Gauhati)**

Will the Minister be pleased to state what is the total area of holding that the Proprietor of Moderkhat Tea Company has been allowed to hold ?

†**Shri HARESWAR DAS :** The total area I cannot say off hand, but the area encroached is 6 bighas only.

†**Shri GAURISANKAR BHATTACHARYYA :** What is the reason that this particular Proprietor has been shown special favour by allowing him to continue encroachment of Government land ?

†Shri HARESWAR DAS (Minister, Revenue) : That position is not correct. Government does not show any favour to him. In fact tea has been grown in that area and he has given a proposal that he will give an equal area in exchange for the area which is already under tea cultivation and that area is more beneficial to the public.

†Shri GAURISANKAR BHATTACHARYYA (Gauhati) :

In view of the fact that the proprietor of the tea company is a dangerous law breaker as far as encroachment is concerned and according to the statement of the Minister the proprietor has already removed his occupation from the Village Grazing Reserve and other reserved lands. Why Government do not take a firm attitude to see that the law takes its own course as is done in the case of poor peasants and why then Government should be pleased with the exchange of land and why Government should not evict him from the land he has encroached ?

†Shri HARESWAR DAS : I cannot agree that he is a dangerous law breaker. The area that he has encroached upon is a non-cadastral area and that area is only 6 bighas. The proposal of the proprietor to exchange the land is more beneficial to the public. There is no harm in accept in that proposal although the proposal is still under examination.

†Shri GAURISANKAR BHATTACHARYYA : Let us take for granted that he is not a dangerous law breaker but what is the reason of the special treatment taken by the department for this Proprietor ? Are the rules of eviction meant only for the poor peasants and this particular encroacher is allowed to stick on the land ?

†Shri HARESWAR DAS : It is for the interest of public and the area that he has proposed for exchange is more beneficial to the people, so that proposal has to be taken into consideration.

†Shri DEVENDRA NATH HAZARIKA : (Saikhowa)

The Minister has replied that eviction proceedings for ejectment of the encroacher from sarkari land have been stayed on the ground that proprietor has applied for exchange of the encroached sarkari waste land, then why the Revenue staff do not prevent him from growing tea in that area till the other things are finished ?

†Shri HARESWAR DAS :

Because the boundary was not fixed.

Regarding Juvenile smokers in different part of the State

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked :

*103. Will the Chief Minister be pleased to state—

- (a) The number of cases instituted in Assam according to the Juvenile Smoking Prohibition Act, 1923 during the last 10 (ten) years ?
- (b) The number of convictions in these cases during the 10 (ten) years (to be shown Sub-division-wise) ?
- (c) Whether Government have any information about increased number of Juvenile smokers in different parts of the State ?

†Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

103 (a)—999 cases.

(b)—911 cases ended in conviction.

Nowgong	..	...	...	...	42
Garó Hills	...	...	...	...	1
Silchar Subdivision	...	...	...	...	1
Tezpur Subdivision	...	...	...	...	790
Mangaldai Subdivision	...	...	...	...	38
Gauhati Subdivision	...	...	...	...	35
Barpeta Subdivision	...	...	...	...	4
					911

(c)—No.

†Shri DEVENDRA NATH HAZARIKA : Whether the Chief Minister can give the figure of Dibrugarh ?

†Shri BIMALA PRASAD CHALIHA : There is not a single case from Dibrugarh. The cases which ended in conviction in the different districts and subdivision are—Nowgong-42, Garó Hills-1, Silchar Subdivision-1, Tezpur Subdivision-790, Mangaldai Subdivision-38, Gauhati Subdivision 35, and Barpeta Subdivision-4, total 911 cases.

†U JOR MANIK SIEM. NONGPOH (Reserved for Scheduled Tribes) : May I know if any case is sent up from United Khasi and Jaintia Hills District ?

†Shri BIMALA PRASAD CHALIHA : (Chief Minister) There is no conviction in the United Khasi and Jaintia Hills District.

†U JOR MANIK SIEM May I know who is enforcing the law?

Mr. SPEAKER : Government is enforcing the law.

†Shri DEVENDRA NATH HAZARIKA : (Saikhowa) What is the reason that there is not a single case from Dibrugarh while on the other hand we find minor children used to smoke cigarettes and biris specially during the Pujas, Bihu, etc. ?

†Shri BIMALA PRASAD CHALIHA : I believe the public do not take interest to stop smoking by the minor children.

†Shri GAURISANKAR BHATTACHARYYA : The Chief Minister has given the total number of cases of the last 10 years as 999. What is the number of cases that has been instituted during the last year, that is, 1959 ?

†Shri BIMALA PRASAD CHALIHA : That statement is not with me just now.

†Shri GAURISANKAR BHATTACHARYYA : Can Govt. supply the number of convictions which ended last year under his Act ?

†Shri BIMALA PRASAD CHALIHA : I have only the consolidated figure. For last year's figures I have to find out.

Regarding proposals recommended by the Sibsagar Flood Relief Committee.

Shri DURGESWAR SAIKIA (Thowra) asked :

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

(a) Whether it is a fact that the Sibsagar Flood Relief Committee recommended some proposals to Government for relief of the people affected by floods in 1959 ?

(b) If so, what are the proposals ?

(c) Whether the said proposals were finalised and if not, why ?

(d) Whether Government will be pleased to arrange to sanction the proposals within March 1960 so that works can be completed early ?

Shri HARESWAR DAS (Minister, Revenue) replied :

104. (a) & (b)—Yes, some resolutions adopted in the meetings of the Sibsagar Flood Relief Committee held on 20th May 1959 and 14th July 1959 were received. The gist of the resolutions are as follows—

(1) Sanction of Rs. 15,000 in the form of rice to the deserving flood-affected people as gratuitous relief.

(2) Opening of sufficient number of Fair Price Shops in the flood-affected areas.

(3) Taking up of incomplete work of the sluice gate on the Desang Bund and requesting the Executive Engineer, Embankment and Drainage for this purpose.

(4) Requesting the Range Officer, Sibsagar, for making necessary arrangement for keeping some country boats in reserve for emergent cases for flood relief work as the only relief boat at Desangmukh had the capacity of carrying 10 to 12 persons only.

(5) Sanction of a sum of Rs. 10,000 as seed loan.

(6) Sanction of Rs. 2,000 as rehabilitation loan.

(7) Sanction of Rs. 1,00,00 as cattle loan.

(8) Sanction of Rs. 300 for hiring a boat for three months for the Miris of Dikhowmukh.

- (9) Sanction of Rs. 5,000 as grant to the students of the flood-affected areas for purchasing books and for paying fees specially in the cases of Tribal students.

(c)—On the basis of the resolutions, the Subdivisional Officer, Sibsagar submitted proposal and the following amounts were sanctioned by Revenue Department for Sibsagar Subdivision as a whole—

- (1) Gratuitous Relief—Rs. 18,000·00.
- (2) Fair Price shops open by the Supply Department—103 Nos.
- (3) Test Relief—Rs. 30,000·00.
- (4) For hiring of boat—Rs. 300·00.
- (5) Seed loan—Rs. 30,000·00.
- (6) Seed loan for growing Rabi crops—Rs. 25,000·00.

As regards rehabilitation loan, the Subdivisional Officer was asked to issue necessary loan out of Rs. 5,000 placed at his disposal at the beginning of the year.

In addition to the above loan and grants issued from Revenue side, the following grants and loans have also been sanctioned by Government.

- (1) Test relief grant of Rs. 10,000·00 sanctioned from Chief Minister's Relief Fund.
- (2) Loan for growing Boro paddy—Rs. 80,000·00.
 Loan for growing Ahu paddy—Rs. 1,10,000·00
 Loan for growing Potato and other vegetables—Rs. 19,000·00.

The above loans have been sanctioned by Agriculture Department.

A sum of Rs. 3,00,000·00 was also sanctioned by Agriculture Department as medium term Cattle loan for Sibsagar district as a whole.

(d)—In view of reply against (c) above, the question does not arise.

Encroachment in the Tribal belts and blocks

Shri BIRENDRA KUMAR DAS [Patacharkuchi (Reserved for Scheduled Tribes)] asked ;

*105. Will the Minister-in charge of Revenue be pleased to state—
 (a) Whether he is aware or has received information to the effect that encroachment within the tribal belts and blocks are going on ?

(b) If so, what are the names of these tribal belts and blocks ?

(c) Who are the encroachers in those belts and blocks (whether tribal or non-tribals) ?

(d) Whether it is a fact that tribals are treated as encroachers in certain tribal belts and blocks ?

Shri HARESWAR DAS (Minister, Revenue) replied :

105. (a)—Yes, there has been some encroachment in the Tribal belts and blocks.

(b)—1. Amguri Chang-Phulaguri Chang Tribal Block.

2. Bardolong-Lankabheta Tribal Block.

3. Baranganipathar Tribal Block.

In Nowgong district.

4. Titap Tribal Belt.

5. North Lakhimpur (Riverine) Tribal Block.

In Lakhimpur district.

6. Chapaguri Tribal Belt

7. Kharija Bijni Tribal Block

8. Gobardhana Tribal Block

9. South Kamrup (Gauhati) Tribal Belt

In Kamrup district.

10. Tamulpur Tribal Belt

11. Baksa Tribal Belt

12. Sidli Tribal Belt

13. Bijni Tribal Block

14. Kalaigaon Tribal Belt

In Goalpara district.

15. Tetelibhanguri Tribal Block

16. Kacharipara Tribal Block

17. Dalgaon Tribal Block

In Darran district.

—(c) There are both Tribal and non-Tribal encroachers in almost all these Belts and Blocks, except Amguri Chang-Phulaguri Chang, Baranganipathar Tribal Blocks and Tirap Tribal Belt, where all the encroachers are non-Tribals.

(d) When Tribal people occupy reserved and sarkari lands inside Tribal Belts or Blocks without authority, they are also treated as encroachers.

Shri LILA KANTA BORA (Kaliabor) : Is it not a fact that the Mikirs living in the Plains are considered as backward people, and if so, why Amguri Chang-Phulaguri Chang which are inhabited by the Mikirs are considered as Tribal belt?

Shri HARESWAR DAS (Minister, Revenue) : According to the present policy so far as land is concerned, these tribal people from hills are equally entitled to get land in the plains.

Shri RAM NATH SARMA (Lumding) : ভাত যিবোৰ মাহুতে পটন পালে তেওঁলোক encroachers হয়নে নহয় ?

Shri HARESWAR DAS : পটন পালে encroacher কেনেকৈ হব।

Shri BAIKUNTHA NATH DAS : [Rangiya (Reserved for Schedule Tribes) : যদি উলুবাৰা ট্ৰাইবেল ব্লকৰ ভিতৰত হয় যিবিলাক মাটি ট্ৰাইবেলৰ পৰা নিৰ্গত পতি মকলে কিনিছে তাৰ ব্যৱস্থা কি কৰা হব ?

Shri HARESWAR DAS : সেইটো আইনৰ কথা আৰু উকীল মকলেহে জানে। সেই বোৰ ম্যাদী পট্টা।

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : The Minister replied that the Tirap Tribal Belt has been encroached upon by non-tribal people. Whether the Govt. is taking action to evict the non-tribal people from the Tirap Tribal Belt?

Shri HARESWAR DAS : I have already replied to that.

Regarding Plot of Land allotted to Mazbat Hindi Bidya Mandir by Land Advisory Board, Mangaldai.

Shri HIRALAL PATWARI (Panery) asked :

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

(a) Whether it is a fact that the Land Advisory Board, Mangaldai has allotted a plot of land to the Mazbat Hindi Bidya Mandir?

(b) Whether it is a fact that the land was dag No. 106 and dag No. 101 but wrongly stated as "102"?

(c) Whether Government are aware that the school authority has posted a pillar in the land on an auspicious day?

(d) Whether it is a fact that the land was allotted on the recommendation of the Land Settlement Advisory Board presided over by the Subdivisional Officer, Mangaldai?

(e) Whether it is a fact that the same Subdivisional Officer has recommended $2\frac{1}{2}$ kathas of land for the Sub-Inspector quarters to Deputy Commissioner?

(f) Whether it is a fact that the school authority has filed an appeal to Deputy Commissioner, Darrang who has given stay order?

(g) Whether it is a fact that the Deputy Commissioner has passed an order to allot the land again for the Sub-Inspector quarters on the basis of the recommendation by the Subdivisional Officer?

(h) Whether it is a fact that the school authority has filed an appeal to the Minister, Revenue, through the President, Anchalik Panchayat?

(i) Whether it is a fact that the Minister has considered the case of the school favourably and passed an order not to disturb the arrangement made with the school authority by the Land Settlement Advisory Board?

(j) Whether it is a fact that the order of the Minister has not been carried out by the Sub-Deputy Collector, Kaligaon?

Shri HARESWAR DAS (Minister, Revenue) replied:

106. (a) & (b)—The Land Settlement Advisory Committee in their meeting held on 4th May 1959 recommended allotment of 3 bighas, 2 kathas, 6 lessas of land under dag Nos. 102 and 146 Mazbat town to the Hindi Bidya Mahdir, Mazbat.

(c)—Government are not aware of any pillar being posted on the land but a wooden post with a post with a red flag fastened on it stands on the land.

(d)—The land was not allotted to anybody. The Land Settlement Advisory Committee of which Subdivisional Officer is the President, recommended allotment as mentioned at (a) above.

(e)—Subdivisional Officer recommended allotment of $2\frac{1}{2}$ kathas of land from dag No. 106 for construction of the Sub-Inspector's quarters.

(f) & (g)—The school authorities filed a petition against the proposal of the Subdivisional Officer before the Deputy Commissioner, Darrang who passed stay orders. Later the Deputy Commissioner rejected the petition and submitted a proposal to Government for allotment of 2 kathas, 10 lessas of land from dag No. 106 of Mazbat town for construction of Sub-Inspector's quarters and the rest 1 bigha, 19 lessas for the Hindi Bidya Mandir.

(h)—Yes.

(i)—Government called for a report from the Deputy Commissioner and also directed that pending disposal of the petition filed by the Secretary, Hindi Bidya Mandir, Mazbat the previous arrangement as alleged in the petition should not be disturbed.

(j)—It is not a fact. Sub-Deputy Collector, Kalaigaon has stayed further proceedings in the matter in pursuance of Government order till disposal of the appeal petition.

Shri HIRALAL PATWARI (Panery) : Sir, with reference to (g), may I know from the Minister whether it is a fact that the Education Department asked for other plot of land vide D. P. I. orders to D. I. and Assistant Inspector to Schools?

Shri HARESWAR DAS (Minister, Revenue) : No it is not a fact. The Education Department got this plot of land as allowed by the Deputy Commissioner.

Shri HIRALAL PATWARI : Will the Minister in-charge of Revenue make an enquiry whether the D. P. I. of Assam sent an order to D. I. as well as to the Assistant Inspector of Schools, Mangaldai?

Shri HARESWAR DAS : Sir, no useful purpose will be served by an enquiry, because the Education Department has already started construction of building.

Shri HIRALAL PATWARI : How the Education Department could construct the building without getting the land?

Shri HARESWAR DAS : The land was already allowed by the Deputy Commissioner.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

**Granting of remission to flood affected cultivators of Khowang,
Moran and Sepon Mauzas**

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked:

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

- (a) Whether there is a proposal to grant remission of Land Revenue to the cultivators of Khowang, Moran and Sepon Mauzas in Dibrugarh Subdivision who could not cultivate their land due to flood that caused as result of breaches of the embankment near Halodhibari?
- (b) If so, what is the amount that would be granted as remission and the period from which this remission is proposed to be granted?

Shri HARESWAR DAS (Minister, Revenue) replied :

247. (a)—Yes.

(b)—An amount of Rs. 2,288.64 nP. was remitted in respect of Khowang mauza during the year 1958-59. As regards the other two mauzas the proposals for remission are as follows :—

1. Moran—Rs. 6,360.04 nP. Land Revenue, Rs. 215.49 nP. T. B. Revenue for the year 1958-59.

2. Sepon—Rs. 4,954.54 nP. Land Revenue, Rs. 47.59 nP. T. B. Revenue for the year 1958-59.

These proposals are now under consideration of Government.

Shri DEVENDRA NATH HAZARIKA :

How long will it take to come to a final decision in respect of Moran and Sepon Mauzas for granting remission of land revenue to the flood affected people?

Shri HARESWAR DAS : It will not take long time. The matter has already been referred to Finance Department for approval and when the sanction is received from the Finance Department, it will be communicated in due course.

Revenue earned by and strength of the staff in the Transport Department in 1958 and 1959

Shri PRABHAT NARAYAN CHOUDHURY (Nalbari-East) asked :

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

(a) What are the Revenue that was earned by the Transport Department in each district of the State during 1958-59 ?

(b) What is the strength of transport staff in each district as against the transport revenue ?

(c) Whether Government will be pleased to consider to employ transport staff in each district according to the volume of work ?

SHRI WILLIAMSON A. SANGMA (Transport Minister) replied :

248. (a) & (b)—The statement is laid on the Library Table.

(c)—Yes. This is usual procedure.

†**Maulavi JAHANUDDIN AHMED** (Bilasipara) : Sir, with reference to questions (a) and (b) the incomes of Goalpara and Nowgong have come down from Rs. 491,000 to 426,000 and 396,000 to 347,000. May I know from the Hon. Minister whether any enquiry has been made to ascertain the reason for going down such incomes.

†**Shri BIMALA PRASAD CHALIHA** (Chief Minister) : Sir, one of the reasons is perhaps due to increase of R.T.A. For instance there are separate R.T.A. for Garo Hills and Mikir Hills etc.

†**Maulavi JAHANUDDIN AHMED** : Sir, my question is about Goalpara and Nowgong only.

†**Shri BIMALA PRASAD CHALIHA** (Chief Minister) : Sir, the information is not handy. I shall enquire into it.

Overloading of buses plying between Barpeta and North Gauhati

Maulavi TAJUDDIN AHMED (Tarabar) asked :

249. Will the Minister, Transport be pleased to state—

The matter has already been referred to Finance Department for approval and when the sanction is received from the Finance Department it will be communicated to the concerned authorities.

Speech not corrected

- (a) Whether Government are aware that all the Buses plying between Barpeta and North Gauhati are running with overload almost double the capacity of buses ?
- (b) If the answer is in the negative, whether Government are aware that the information supplied by the low ranking officers are not true and correct ?
- (c) Whether there is demand for more permits to run buses over this area ?
- (d) How many tenders were filed this year for Bus permits in the routes between Barpeta and North Gauhati and Tarabari-North Gauhati and for how many seats ?
- (e) Whether Government will be pleased to give more Bus permits to these important main routes ?

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

249, (a)—Government have received no report to this effect.

(b)—Does not arise in view of reply to Question (a).

(c)—Government have received no such representation from the public.

(d)—During this year, no applications have so far been received. However the number of applications received during 1959 for permits is given Routewise below :—

Route	No. of applications	No. of permits
1. Barpeta—North Gauhati via Barama	33	10
2. Barpeta—North Gauhati via Sarthebari ..	186	12
3. Barpeta—North Gauhati via Hajo and Daulasal.	389	6
4. North Gauhati—Daulasal—Chenga—Tarbari ...	95	4

(e)—The Regional Transport Authority, Gauhati will consider the matter if there be any demand for more bus permits from the public.

Directions required for settlement operation

Shri GHANASHYAM TALUKDAR (Sorbhog) asked ;

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

- (a) What are the directions to be followed by the Settlement Officer for settlement operation ?

- (b) Whether it is a fact that they are not generally followed ?
- (c) Why demarcation lines of boundaries are given generally ?
- (d) Whether Assistant Settlement Officers have to go to supervise the settlement ?
- (e) If so, whether it was done in all cases ?
- (f) Whether it is a fact that there were complaints with Government about the mis-management of the present operation ?

Shri HARESWAR DAS (Revenue Minister) replied :

250. (a) —For conducting a resettlement operation the settlement Officer is to proceed according to the provision of the Assam Land Revenue Reassessment Act and rules framed thereunder and to follow the executive instructions laid down in the Resettlement Manual.

(b) - It is not fact ?

(c) —Demarcation of individual dags are done for the following purposes :

- (1) Complete new survey for traverse plot.
- (2) Complete new survey for blue prints.
- (3) New survey of a part of a village and map correction of a part of village.
- (4) Map correction.
- (5) Correction of boundaries according to present possession.
- (6) Any unoccupied land which has escaped unassessed.
- (7) Amalgamation of similar adjacent fields in the same ownership.
- (8) Undisputed partition of fields.

(d) —Yes.

(e) —Government have not received any complaint that the Assistant Settlement Officers are not supervising the settlement works.

(f) —No complaint of mis-management in settlement operation has been received Government received some representations in respect of Land disputes which were sent to the Settlement Officer, Kamrup for necessary action. These representations will be disposed of by the settlement Officer at the time of record attestation.

**Applications received by the Subdivisional Officer Mangaldai
for the allotment of town lands in the Mangaldai
New Town Land**

Shri DANDI RAM DUTTA (Mangaldai) asked :

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

- (a) Whether it is a fact that a huge numbers of applications were received by the Sub divisional Officer, Mangaldai since some years back for the allotment of town lands in Mangaldai New Town land ?
- (b) Whether it is a fact that the Mangaldai Land Settlement Advisory Board recommended some applications for settlement of land in the New Town land ?
- (c) Whether it is a fact that the whole file containing the above applications has been missing from the office ?
- (d) If so, who is, the officer from whose custody the same has been missing, and what action has been taken by the Government against that officer concerned ?

Shri HARESWAR DAS (Revenue Minister) replied :

251. (a)—Yes.

(b)—Yes, names of 67 persons were recommended by the Land Settlement Advisory Committee for settlement in new Town Mangaldai.

(c)—Yes.

(d)—Deputy Commissioner, Darrang has been making enquiry into the matter, but the responsibility for the loss of the papers has not yet been fixed.

Shri HIRALAL PATWARY (Panery) : The Minister has replied that D.C. Darrang has been making enquiry into the matter. May I know whether the Minister will take action on those responsible for the missing of the file and whether the Govt. also has considered that such missing causes great hardship to the people ?

Shri HARESWAR DAS : That is correct. We have already started an enquiry and ultimately it has come to the S.D.C. and two Dealing Assistants but still it is under enquiry by the D.C. He has not submitted the final report.

Extention of the present area of Rong-ghor compound, Sibsagar

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked :

252. Will the Minister, Revenue be pleased to state :—

(a) The present area of Rong-ghor compound (Sibsagar Subdivision).

(b) Whether Government will be pleased to extend the compound as far as to the Trunk road in the eastern side ?

Shri HARESWAR DAS (Revenue Minister) replied :

252. (a)—8 (eight bighas), 1 (one katha) and 2 (two lessas) at present.

(b)—Yes.

Settlement of land on the bank of Rorpatradole (Lakshisgar) tank, Sibsagar Subdivision

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked :

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

(a) Whether it is a fact that Government have issued pattas and allowed settlement on the bank of Rorpatradole (Lakshisgar) tank, Sibsagar Subdivision ?

(b) Whether it is a fact that the local people and the Dele Improvement Committee have made petitions to cancel pattas and to make the banks open for a foot-path round the tank ?

(c) If so, whether Government will be pleased to take up that at the earliest ?

Shri HARESWAR DAS (Revenue Minister) replied :

253. (a)—Yes, the land was settled on periodic lease.

(b)—Yes.

(c)—Land held on periodic pattas cannot be cancelled according to law and hence the question of cancellation of this land does not arise ?

Shri KHOGENDRA NATH BARBARUAH (Amguri) :
Sir, when the path on the banks around the tank is urgently felt by the public, will the Govt. acquire that portion from the pattas as might be necessary for the path ?

Shri HARESWAR DAS (Minister, Revenue) : There is no such proposal at present.

Requisition of waste lands of Tea Gardens

Md. MATLEBUDDIN (Dalgaon) asked :

254. Will the Revenue Minister be pleased to state—

- (a) Whether it is a fact that a considerable area of waste land in some of the Tea Gardens have been lying uncultivated since several decades ?
- (b) If so, whether Government propose to acquire these land for distribution to the landless cultivators ?
- (c) If the reply to (b) above is in the affirmative, whether Government has taken any such proposal at present ?
- (d) If the answer to (b) above is in the negative, whether Government will be pleased to take such proposal immediately for providing land to the flood and erosion affected and other landless people in the Subdivision ?
- (e) Whether it is a fact that the S. D. C., Mangaldai has been asked to survey the excess land of the Kopati Tea Garden, by the Land Settlement Board of Mangaldai ?
- (f) If so, whether the survey to that effect has been made ?
- (g) If the answer to (f) above is in the affirmative what is the report on the enquiry ?

Shri HARESWAR DAS (Revenue Minister) replied :

254. (a)—Yes, it is a fact.

(b)—Government have already requisitioned considerable areas for the purpose and will continue to do so wherever possible without causing detriment to tea industry.

(c)—Yes.

(d)—Does not arise.

(e)—Yes, on the recommendation of Land Settlement Advisory Committee, Mangaldai, the Subdivisional Officer asked the S. D. C., Mangaldai circle to survey the surplus land of Kopati T. E.

(f)—The survey has not yet been done.

(g)—Does not arise.

Functioning of Adhi Conciliation Boards of Barpeta Subdivision

Shri GHANASHYAM TALUKDAR (Sorbhog) asked :

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

(a) Whether Adhi Conciliation Boards have been constituted in all the circles of Barpeta Subdivision ?

(b) If so, whether all of them are functioning ?

(c) How many cases were pending on 1st January, 1960 in each of these Boards ?

Shri HARESWAR DAS (Minister, Revenue) replied :

255. (a)—Yes

(d)—The Adhi Conciliation Boards at Bajali Circle, Barpeta Circle and Baghbor Circle are functioning properly. But functioning of the Adhi Conciliation Board at Barnagar was hampered for want of a Sub-Deputy Collector there. Assistant Settlement Officer, Barnagar only did current duties of a Sub-Deputy Collector. Steps have already been taken to post a Sub-Deputy Collector there.

(e)—In all 24 cases remained pending on 1st January 1960 as shown below :—

(1) Barnagar Circle	...	...	...	...	...	20
(2) Bajali Circle	...	...	...	...	...	3
(3) Barpeta Circle	...	...	...	...	..	1
(4) Baghbor Circle	...	...	...	...	...	Nil

Shri GHANASHYAM TALUKDAR : In reply (b) the Minister replied that functioning of the A. C. Board at Baranagar was hampered for want of a S.D.C. What steps Govt. has taken to post a S. D. C. ?

Shri HARESWAR DAS : One S. D. C. has already been posted. Due to some urgent work he was not released by the D.C., and now the work is completed, so he will move immediately.

Dr. SRIHARI DAS (Barpeta) : Since when there was no S. D. C. at Barnagar ?

Shri HARESWAR DAS : It is about one and a half year.

Requisition of the land of Nadua T. E. in Dibrugarh Subdivision.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked :

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

- (a) Whether it is a fact that Government lately requisitioned about 100 bighas of land from Dag No. 608 of Nadua T. E. in Dibrugarh Subdivision belonging to Upper Assam Tea Company for Flood affected and landless people ?
- (b) Whether it is a fact that about 60 bighas of land yet remains to be allotted ?
- (c) Whether it is a fact that a class of businessmen are trying to occupy this land in the name of 10 or 12 persons who are genuine flood affected persons ?
- (d) Whether Government propose to compare the electoral roll of 1951 to ascertain the genuineness of the so called affected people as the local people have been complaining that they were immigrants from Bihar ?

Shri HARESWAR DAS (Minister, Revenue) replied :

256. (a)—Yes.

(b)—It is not a fact. Only 7 bighas has been kept for Government purposes and not allotted to any individual.

(c)—It is not a fact.

(d)—Does not arise.

Shri DEVENDRA NATH HAZARIKA : In reply to (a), the Minister agreed that the land was requisitioned for flood affected and landless people. In reply to (c), he said that it is not a fact and in reply to (d) he said "Does Not Arise". Question (d) was "whether Govt propose to compare the electoral roll of 1951 to ascertain the genuineness of the so called affected people as the local people have been complaining that they were immigrants from Bihar. Then what is the reason that the Govt. hesitate to compare the electoral roll of 1951 to ascertain the genuineness of the people for which the local people have been complaining ?

Shri HARESWAR DAS : The enquiry is necessary, Only 7 bighas have been kept for Govt. purposes. Electoral Rolls do not say anything. Comparison of 1951 will lead us to nowhere.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : The land was allotted to the flood affected people subsequent to the Grent Earth-quate 1950, naturally their names should be in the E. Roll of 1951 if they were inhabitant of that District.

Shri HARESWAR DAS (Minister, Revenue) : Not necessarily.

Shri DEVENDRA NATH HAZARIKA : Sir, will the Govt. make an enquiry whether actual flood effected people have been given land ?

Shri HARESWAR DAS : No enquiry is necessary, settlement of undersing persons will be cancelled.

Transfer of Udarband thana to Silchar S. D. C's Circle

Shri TBJAMMUL ALI BARLASKAR (Udarband) asked

257. Will the Minister-in-charge of Revenue be pleased to refer to his repy to the unstarred question No. 68 (b) of the December Session, 1959 asked by the Questioner on 11th December, 1959 regarding proposal for transfer of Udarband thana from the Sonai Sub-Deputy Collector's Circle and state—

- (a) Whether any decision has been taken by the Goverment in the matter of placing Udarband Thana from Sonai Sub-Deputy Collector's Circle to Silchar Sub-Deputy Collector's Circle as recommended by the Deputy Commissioner's Chchar ?
- (b) Whether Government will be pleased to take steps to transfer Udarband Thana to Silchar Sub-Deputy Collector's Circle immediately ?

Shri HARESWAR DAS (Minister Revenue) Replied :

257. (a)—No formal decision has been taken yet.

(b)—There would have been a decision in the matter by now but for the request of the Registrar General, India, that boundaries of the Units of Revenue administration should not be changed before the end of the cencus operation in 1961.

Requisition of Tea Estates land under Silchar Subdivision from 1957 to 1959 and non-issuing of patas to the allottees

Shri NANDA KISHORE SINHA (Sonai) asked :

258. Will the Minister-in-charged of Revenue be pleased to state—

- (a) The amount of land requisitioned from the Tea Estates under Silchar Subdivision from 1957 io December, 1959 ?
- (b) The amount of land de-requisitioned within this period ?

(c) Whether the land requisitioned had been distributed to deserving landless people and Pattas had been issued?

(d) If not, why not?

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

(a) Whether it is a fact that the Pattas have not yet been given to a large section of allottees of the requisitioned garden land prior to the period of 1957?

(b) If so, why?

(c) Whether Government fixed responsibility for this inordinate delay in giving the pattas?

Shri HARESWAR DAS (Minister, Revenue) replied :

258. (a) —An area of 12,869B-3 K-7Ch of land was requisitioned during that period.

(b) —An area of 98B-8K of land was de-requisitioned within that period.

(c) —An area of 80 bighas of land allotted to Relief and Rehabilitation Department, 469B 15-2Ch to different Development Blocks, allotment of 8,817B-1K-6Ch of land is pending decision on appeal filed by the owner and the remaining area of 3,403B-18K- 5Ch of the requisitioned land has been allotted to deserving landless local people. No pattas have yet been issued.

(d) —The land is being acquired and pattas can be issued only after acquisition is complete.

259. (a) —Yes.

(b) —Pattas can be issued only after formal acquisition of the land.

(c) —Does not arise.

Shri NANDA KISHORE SINHA (Sonai) : What action has been proposed to materialise this proposal?

Shri HARESWAR DAS Instruction has already been issued that unless the land is acquired Patta cannot be issued.

Shri GAURISANKAR ROY (Katlichera) : Will Govt take step to expedite the matter?

Non-clearance of night-soil by sweepers of Shillong Municipality

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked:

260. Will the Minister, L. S.-G. be pleased to state—

- (a) Whether it is a fact that night-soil is to be cleared by the Municipal sweepers every day?
- (b) If so, whether this is acted upon by the Shillong Municipality?
- (c) Whether it is a fact that night-soil is not cleared for three or four days together in some parts of the Shillong Municipality?
- (d) Whether any complaint has since been received from the rate payers of the Shillong Municipal Board?
- (e) If so, what action has since been taken in this respect by authority concerned?

Shri GIRINDRA NATH GOGOI (Deputy Minister, L.S.-G.) replied :

260. (a) —Yes.

(b) —Yes.

(c) —It is not a fact.

(d) & (e) —Individual complaints from the rate payers for omissions of clearance of night-soil from the latrines were received occasionally and prompt action was taken by the Municipality.

Construction of the Cold Weather Bridge over the Hakua river

Shri GHANASHYAM TALUKDAR (Sorbhog) asked:

261. Will the Minister, P. W. D. (R. & B.) be pleased to state—

- (a) When the Cold Weather Bridge over the Hakua river was completed?
- (b) Why there was delay in constructing the bridge?
- (c) On what date of the financial year the Cold Waether Bridge are to be completed?

Shri GIRINDRA NATH GOGOI [Deputy Minister
P. W. D. (R. & B.)]

261. (a)—On 31st January, 1960.

(b)—There was no provision in the ferry lease for construction of a Cold Waather Bridge over the Hakua river. As there was demand for, the same with written consent of the lessee the work of construction of the said bridge was taken up on 15th January, 1960 and completed on January, 1960.

Cases of Smokers in Cinema Hall at Kharupetia

Md. MATLEBUDDIN (Dalgaon) asked:

262. Will the Chief Minister be pleased to state—

- (a) How many arrests have so far been made for smoking in the Cinema Hall at Kharupetia?
- (b) How many cases have so far been tried and convicted?
- (c) How many cases are still pending?

Shri BIMALA PRASAD CHALIHA (Chief Minister)
replied:

262. (a)—19 arrests during 1959.

(b)—All the arrested persons were prosecuted of whom 18 were convicted. The case of one person was dropped.

(c)—Nil.

Arrest of Mosoruddin by Kharupetia Police

Md. MATLEBUDDIN (Dalgaon) asked:

263. Will the Chief Minister be pleased to state—

- (a) Whether one Mosoruddin of Khetachar village near Kharupetia was arrested by the Police of Rharupetia out-post?
- (b) If so, when and why?
- (c) Whether any articles of theft has been recovered from him?
- (d) If the answer is in the affirmative, what are those articles and when these were recovered?
- (e) What action has been taken against him?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

263. (a)—Yes.

(b)—Mosiruddin of Khetachar was arrested by Kharupetia Police on 17th October 1959 in connection with Case No. 3 (10) 59 under section 457/380 I. P. C., of Dalgaon Police Station on suspicion of criminal complicity and association with criminal complicity and association with criminals of the locality.

(c) No. But certain suspicious property was seized from his possession during investigation of the above case.

(d)—The articles which were seized on suspicion were used clothes, silver ornaments for neck, arms and legs, necklaces of silver coins and eight anna bits and one Harmonium.

(e)—The arrested person was discharged as the case was returned in final report for insufficient evidence and the seized property were returned to him under Magistrate's order.

Regarding Itala Beel and Jamasniar Kada Project in Hailakandi Subdivision

Shri GOURI SHANKAR ROY (Katlicherra) asked :

264. Will the Minister-charge of P. W. D. (E. and D.) be pleased to state—

(a) Whether the Itala Beel Reclamation Project in Hailakandi Subdivision has been sanctioned ?

(b) If the answer is in the affirmative, when the work is going to be started ?

(c) How long it will take to be completed ?

265. Will the Minister, P. W. D. (E. and D.) be pleased to state—

(a) Whether the embankment project at Jamasniar Kada in Hailakandi Subdivision has been sanctioned ?

(b) If the answer is in the affirmative, when execution work will start ?

(c) What amount of expenditure it will cost ?

M. MOINUL HAQUE CHOUDHURY [Minister incharge, P. W. D. (Flood Control and Irrigation Wing)] replied :

264. (a)—A Scheme 'Improvement of Drainage Channel from Mahamadpur to Katakhal in Hailakandi Subdivision at a cost of Rs. 2,00,000 has just been sanctioned by C. P. Department This is same as the Scheme 'Itala Beel Reclamation Project' mentioned by the honourable Member.

(b)—Orders have already been issued to take up actual execution of the work.

(c)—It is expected to be completed by 1961 if possession of and is obtained in time.

265. (a)—No.

(b)—Does not arise.

(c)—The problem of the area is under investigation and the cost of any scheme considered appropriate will be known when detailed estimate of the same is drawn up.

Shri GAURISANKAR ROY (Katlicherra) : Will Govt. take up this project for examination and necessary action immediately ?

M. MOINUL HAQUE CHOUDHURY : We have already taken up this project.

Regarding Lalamukh Project and the names and costs of Projects executed since 1952.

Shri GOURI SHANKAR ROY (Katlicherra) asked :

266. Will the Minister, P. W. D. (E. and D.) be pleased to state—

(a) Whether the embankment project at Lalamukh in Hailakandi Subdivision has been completed ?

(b) If not, how long it will take ?

(c) Whether it is a fact that some additional work may bring satisfactory result as regards flood in the area ?

(d) Whether Government are prepared to examine this project thoroughly ?

267. Will the Minister, P. W. D. (E. and D.) be pleased to state—

(a) The names of the projects (E. and D.) already taken up or executed in Hailakandi Subdivision and their estimated cost, since 1952 up to date ?

(b) The names of the project which have not been sanctioned since 1952 up to date and what ground?

(c) Their estimated cost?

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

266. (a)—Yes, if it refers to providing a controlled opening over Lalartul.

(b)—Does not arise.

(c) & (d)—The Scheme 'Improvement of Dholeswari and Katakhal drainage basins for prevention of flood in Haikandi Subdivision, Phase I' has since been completed and desired benefit as envisaged in the scheme has been fully derived. Lately a proposal for providing a controlled opening over Baroitolikhal was received for relieving flood congestion in eastern part of Hailakandi Town. The proposal is now being examined.

267. (a)—1, Improvement of Dholeswari and Katakhal Drainage basins for prevention of flood in Hailakandi Subdivision, Phase I	...	...	...	...	Rs.90,316.
2. do do II	...	...	...	...	Rs.3,06,900.
3. Revival of Jitanadi and Drainage of Ashihali, Subal and Kaikochuri Bell in Hailakandi Subdivision.	...	...	...	...	Rs.1,25,000.
4. Reclamation of Bakri Haor in Hailakandi Subdivision	..	...	...	...	Rs.32,858.

(b)—Construction of Dyke along both bank of Katakhal from Dhalai to Mahguri. The project was included in the original Flood Control programme of Second Five Year Plan. But. due to successive cut in Plan-ceilling the scheme had to be dropped from the approved list.

(c)—Rs.9,76,000.

Shri GAURISANKAR ROY (Katlicherra) : Will Govt. take up the extension work up to Lalamukh?

M. MOINUL HAQUE CHOWDHURY : Yes., I will get this examined.

In correct Reporting of the Assembly proceedings in the Press.

Shri BIMALA PRASAD CHALIHA : (Chief Minister)
Mr. Speaker Sir, before we go to the next item I like to draw your attention to the fact that the Assembly proceedings of the 2nd April were not correctly reported in the Press, more particularly in respect of Starred question No. 90 put by Shri Gaurisankar Bhattacharyya. I have found that the Nutan Assamiya and Assam Tribune of the 3rd April did not correctly report the proceedings. I would, therefore, like to draw your attention to this fact so that you may request the co-operation of the Press for correct reporting of the proceedings.

Mr. SPEAKER : The mistake has been brought to my notice before the Chief Minister referred it in this House by the Secretary of the Assembly and the Secretary in the meanwhile has contacted the Representatives concerned and I believe that the Representatives will do well if they kindly send the contradiction for reporting correctly the fact of the matter. In future I like that in reporting such matters the Press correspondents here attending the session will be more careful in their reports because such kind of misleading reports sometimes cause good many criticisms unnecessarily. I hope this will be taken notice of by the Press correspondents.

Adjournment Motion re : damage caused by fire at Gauhati and others.

Mr. SPEAKER : Now, I have received notice of an adjournment motion from Shri Hareswar Goswami. But I am afraid I cannot allow the adjournment motion on the ground that according to rules the notice for a motion of this kind should reach the office before the commencement of the proceedings of the House. But the notice of this motion was received by the office at 10-15 A.M., i.e. 15 minutes after the proceedings of this House was started. Therefore, I am sorry, I am to disallow the motion. (voices—regarding what ?) This is regarding fire at Gauhati and some other places.

Shri Hiralal Patwary's Point of informations re :
incident in which Shri Mohananda Bora, a Member of the Assembly was involved.

†**Shri HIRALAL PATWARI (Patwary) :** Mr. SPEAKER, Sir, we have heard that Shri Mohananda Bora, a Member of this House, has been assaulted in a place in Lakhimpur and he is in a

Point of Information

চাৰ মই অসমীয়াতে কওঁ। শ্ৰীযুত মহানন্দ বৰাক assault কৰা কাৰ্য্যই আমাৰ মেম্বৰ সকলক আটঙ্কৰ সৃষ্টি কৰিছে। 'নতুন অসমীয়া'ত এই বিষয়ে এক বকমে ওলাইছে; 'আসাম ট্ৰিবিউনল' আন বকমে ওলাইছে আৰু "Statesman" কাগজত আন বকমে ওলাইছে। আচলতে ঘটনাটো কি, আৰু শ্ৰীযুত বৰাক অৱস্থা কেনে আদি আমি সদনত জানিব পাৰিলে ভাল পালো হেতেন। সেই কাৰণে মই চৰকাৰৰ দৃষ্টি আকৰ্ষণ কৰি, চৰকাৰৰ পৰা এটা বিবৃতি এই প্ৰসঙ্গত বিচাৰিলো।

Mr. SPEAKER : আপুনি নিশ্চয় শ্ৰীযুত বৰাক কেনে আছে, কি ঘটন হৈছিল ইত্যাদিৰ খবৰ পিচাৰিছে ?

†Shri HIRALAL PATAWARI (Panery) : হয় চাৰ। এই প্ৰসঙ্গত চৰকাৰৰ এটা বিবৃতি পালে ভাল পাওঁ।

†Shri RAMNATH SARMA (Lumding) : এই প্ৰসঙ্গত শ্ৰীপাটোৱাৰী ডাঙৰীয়াই যি আটঙ্কৰ কথা কৈছে মই কওঁ ইয়াত একো আটঙ্কৰ সৃষ্টি হ'ব লগা নাই। মাত্ৰ কিছুমান দুৰ্ভাগী তেখেতক আক্ৰমণ কৰাৰ কথা জানো। অবশ্যে তেখেতৰ অৱস্থা কেনে, অথবা ঘটনাটো কি এই বিষয়ে চৰকাৰী বিবৃতিৰ পৰা জানিব পাৰিলে ভাল হয়।

†Shri BIMALA PRASAD CHALIHA (Chief Minister)
Mr. Speaker Sir, I propose to make a statement on this but I am waiting for further reports and I hope it will be possible for me to make a statement to-morrow or day after to-morrow. But so far as the condition of the injured persons including Shi Mohananda Bora is concerned, I have received information that they are all improving.

The Assam Taxation (on Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1960.

†Shri FAKHRUDDIN ALI AHMED (Minister, Finance):
Mr. Speaker, Sir, I beg leave to introduce the Assam Taxation (On Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1950.

Mr. SPEAKER : Motion moved. The question is that the leave be granted to introduce Assam Taxation (on Goods carried by Roads or inland Waterways) (Amendment) Bill, 1960.

(The question was adopted)

Shri FAKHRUDDIN ALI AHMED : Minister Finance
Sir, I beg to introduce the Assam Taxation (on goods carried by Roads or Island waterways) Amendment Bill, 1960.

Mr. SPEAKER : The motion moved, 'The question is that the Assam Taxation (on goods carried by Roads or Island waterways) (Amendment) Bill, 1960.

(The question was adopted)

(The Secretary, Legislative Assembly read the title of the Bill).

†Shri FAKHRUDDIN ALI AHMED : Sir, I beg to move that the Assam Taxation (on Goods carried by Road or Inland Waterways) (Amendment) Bill, 1960 be taken into consideration.

Mr. SPEAKER :—The motion moved is that the Assam (Taxation of Goods carried by Roads or Inland waterways) Bill, 1960 be taken into consideration.

†Shri GAURISANKAR BHATTACHARYA (Gauhati) :
Mr. Speaker, Sir, I rise on a point of order. This motion is not in accordance with the Rules of Procedure And Conduct of Business in Assam Legislative Assembly. I refer Sir to Rule 72 at page 19. It is stated that "when a Bill is introduced, or on some subsequent occasion the member-in-charge may make one of the following motions in regard to the Bill, namely :—

(a) that it be taken into consideration by the Assembly either at once or at some future day to be then mentioned ; etc., etc.

Now that motion which has been brought by the Minister-in-charge of the Bill is that the Assam Taxation (on Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1960 be taken into consideration. He has neither said that it be taken into consideration at once nor has he mentioned any future date on which it is to be taken into consideration. It is a well-known principle not only in this House but also in the Indian Parliament and also in the mother of Parliament that without the specification of time and point of time this sort of motion cannot come. It is also to be noted, Sir, that the Bill has been brought rather in an unusual hurry. In this respect may I refer to the convention which is followed in the Lok Sabha? I am referring to the "Practice and Procedure of Indian Parliament" by S.S. More. Here I need not go into all these details—the substance is that though a motion for leave to introduce a Bill is not to be opposed and, therefore, the House does not divide on it, this convention carries with it a further convention that motions for its circulation to the Select Committee for consideration or circulation

shall not be made on the same day. So we do not oppose the introduction of this bill. But respecting the convention we expect that the Minister will respect the same convention and on the same day he will not bring either of these motions that the Bill be referred to a Select Committee or be taken into consideration or circulation shall be made on the same day.

On these two points of law and convention I raise this point of order.

†Shri FAKHRUDDIN ALI AHMED Minister Finance

I am really surprised that a question regarding a point of law has been raised when no such point of law exists. If the Hon'ble Member will be pleased to see, he will find that under Rule 72 (a) of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, a Bill can be taken into consideration at once or at some future date. When it has to be taken into consideration at a future date, of course a date has to be mentioned. Here I have moved a resolution that it should be taken into consideration. It can be taken into consideration at once. Only if he means that simply because I have deleted the word "at once", the motion is not in order. I have not been able to understand his point. After I moved a resolution that it be taken into consideration, it automatically implies that it might be taken into consideration at once. Therefore, it is not against the provision of this Rule 72 that it cannot be taken into consideration at this state simply because I have omitted the word "at once."

So far as the convention is concerned, these conventions are to be followed when these involve a question of change in policy or principle. As the hon'ble Member will be pleased to see so far this Bill is concerned, it is not intended to change any policy or principle except that we have adopted the metric system of weights, changing from maunds to Kilograms. There is no change in policy and this Bill does not intend to decrease or increase any tax. I could have understood if the objection would have been raised on these grounds and I would have been the last person to move for consideration of this Bill. It is only intended to change from one system to another so far as weight is concerned. In view of this explanation I hope my friend will not insist that this is not in order.

Shri HAKESWAR GOSWAMI (Rampur):

Without going to the merit of the Bill I again refer to Rule 72 (a) of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly that when a Bill is introduced, it can be taken into consideration by the Assembly either at once or at some future day to be then mentioned. It is necessary to be specific and the Rules provide whether a bill has to be taken into consideration at once or at a future date. We have instance where this provision has been violated. Therefore, Sir, without going into the merits of the Bill, I would request you, Sir, to give a ruling whether in such cases, it is not necessary to put the word "at once". When the Rule says "at once" has to be put, a ruling is necessary so that it clarifies misunderstanding and it is so put in future.

Mr. SPEAKER : I think the Rule is rather clear on this point and I quite agree with the Finance Minister that when no date is specifically mentioned, it means that the discussions start at once. Therefore, I hold on this count that the motion for consideration is quite in order.

About the Lok Sabha convention which Mr. Bhattachayya has referred to on the point of order, I like to read for the information of the House Rule 74 of the Rules of Procedure And Conduct of Business in Lok Sabha.

“When a Bill is introduced, or on some subsequent occasion the member-in-charge may make one of the following motions in regard to the Bill, namely :—

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then mentioned; or
- (b) that it be referred to a Select Committee; or
- (c) that it be circulated for the purpose of eliciting public opinion thereon :

(1) Provided that if a member gives notice of a particular motion specified in (a), (b) and (c), he shall not be permitted to move a different motion.

(2) Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so available for four days before the motion is made and such objection shall prevail unless the Speaker, in his discretion, allows a motion to be made”.

In this case the copy of the Bill was circulated on the 26th of March last, that means about nine days' before. Therefore, I think according to Lok Sabha rules also the Hon'ble Finance Minister is competent to move the Bill for consideration after the Bill is introduced. Of course at the present moment I do not have copy of the volume which Mr. Bhattacharyya has referred to in his speech.

It would be a healthy procedure, if motions for introduction and consideration of Bill are moved in future on different days.

Shri HIRALAL PATWARI : (Panery) There is another trouble in it.

মন্ত্রী মহোদয়ে কৈছে যে শব্দটো পৰিবৰ্তন হ'ব কিন্তু আচলতে মাত্ৰ পৰিবৰ্তন- শব্দটো নহয়, ইয়াত এটা নতুন টেক্সৰ ব্যৱস্থা আছে।

Mr. SPEAKER : আপুনি Point of Order আনিছে নেকি ?

Shri HIRALAL PATWARI : হয় মোৰ কথা হৈছে যে টেক্স বঢ়োৱা হৈছে। আগৰ প্ৰতি বেলে ছটকা আছিল, এতিয়া ২০ ১০ নঃ পঃ হৈছে।

Mr. SPEAKER : The Bill may be taken into consideration clause by clause on the 8th April 1960— Item No. 14 is the Agenda, and the hon. ble Member has the right to submit any motion for amendment he likes on that day.

*GAURISANKAR BHATTACHARYA (Gauhati) —Sir, I have put an amendment to the motion moved by the Finance Minister, that is, I beg to move that the Assam Taxation (On Goods carried by roads or Inland water-ways) (Amendment) Bill 1960, be referred to a

Select Committee consisting of the Minister in charge of the Bill, Shri Devendra Nath Hazarika, Shri Ram Nath Das, Shri Hareswar Goswami and Shri Hiralal Patwary. The report of the Committee is to be submitted by by 30th April 1960.

Sir, the Minister said that he would have been the first person not to bring this amendment if this Bill would have been anything but formal. I can reciprocate his feelings and say that I would have been the first person to stand behind him if this Bill is only a formal Bill and there would have been nothing material, i.e. if there is no financial implications therein. Now in this respect may I submit that this matter though might be in a limited scope, discussed during the third reading or when the matter is taken clause by clause, this consideration stage is the stage where the matter can be better thrashed out because in the House of Commons a day having been named for Second reading, the name of the Bill is printed on the day's notice paper among other programmes and when the Clerk stands up and calls for the short title of the Bill, the member in charge of the Bill is called by the Speaker who immediately rose and explained the definition of the Bill before House ending his speech with the words 'I beg to move that the Bill be read a second time'. That is to say, the Minister or the member piloting the Bill may propose here to all members of this House that this clarification is a great necessity because so far as the composition of this House is concerned let us remember with all humility, that we are here not as legal experts, but we are here common representatives of the common people who do not or are not supposed to know the implications and technicalities of legislation or the subtleties of a conversion table. Now, what this conversion from maunds to kilograms means. What this 'seven naye paise per pound' and 'fifty naye paise per maund' be converted to '15 nP per kilogram and so on, means? All these things should be clearly defined by the Minister when he proposes this legislation for consideration before the House. Now the Rules of the Legislative Council from 1854 to 1861 are following the practice in the House of Commons which provided for Second Reading and that was also followed by the Legislative Council from 1862 to 1920. Therefore, so far as his age-old provision of the Indian Legislature as well as the House of Commons are concerned, it is always expected that the Bill at the consideration stage should be made abundantly clear to the hon. Members. Now, this scope of discussion at the consideration stage, I admit is subject to some special restrictions in addition to the general interpretation of the Bill. In the House of Commons at the Second reading stage the principle of the Bill is discussed and the details of the Bill are not touched. The same principle has been followed by the Indian

Lagislature. The Standing Order No. 46 of the Legislative Council provides that debate on the Second reading may be taken only on the general merits and principle of the Bill and naturally without going into future details on this question of principle, I should like to make a few observations only on the general principle and the general merits or demerits of the Bill. I am not going into the details of the matter. When I refer to the different items, these will be rather illustrative.

Now, in the Statement of Objects and Reasons it has been said—"The proposed amendment of sections 2 and 3 of the Assam Taxation (On Goods Carried by Roads or Inland Waterways) Act, 1954 is necessary in view of the adoption of the Metric System in Weights and Measures". It does not say whether as a result of this conversions there would be more income or there would be less income? When it does not say anything then we may presume that the income would remain the same. But is that really so? I am not myself a pucca businessman, no. I am not a businessman at all. So far as the profit and loss side of the matter is concerned I leave to my friend Shri Patwary to explain it better. I am only submitting what I find here in the extracts taken from the Assam Taxation Act, where it is said:—"Section 2, subsection 7, 'Maund' means forty standard seers or eighty tolas; again section 2 subsection 15 (a) 'katcha bale' means a package containing any jute or jute cuttings etc.,; section 2, subsection 15 (b) 'pucca bale' means a package containing any jute or jute cuttings, etc. Now, in this section 2 it is sought to be made like this—(1) for item (7) the following shall be substituted, namely—(7) 'Kilogram' means 'Kilogram' as defined in the Standards of Weights and Measures Act 1956, that is the Central Act. (2) in clause (a) of item 15, for the words 'four maunds, the figures and words 150 kiloram's shall be substituted; in clause (b) of item 15, for the words "five maunds" the figures and the words "185 kilograms" shall be substituted. Therefore, it has been said that in place of 4 maunds the unit has been 150 kilograms. It means therefore that 2 maunds 75 ki'ograms. Now again, in section 3 of the Principal Act it has been sought to be made like this, that for the words 'seven' naye paise per pound' and 'fifty naye paise per maund' the figures and words '15 naye paise per kilogram' and '1.4 nP per kilogram' respectively shall be substituted. Now, as a result of this substitution whether the outturn remains the same or not I leave it to be worked out by my friend Shri Patwary and the Finance Minister. From my humble working out I find that there is really some difference. For example, here where it has been provided Rs. 1.04 nP per kilogram I find the variation is not much, so also here where it provides '.07 nP per lb' the variation is probably less.

But at any rate in both the cases there is some variation then what it was previously. In other words, so far as the financial implications are concerned, the present Amending Bill is not so innocuous. I am not going to say whether the change is in the interest of the State or otherwise because that will depend on the approach as to whether we should take little more from the tea planters by the front door or by the back door, or we should take a little more or a little less from the jute dealers. That is the matter which requires consideration and that consideration will be from different angles. That depends on approach. At any rate my friend Shri Patwari sought to make some clarification that there is some variation in the financial implications and as such, he contended that financial memorandum ought to be given, in a sense that if a little more

money how small it may be, more money may come to the State exchequer so that ought to have been stated or clarified. As I have already submitted without going in to the details, we find that there will be some variation. So I think Sir, this is a matter which requires to be a little more thoroughly studied. Therefore, I feel that the House, as such being a House composed of common representatives of common men may find it difficult to convert itself into a committee and thrash out matters. It will be more advantageous if a small committee of the House in the form of a Select Committee to take into consideration all these things. The Finance Minister may place his financial explanation and my friend Shri Paswari, a business man may also give his views on this matter. If the Select Committee be satisfied that the Bill is in order, it does not make much difference and the Bill may come as it is but if the Select Committee think that certain modifications may be made, then it is better that instead of moving this Bill now, it is better that it is better that the Bill be circulated for public opinion. So I suggest that this Bill should go to a small committee and that small committee should be in a position to come to its findings quite soon and the report be submitted by the 30th of this month, so that in the next available opportunity, the Bill will be taken into consideration. Therefore, Sir, I do not want to go at this stage into the different composition of figures and details.

With these few words Sir, and with the expectation that my friend Shri Patwari will just now make some observations on this Bill, I move my Motion to the acceptance of this House.

Mr. SPEAKER :—The motion moved is that the Assam Taxation (on goods carried by Roads or Inland waterways) (Amendment) Bill, 1960 be referred to a select committee consisting of the Minister-in-charge, Shri Devendra Nath Hazarika, Shri Ram Nath Das, Shri Hareswar Goswami and Shri Hiralal Patwari. The Report of the committee is to be submitted by 30th April, 1960

*Shri HIRALAL PATWARI (Panery) : শ্রীযুত গৌৰীশঙ্কৰ ভট্টাচাৰ্য্য ডাঙৰীয়াই যিটোপ্ৰস্তাব দাঙি ধৰিছে সেইটো মই সমৰ্থন কৰো আৰু সেই প্ৰসঙ্গতে ছাৰাখাৰ মান কওঁ।

এই বিলৰ ভিতৰত 'ফিনানচিয়েল ইম্প্ৰুভেচন' কেনেকৈ সোমাই আছে চাওঁক।

Section 3, 3rd line ৰ মতে প্ৰতি মোনত ৫০ ন: প: হিচাবে ৪ মোনত: ক্লজ ২ প্ৰথম লাইন চাওঁক, ২ টকা হয়; কিন্তু ক্লজ ২ (দুই), দ্বিতীয়ী শাৰীত ১৫০ কিলোগ্ৰাম যদি ৭ মোণৰ ঠাইত লোৱা হয় তেন্তে ২.১০ ন: প: হয় ইয়াত ৮২ ন: প: বাঢ়ি যায়। সেইদৰে, আগৰ ৭ ন: প: প্ৰতি পাউণ্ড ঠাইত যদি ১৫ ন: প: প্ৰতি কিলোগ্ৰামত হয় আকৌ ৫০ ন: প: প্ৰতি মোণৰ ঠাইত যদি ১ ন: প: প্ৰতি কিলোগ্ৰামত হয়— তেতিয়াওঁ বাঢ়ি যায়

আনফালে তোলাৰ ফালৰ পৰা চালে এক কিলোগ্রামত কমি যায়। তেতিয়া চৰকাৰী বাজহ কমি যায়। বাজহৰ প্ৰশ্ন যেতিয়া ইয়াত আছে এই বঢ়া কাৰ্য্যটোৰ বাবে—আমাৰ খেতিয়ক সকল বিশেষ ভাবে আক্ৰান্ত হব আৰু এই বিলাক কথা বিশেষ ভাবে আলোচনা কৰিব পৰাকৈ এই বিলখন আজিৰ সদনত পাচ নকৰি Select Committee লৈ পঠালে ভাল হব আৰু গৰীব খেতিয়ক সকল এই indirect taxation ৰ পৰা বক্ষা পাব। দেখাত কম হলেও ১১ লাখ বেল ৪৪ লাখ পাটত প্ৰায় ৫০ লাখ টকাৰ কথা আহি পৰে। এই টো সাধাৰণ কথা নহয়। সেই কাৰণে এই বিলাক ভালকৈ গমিপিতি চাবৰ কাৰণে চিলেক্ট কমিটিলৈ বিলখন পঠাব লাগে।

*** SHRI FAKHRUDDIN ALI AHMED** (Minister, Finance) Mr. Speaker, Sir, inspite of the assistance my friend Shri Bhattacharyya and my friend Shri Patwari, a business man, I have not been able to understand, how at this stage this question of calculations and figures can arise. Now here, what are concerned is of changing these rates according to the Metric system in weights and measures, in respect of which, this Legislature had already adopted a policy and that the measures have already been passed by this House, so we are only committed to this policy of changing our present weights and measures according to what we have already adopted, so I fail to understand, where is the question of policy and where is the question of principle. I do not understand how my friend has brought in this question of figures of moundage and tolas.

There may be a difference of one or two tolas. But when we are changing one system to other system there is bound to be some minute difference. We cannot, sometime, work out to the extent of a tola or a Roti. I donot know how the Select Committee would be able to work out accurately to the nearest Roti. In converting the figures, we have worked out as far as possible. I can give one instance. There is a provision for 7 nP. per pound in the existing Act, but in changing it to kilogram we have worked out as 15.3 nP. But in rounding off the figure we have omitted .3 nP. and provided only 15 nP. Therefore, I donot see any necessity for the reference of this Bill to the Select Committee. If the hon Member desires he may bring an amendment.

*** SHRI GAURISANKAR BHATTACHERYYA** (Gauhati) A substantial amount will involve in changing this system.

*** SHRI FAKHRUDDIN ALI AHMED** As I have already stated that we cannot work out upto a tola or a Roti. Some difference is inevitable. I donot know how the Select Committee will be more wiser to work to the minute details as pointed out by the hon. Members. I therefore oppose its reference to the Select Committee. This is a simple matter. We have been changing weight and measure which have been adopted by this House. It is in consonance with the policy which this House has passed.

Shri Hiralal Patwari (Panery) : Clause 3, 3rd line ৩'৪ বহুৱা হৈছে। এইটো ২'১০ নয়া পইছা হয়। মোণ আৰু কিলোগ্ৰাম হিছাবত প্ৰতি চাৰি মোণত ১০ নয়া পইছা বেচি হয়।

এই সকলো বিলাক কথা ইয়াত আলোচনা কৰিবলৈ সুবিধা নহব পাৰে। যদি Bill খন Select Committee লৈ পঠোৱা হয় তেন্তে তাত বিশদ ভাবে আলোচনা কৰিবলৈ সুবিধা হব। সেই কাৰণে Bill খন যদি Select Committee লৈ পঠোৱা হয়, তেতিয়া Bill খনৰ সকলো বিলাক Rule আলোচনা কৰিবলৈ সুবিধা হব।

Mr. Speaker :— Now I put the main question :

The question is that the Assam Taxation (on Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1960 be refered to Select Committee consisting of the Minister in-charge, Shri Devendra Nath Hazarika, Shri Ramnath Das, Shri Hareswar Goswami, and Shri Hiralal Patwari. The Committee is to submit its report on or before 30th April, 1960.

House was divided.

Ayes : 7

- | | |
|-----------------------------------|---------------------------------|
| 1. Shri Gaurisankar Bhattacharyya | 5. Maulavi Jahan Uddin Ahmed |
| 2. „ Gopesh Namasandra | 6. U Jor Manik Siem of Myllem |
| 3. „ Hareswar Goswami | 7. Shri Khogendranath Barbaruah |
| 4. „ Hiralal Patwari | |

Noes : 37.

- | | |
|-----------------------------------|--------------------------------------|
| 1. Shri Bimala Prasad Chaliha | 20. Shri Gaurisankar Roy |
| 2. „ Fakhruddin Ali Ahmed | 21. Shri Harinarayan Barua |
| 3. „ Rup Nath Brahma | 22. Prof. (Smti.) Kamal Kumari Barua |
| 4. „ Hareswar Das | 23. Shri Lila Kanta Borah |
| 5. M. Moinul Haque Chaudhury | 24. Smti Lily Sen Gupta |
| 6. Shri Biswadev Sarma | 25. Shri Mahadev Das |
| 7. „ Radhika Ram Das | 26. „ Manik Ch Das |
| 8. „ Larsingh Khyriem | 27. „ Nanda Kishore Sinha |
| 9. „ Girindra Nath Gogoi | 28. „ Narendra Nath Sarma |
| 10. „ A. Thanglura | 29. Maulavi Nurul Islam |
| 11. „ Sai Sai Terang | 30. Smti Padma Kumari Gohain |
| 12. „ Chatrasingh Teron | 31. Shri Ralha Charan Chaudhury |
| 13. Maulavi Abdul Matlib Mazumder | 32. „ Radha Kishan Khemka |
| 14. Shri Baikunath Nath Das | 33. „ Rajendra Nath Barua |
| 15. „ Bhuban Ch. Pradhani | 34. „ Ram Nath Das |
| 16. „ Devendra Nath Hazarika | 35. Dr Ram Prasad Chaubey |
| 17. „ Khisingh Deuri | 36. Shri Tamijuddin Ahmed |
| 18. „ Durjesh Ch. Dev Sarma | 37. Mrs Usha Borthakur |
| 19. Dr Ghanaslyam Das | |

(The question was negatived)

Mr. SPEAKER Now, the question is that the Assam Taxation (on goods carred by Roads or Inland Waterways) (amendment) Bill 1960 be taken into consideration.

(The question was adopted)

The Assam Loud Speakers (Control) Bill, 1959

Shri FAKHRUDDIN ALI AHMED (Minister): L.S.G.

Mr. Speaker, Sir, I beg to move that the Assam Loud Speakers (Control) Bill 1959 has to be takeh into consideration, clause by clause.

Mr. SPEAKER: The motion moved is that the Assam Loud Speakers (Control) Bill, 1959 be taken into consideration clause by clause.

Shri GOPESH NAMSUDRA : [Patharkandi (Reserved for Schedule Castes. I beg to move that in the third line of the Preamble the "Comma" after the word "microphones" shall be deleted and for the word "etc" the words "or other mechanical apparatus for amplifying human voice, music or other sounds" shall be substituted.

মাননীয় অধ্যক্ষ মহোদয়, আজকাল মাইক্রোফোনের ব্যবহার খুব বেড়েছে। দুর্গা-পূজা, কালীপূজা, সরস্বতী পূজা, বিবাহ, এক কথা আমাদের প্রতিটি উৎসবে আজকাল গ্রামদেশে পর্যন্ত মাইক্রোফোন চালু হয়েছে। কোন কোন ক্ষেত্রে দেখা যায় কিছু অবস্থাপন্ন লোক যাদের বাড়ীতে রেডিও আছে, আজকাল মাঝে মাঝে তাদের মনোমত গোঁগ্রাম যখন রেডিওতে থাকে তখন রেডিওর সঙ্গে মাইক্রোফোন ও জুড়েছেন। এটা বোধ হয় নিজকে প্রচার বা জাহির করবার জন্য। প্রচার আজকাল সকলেই চায়।

সহরের অবস্থা আরও শোচনীয়। এখানে দোকানে দোকানে, এবং ব্যবসায়ে ব্যবসায়ে প্রতিযোগিতা এবং এই প্রতিযোগিতার বাহ্যিক প্রকাশ হলো মাইক্রোফোন বাজানো। আবার দোকান বা রেষ্টুরেন্ট গুলোতে তো যাওয়া-ই যায় না। এমনকি পথ চলা ও আজকাল কঠিন হয়েছে। পাশের কাপড়ের দোকান থেকে কাপড় কিনতে যাবেন না, কারণ দোকানদার আপনার কথা শুনবে না। কোন কোন ক্ষেত্রে নিজের রেডিওতে মাইক্রোফোন জুড়ে দিয়ে অনবরত আপনার কানের পর্দা ফাটিয়ে তাদের প্রচার চালাবে। আপনি হয়তো পছন্দ করেন না তাড়া তাড়ি ঐ স্থানটা ছেড়ে অগ্রসর হলেন শব্দটা আপনার সঙ্গেই চললো কারণ পরবর্তী দোকানী হয়তো সেই একই স্টেটন ধরেছে। কাজেই সার, আপনি পালালে চলবে না আপনার রেহাই নেই। এইকরে বিংশ শতাব্দীর একটা বৈজ্ঞানিক দান রেডিও বেতার পর্যন্ত আজ সমস্ত মানুষের বিরক্তি উৎপাদন করছে। এটা একটা সামাজিক অপরাধ হয়ে দাঁড়িয়েছে। সরকার যদি এই সমস্ত বন্ধ করবার দিক থেকে আইনটাকে চালু করেন তবে আশা করি এই রাজ্যের সমস্ত যৎহুদি সম্পন্ন মানুষের সমর্থন সরকার পাবেন।

কিন্তু আমরা দেখি অনেক সময়ে দেশের প্রচলিত আইন দিয়ে গভৰ্ণমেণ্ট বিৰোধী বা প্ৰতিদ্বন্দী ৰাজনৈতিক পা টীকে দমন করেন।

ৰাজনৈতিক প্ৰচাৰ বা সভা সমিতিৰ জন্তু মাইক্ৰোফোন ব্যৱহাৰ প্ৰয়োজন। ৰাজনৈতিক দল সমূহ জন সমৰ্থন চায় মাইক্ৰোফোনেৰ মাধ্যমে যদি নাগৰিক জীৱনে তাৰা বিৰক্তি-ই উৎপাদন করেন তবে জন সমৰ্থন পাবেন না ইহা সত্য। কাজেই মাইক্ৰোফোন তাৰা শুধু ৰাজনৈতিক কাজে-ই ব্যৱহাৰ করেন। এ আইনেৰ বলে সরকার তাৰে এই সুযোগকে ও কেড়ে নিতে পাৰেন।

এখানে etc. বা ইত্যাদি শব্দ ৰয়ে গিয়েছে। টীনেৰ চোদ্ধা নিয়ে যদি শোভা-যাত্ৰা বের হয় আৰ যদি দাৰোগাবাবু পছন্দ না করেন— তিনি তো কৰবেন-ই না বিৰোধী দলেৰ প্ৰচাৰ তাহলে এই etc. ৰ বলে ওটা বন্ধ কৰে দিতে পাৰেন। কাজেই এখানে “etc” উঠিয়ে দিয়ে or other mechanical apparatus amplifying human voice, music and other sounds জুড়ে দেৱাৰ সংশোধনী প্ৰস্তাব এনেছি। আশা কৰি আমাৰ সংশোধনী গৃহীত হবে।

Mr. SPEAKER :— The amendment moved is that in the third line of the Preamble that “Camma” after the words “micophones” shall be deleted and for the word ‘etc’ the word “or other mechanical apparatus for amplifying human voice music or other sounds” should be substituted.

Shri KHAGENDRA NATH BARBORUA (Amguri): অধ্যক্ষ মহোদয় এই বিলখন বাচনি কমিটিলৈ পঠোৱাত সন্তোষ পাইছে। কিন্তু বাচনি কৰ্তিমিয়ে সন্তোষ-জনক কাম কৰিব নোৱাৰত দুখ পাইছে। এইটো বৰ দুখৰ কথা যে এখন বিলত এট্‌চেটেৰা ‘etc.’ ৰাখি চৰকাৰে তাৰ ভিতৰত নিশ্চয় কিবা কথা ৰাখিছে। কি বুজাইছে সেইটো ভাবিব লগা কথা। ইয়াৰ দ্বাৰা এইটোকে বুজাইছে যে হয় কৰ্মা নাইকীয় হল নহয় কথা লুকাইছে। যদি কথা নায়েই তেনেহলে ভাবি দিব লাগে। যদি কিবা কথা আছে তেন্তে etc. দি লুকুৱা ঠিক হোৱা নাই। এইটো আইনৰ কথা। গতিকে পৰিস্কাৰ হব লাগে। আজিকালি গ্ৰামোফন বজাব পাৰে, বেডিও বজাব পাৰে, মুঠতে etc. অৰ্থাত ইত্যাদিত গ্ৰামোফন, বেডিও পৰিব পাৰে অথ পৰিব পাৰে। Loud speaker বুলিলে mechanical apparatus হব লাগে। এই বিষয়ত চৰকাৰেও নকৰিলে আৰু বাচনি কমিটিয়েও লক্ষ্য নকৰিলে। ইয়াত লিখিছে “A bill providing for the control of indiscriminate use of loud speakers, microphones, etc.” কমা ছুঠাইতে দিছে। কাৰণ ইয়াত কিবা উদ্দেশ্য আছে। এই কথাবিলাক মন্ত্ৰীয়ে পঢ়িছে, উৰ্দ্ধ কৰ্মচাৰী সকলে পঢ়িছে কিন্তু তাৰ কোন পৰিবৰ্তন নকৰাকৈ এতিয়াও ৰাখিছে। গতিকে এই “etc.” শব্দটোৰে সময় মতে অনা হকত জনসাধাৰণক বিপদত পেলাব আৰু ইয়াৰ দ্বাৰাই পুলিচ কৰ্মচাৰীয়ে টকা খাবলৈ সুবিধা হব। কাৰণ চাওক কিছুখানে মাতটো ডাঙৰ কৰিবলৈ চুঙ্গা, জাতি লাঙৰ খোলা অথবা টিঙৰ চুঙ্গা, সাজি ব্যৱহাৰ কৰে তাৰো পৰি

কিছুমান সৰু সৰু ব্যবসায়ীয়ে এটা গ্রামাফোন বজাইছে মাহুৰৰ দৃষ্টি আকৰ্ষণ কৰিবলৈ। যদি এই “etc” শব্দটো থাকে তেন্তে এই বিলাক বিলখনত ‘মেলচন’ নাই যেি যা, “etc” ৰ ভিতৰত সোমোৱাই জনসাধাৰণক অনর্থক ক্ষমতা প্ৰাপ্ত কৰ্মচাৰীয়ে জুলুম কৰিব আৰু টকা খোৱাৰ সুবিধা লব। কব বন্ধ কব গ্রামাফোন, বন্ধ কব চুঙ্গা — এই বিলাক লাউদস্পীকাৰ আইনৰ etc ত অৰ্থাৎ “ইত্যাদি” ও পৰিছে। গতিকে এখন আইন কৰিবলৈ যাওঁতে খুটিনাতি কথা আগতে চিন্তা কৰা দকাৰ আৰু etc. ৰ বিশদ ব্যাখ্যা না থাকিলে পিচত ভয়ঙ্কৰ আত্মকাল হব। এই বিষয়ত দেখা গৈছে চৰকাৰে এতিয়াও কোনো বকম পৰিবৰ্তন অনাৰ কথা নাভাবিলে আৰু Select Committee য়েও কোনো বকম এই বিলাকৰ আত নাভাঙ্গিলে। সময়মত না ভাঙ্গিলে যেতিয়া মোৰ বিশ্বাস এটা সময় আহিব চৰকাৰে সংশোধনী আনিবলৈ বাধ্য হব। এই প্ৰসঙ্গত শ্ৰীযুক্ত নমশুদ্ৰ মহোদয়ে যি বৃত্তি দিছে সেইখিনি যথেষ্ট নহলেও কিছু কাম দিব আৰু মই তেখেতৰ সংশোধনী প্ৰস্তাবটো সমৰ্থন কৰো। লগে লগে etc. তুলি লবলৈ চৰকাৰক কওঁ।

Shri FAKHRUDDIN ALI AHMED (Minister, Law) : Mr. Speaker

Sir, I have listened with great care to the objections raised by my friends, Shri Gopesh Namasudra and Shri Barbaruah regarding the word “etc”. after the word “microphones” in the preamble. If this word “etc” had been used in any substantive provisions of the Bill there might have been scope for hon. Members’ apprehension. But this word has been used for the sake of brevity in the preamble alone, in order to refer to such apparatuses as have been specifically enumerated and described in clause 4(1) of the bill. In clause 4(1) it has been provided that prohibition, regulation restriction is to apply to microphones, loudspeakers or other apparatus for amplifying human voice or amplifying music or other sounds”. If the substration clause the word “etc”, has not been used. So this “etc” and before it the “comma” refer to such things as have been specifically provided under clause 4(1). Any provision in an enactment is not given different meaning from what is actually provided simply because certain ambiguous words like “etc” are use in the preamble. As there is no word “etc.” in any of the substantive provisions of the Bill, there is no scope for different interpretation to what has been specifically provided under clause 4 (1). The hon’ble Member will be pleased to see that there is neither any justification nor it is open to put the interpretations they have suggested. Then so far as amendments that only mechanical apparatus should be prohibited, regulated or restricted. This will change the objective of this bill. I cannot accept his amendments. If it is however was intended by the Hon’ble Members that the word “etc” in the preamble be deleted even from the preamble because of the constuctions. I have no objection if the House permits to substitute the “etc” by illustration and discription of apparatus as given in clause 4(1). We may thus omit “etc” and in its place insert the words “or other apparatus for amplying human voice or amplifying music or other sounds”. If such is the intention of the amendment I shall not object for the substitutes of the word “etc” by those words I have refered to above. Unfortunately neither of the members have tabled amendments with that intretion. I have difficulty in accepting the amendment suggested by my friend Shri Namasudra, If the House you, and Sir, desire I

shall have no objection to delete the words "etc" in the preamble and replace it by addition of the words "or other apparatus for amplifying human voice and amplifying music or this sounds."

***Shri GAURISANKAR BHATTACHARYYA (Gauhati)** ; On a point of interpretation Sir. I am just participating in the debate as to whether it should be or it should not be. I am only drawing your attention to the question of preamble and what is its legal status. The Minister said that it is not a part of the Bill. In this connection may I refer to the General Clauses Act 1897, Appendix V where it is said :—

"At one time the preamble was considered not to be part of the Act, but it is now definitely an integral part". Preambles are often amended" see Indian Naval Armament (Amendment) Act, 1931 (VIII of 1931), and the Indian Tariff (Amendment) Act, 1924 (IX of 1924)

If the language of an enactment is clear, the preamble, in so far as it appears to vary from the enactment, must be disregarded. The Lahore High Court however held in a 1940 case that the preamble of the Tariff Act, 1934, by referring to customs duties on goods imported or exported into or from British India prevented section 10 of the Act, from applying when the increase of duty involved was an increase of excise duty. If the object or meaning of an enactment is not clear, the preamble may be resorted to explain it.

Now this also relates to Craies on Statute Law, Fourth Edition, pages 182-188, and for the effect of recitals of fact in an Act it also refers to Craies, pp. 4144 and 442-446.

This I quote in regard to utilisation or otherwise of the preamble of the Act.

***Shri FAKHRUDDIN ALI AHMED** Sir, that is not in conformity with what has been submitted before the House. When there is a preamble and substantive clause then what is provided in the substantive clause has preference as the law has to be interpreted as it is provided in the substantive law. Here the word "etc" describes what is provided in the law. Therefore, if the intention of the Hon'ble Member is to remove the misgiving and in order to do that if he wants replacement of the word "etc" then I am prepared to accept it provided the House agrees. But I am not prepared to accept the amendment given by Shri Namasudra.

Mr. SPEAKER : Mr. Namasudra, are you ready to withdraw your amendment?

Shri Gopesh Namasudra : No, Sir.

Mr. SPEAKER : Then I put the question. The question is "That in the third line of the Preamble the "Comma" after the word "microphones" shall be deleted and for the word "etc" the words "or other mechanical apparatus for amplifying human voice, music or other sounds" shall be substituted.

(The question was negatived)

Then what about the suggestion made by Mr. Ahmed?

Shri GAURISANKAR BHATTACHARYYA Gauhati:
That may be accepted.

Mr. SPEAKER : Then I put the question. The question is that the preamble as suggested by Mr. Ahmed, viz: instead of the word "etc." the word "or other apparatus for amplifying human voice or amplifying music or other sounds" be substituted, be adopted

(The question was adopted)

Now, there is no amendment to clause 1, 2 and 3. So I put the question. The question is that the clauses 1, 2 and 3, as reported by the Selected Committee to form part of the Bill.

(The question as was adopted)

Clause 4

Shri GOPESH NAMASUDRA Pathakandi (Reserved for Scheduled Castes): Sir I beg to move the following amendments in clause 4.

(1) in sub-clause (1) (a) after the word "hospitals" appearing in the sixth line the word "offices" shall be inserted;

(2) between the word "other" and "apparatus" wherever they occur in sub-clauses (1) (a), (2) and (3) the word "mechanical" shall be inserted.

Shri FAKRUDDIN ALI AHMED (Minister, Law) : Sir, the Hon'ble Member wants that the word "Mechanical" should be inserted but we have already rejected that and so that is unnecessary.

Shri GOPESH NAMASUDRA : My third amendment is that in sub-clause (4) for the word "five" occurring in the seventh line the word "one" shall be substituted.

(4) in sub-clause (4) after the word "rupees" occurring in the seventh line put a "fullstop" and the remaining words shall be deleted.

Sir, এর দ্বারা কেবল Educational institution, হাসপাতাল এবং কোর্টের কাছে গোলমাল করা বন্ধ করা হয়েছে কিন্তু অফিসের কাছে গোলমাল বন্ধ হওয়ার জন্য কোনও স্পষ্ট কথা নাই। কিন্তু অফিস শব্দ থাকা উচিত ছিল।

Shri KAMAKHYA PRASAD TRIPATHI: (Minister, Labour) কি অফিস?

Shri GOPESH NAMASUDRA :—Any Office. Communist Party Office বললে তো আপনারা মানবেন না।

Sir, Select Committee ১০০ টাকার জায়গায় ৫০০ ফাইনের ব্যবস্থা করেছেন Embankment and Drainage ৰ কোনো অংশ যদি কেউ ভাঙে তার ফাইন হয় ২০০ টাকা অথচ একটা বাধের সামান্য অংশ ভাঙলে শত শত বিঘা জমির ক্ষেত নষ্ট হয়ে যেতে পারে। ঘর বাড়ী নষ্ট হতে পারে। কিন্তু সেই আইনে হয়েছে মাত্র ২০০ টাকার জরিমানা। আর একটা সাধারণ অপরাধে হবে ৫০০ টাকা। এটা স্যার ভাল হয় কি?

যে লোক মাইক্রোফোন বাজাবে ঔষধ বিক্রির জন্ত বা অন্য যে কোন কাজের জন্ত তার মাইক্রোফোনের দামও গানের টাকা হবে না। এখানে জরিমানা অতিরিক্ত বলে মনে হয়। কাজেই এখনও টাকায় সংশোধনী প্রস্তাব এনেছি।

Mr. SPEAKER :—The amendments moved are that in clause 40

(1) in sub-clause (1) (a) after the word hospitals appearing in the sixth line the word "officers" shall be inserted ;

(2) between the word "other" and 'apparatus' wherever they occur in the sub-clauses (1) (a) (2) and (3) the word 'mechanical' shall be inserted,

(3) in sub-clause (4) for the word 'five' occurring in the seventh line, the word 'one' shall be substituted.

(4) in sub-clause (4) after the word 'rupees' occurring in the seventh line put a full 'stop' and the remaining words shall be deleted.

Shri HIRALAL PATWARI (Panery): অধ্যক্ষ মহাশয়, নমস্কেদ ডাঙরীয়াই যিটো সংশোধনী আনিছে মই সেইটো সমর্থন কৰি কওঁ যে ৫০০ টকা ফাইনৰ ঠাইত ১০০ টকা হব লাগে। লাউড স্পীকাৰৰ কাৰবাৰ কৰা মানুহ বিলাক সাধাৰণ দুখীয়া মানুহ, তেওঁ লোকে অলপ অচৰপ ভাড়াৰ ওপৰত চলি থাকে। গতিকে এই মানুহ বোৰে ফাইনৰ টকাটো যদি দিব নোৱাৰে তেনে-হলে এই মানুহ বোৰৰ কি অবস্থা হব? গতিকে ৫০০ টকাৰ ঠাইত ১০০ টকা কৰিব লাগে। কিছুমান ক্ষেত্ৰত, ৫০০ টকা মেচিনৰ দামেই নহয়। লাউড স্পীকাৰে মানুহৰ ঠোপনী নষ্ট কৰে গতিকে ই মানুহৰ স্বাস্থ্যৰ প্ৰতিও ক্ষতিকৰ। মাদ্ৰাজ প্ৰেসিডেন্সিয়েল ভিয়েনা মেজিষ্ট্ৰেটে উক্তি কৰিছিল যে লাউড স্পীকাৰে মানুহৰ বহুতো বেয়া কথা শিকায়, গতিকে ই মানুহৰ নৈতিকতাও নষ্ট কৰিব পাৰে।

যিহেতু মোৰ কথা হল ৫০০ টকা ফাইনৰ ঠাইত ১০০ টকা হব লাগে।

Shri: KHAGENDRA NATH BORBORUA (Amguri) অধ্যক্ষ মহোদয়, মই আগতেই কৈছো যে এই বিলখন আইনত পৰিণত হোৱাৰ আগতেই সংশোধন কৰা হৈছে ভাল কাৰণে। Loud Speaker যে নিয়ন্ত্ৰণ

কৰিব লগে এইটো সকলোৱে স্বীকাৰ কৰে। যদি অতিমাত্রা ব্যৱহাৰ হয়, বিশেষকৈ শিক্ষালুস্থান, হাসপাতাল, কাচাৰিৰ ওচৰত সেইটো মই সমৰ্থন কৰোঁ। কিন্তু বিধান সভা, সচিবালয় আৰু অস্থায়ী অফিচৰ ওচৰত বজালেও আমনি কৰা অথবা অন্তৰ্বিধা কৰা হয়। এই অফিচৰ কথাটো বাদ দিছে কিয়? ইমান বেগাবেগিকৈ বিলখন পাচ কৰিবৰ কি আৱশ্যক হৈছে? ক'ত কেনেকৈ ব্যৱহাৰ কৰিব লাগে সেইটো ভাবি চিন্তি চাইহে আইন কৰিব লাগে। বাচনি কমিটিয়েও কেইটামান মাত্ৰ কথা লগাই দিছে, ভালকৈ চোৱা নাই। অফিচৰ ওচৰত ব্যৱহাৰ কৰা ভাল নহ'ব, চেক্রেটৰীয়েট বিল্ডিংৰ ওচৰত বজালে বাক হবনে? লগে লগে ক্লাবৰ ওচৰত বজালেও ভাল নহ'ব, কাৰণ ক্লাব বুলিলে নামঘৰ, মজিদ আদিও পৰে। নামঘৰত নাম প্ৰস্তুত চলোতে আৰু মজিদত উপাসনা চলোতে লাউড স্পীকাৰ বজালেও ভাল হ'ব জানো? গতিকে এই অফিচ থকা দৰকাৰ আৰু লগতে ক্লাব, নামঘৰ, মজিদ আদিও থকা দৰকাৰ। পিচত চংকাৰে নিজেই সংশোধনী আনিব লাগিব। জনসাধাৰণৰ লগত চৰকাৰ জড়িত নথকাৰ কাৰণই এই বোৰ বেমেজালি হৈছে। বহুত ক্ষেত্ৰেও দেখা গৈছে আইনত জন্মৰ লগে লগেই সংশোধনী। গতিকে পিচত হোৱাতকৈ এতিয়াই সংশোধন হোৱা ভাল।

জৰিমনা ৫০০ টকা বৰ বেচি হৈছে, ১০০ টকাই হোৱা ভাল। এইটো আকৌ বাচনি কমিটিয়েহে বঢ়ালে। বস্তৱ দামত কৈ দেখোন জৰিমনা বেচি হ'ব। লাউড স্পীকাৰ অবশ্যে ধনী মানুহে বা মন্ত্ৰীসকলে লৈ লুফুৰে সাধাৰণ মানুহেহে ব্যৱহাৰ কৰে।

Mr. SPEAKER:— ৫০০ টকা maximum হৈ।

Shri KHAGENDRA NATH BORBORUA [Patharkandi (Reserved for Schedule Castes)] : - Maximum গুচি এয়ে minimum হৈ যাব। কিছুমান ভয়াতুৰ হাকিমে সেইটোকে জৰিমনা কৰিব। এইটকা নিদিলে অন্য শাস্তি আছেনে নাই একো লিখা নাই! অন্য শাস্তি তাকো একো উল্লেখ নাই। ইয়াকে হৈ মই শ্ৰীনমশূদ্ৰতৰ সংশোধনী সমৰ্থন কৰিছোঁ।

Shri FAKHRUDDIN ALI AHMED (Minister, Law)

Mr. Speaker, Sir. I oppose both the amendments for the simple reason that it will be very dangerous to include with in its ambit "office" for regulating, restricting and prohibitory loud speakers. This would mean that it would be restrict the use of microphones to in all sorts of places. For the purpose of preventing distrubance in institutions like hospitals and Courts and where aducation is imprated. I submit, Sir, the existing provlsion is absolute. It must not be extended to "offices".

So far as the objection with regard to the fine is concerned, it is not that every Magistrate impose a fine of Rs. 500.00. The language of the provision is that the "fine shall extend to Rs. 500.00". It may be from Rs. 10 Rs. 5 or Rs. 50. It is necessary that this maximum amount Rs. 500 should be retained as it will serve as a disternal against repetition such offence. For such persons, who commit this offence three to four times there should be scope for imposing maximum fine. This matter was thoroughly discussed in the Select Committee, and after a very careful consideration, the original figure of [Rs, 100 was raised to Rs 500. I request the Hon'ble Members is withdraw their amendments and lend their support to the provisions as recommended by the Select Committee.

Shri KHAGENDRA NATH BARBARUAH (Amguri) :—

টকা বিদ নোৱাৰিলে কি হব তাৰ কোনো উল্লেখ নাই।

Mr. SPEAKER : The question is that in clause 4(1) in sub-clause (1) (a) after the word "hospitals" appearing in the sixth line the word "offices" shall be inserted;

(2) between the word "other" and "apparatus" wherever they occur in sub-clauses (1) (a), (2) and (3) the word "mechanical" shall be inserted.

(3) in sub-clause (4) for the word "five" occurring in the seventh line the word "one" shall be substituted.

(4) in sub-clause (4) after the word "rupees" occurring in the seventh line put a "fullstop" and the remaining word shall be deleted.

(The question was negatived)

The question is that clause 4 of the Bill do form part of the Bill.

(The question was adopted)

The question is that the short title and preamble of the Bill, as amended and as it emerges from the Select Committee, do form part of the Bill.

(The question was adopted)

Shri FAKHRUDDIN ALI AHMED (Minister, L.S.-G.) Mr. Speakers Sir, I beg to move that the Assam Loud Speakers (Control) Bill, 1959, as amended, be passed.

Mr. SPEAKER : The motion moved is that the Assam Loud Speakers (Control) Bill, 1959, as amended, be passed.

ADJOURNMENT

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

AFTER LUNCH

Shri HARESWAR GOSWAMI (Rampur) :—Mr. Speaker Sir, now that the Assam Loud Speakers (Control) Bill has been discussed and almost finalised, we hope this Bill will be brought into effect immediately. Sir, the indiscriminate use of loud speakers is a veritable nuisance and that needs no repetition here. Sir, due to this indiscriminate use of the loud speakers in many urban areas it has become almost impossible to live a peaceful life or to concentrate on matters which need thought and mature consideration. Now the use of loud speakers is not only confined to our towns but it is also spreading in villages and in the villages also for any and every matter loud speakers are used, so the peaceful life in the villages also is disturbed. No doubt, we want people to enjoy life and that we should also give them enough scope to amplify music and all these things but there should be a limit to this. In other countries at least after certain hours these instruments are not used so as not to cause annoyance and disturbance to others. Now we have seen that apart from the festive days, that is during the Puja days, even for marriage ceremonies the loud speakers are being used indiscriminately, so it is simply impossible to live a peaceful life. Therefore, this move to ban loud speakers from being used indiscriminately is in the right direction, therefore, at least, people in the urban areas will henceforth be able to live a peaceful life. But we should also see that on certain occasions the use of loud speakers should not be stopped but at the same time, we want that it should be regulated, there must not be any indiscriminate use of these loud speakers. In this connection, I would also like to sound a warning that very often our good intentions are not carried out in action and due to the overjealousness of the officers, the very purpose of the Bill is defeated. I would also like to say that while we want to regulate the use of these loud speakers we do not also at the same time want to use all the powers given in this Bill that is, to stop the use of loud speakers for the lawful activities. As for instance we do not want to stop the use of loud speakers in a procession without any disturbance. For certain announcements also the use of loud speakers is necessary. Therefore, the use of loud speakers for the lawful activities by people moving in a peaceful procession and also for announcements etc may be allowed but it should be definitely regulated. As a matter of fact a moving loud speaker is not a great nuisance but a static loud speaker in a particular place is a great nuisance and in some places loud speakers are used till late night, here we should make use of the powers of the Bill. Therefore, I would firstly request Government to instruct the officers that while they try to remove this nuisance they should not unnecessarily interfere with the lawful activities of the people but the officers of course should restrict the use of loud speakers where necessary, and secondly I request the Minister-in-charge to see that the Bill be given effect to immediately, so that we may use the powers of the Bill and at the same time, we will be able to educate the people to have a disciplined life. After 11 p.m. or 12 midnight, there can be no meaning in using these loud speakers and using these loud speakers also early in the morning has no meaning at all. So I hope this Bill will be given effect immediately and I am sure, it will to a great extent give relief to our people in the urban areas.

Shri: KHAGENDRA NATH BARBARUAH :—(Amguri)

এই বিলখন আইনত পৰিণত হৈযোৱাৰ আগ মূহূৰ্ত্ততো এই কথাই কব খুজিছে। যে ইয়াত বহু বেমেজালি সৃষ্টি কৰিব পৰা খুট বৈ গৈছে। ইয়াত indiscriminate use ৰ কথা উল্লেখ হৈছে। কিন্তু কথা হৈছে কেনেকৈ indiscriminate use হৈছে তাক নিৰ্ণয় কৰিব? পুলিচ চাবইন্সপেক্টৰৰ ক্ষমতা দিয়া হৈছে যে indiscriminate use হলে জব্দ বা আটক কৰিব পাৰিব। ভালৈই হৈছে কিন্তু কেনেকৈ ব্যৱহাৰ কৰিলে Indiscriminate use কৰা হব? ডাঙৰ শব্দ (great-ervolume) ৰ ওপৰত নে কেইঘণ্টা বজাইছে তাৰ ওপৰত। ধৰক শব্দটো ডাঙৰ নহয় অথচ বেডিও বা গ্ৰামাফোণৰ দৰে কম শব্দৰে বহুঘণ্টা বজাইছে, ওচৰৰ কাৰো অন্ময় কৰা নাই; আকৌ ডাঙৰ শব্দ কৰি (greater volume) বজাইছে কিন্তু সময়ৰ মাপটো কম, অথচ ওচৰৰ লোকৰ অশান্তি কৰিছে ইয়াত কোনটো indiscriminate use হল? ডাঙৰ শব্দৰ কাৰণে নে বেচি সময়ৰ কাৰণে? এই বিলাক বেমেজালিৰ মাজত বিলখন বৈছেগৈ। এই বিলাকৰ ব্যাখ্যা না থাকিলে বা নথকাটো বৰ সাংঘাটিক কথা। ইয়াকেই সুযোগ ক্ষমতা-প্ৰাপ্ত কৰ্মচাৰীয়ে লৈ টকা পয়চা খাব আৰু বাইজক জুলুমত পেলাব।

তাৰ পিচত.....trying magistrate বিচাৰ কৰাৰ কথাও বিলত আজি কল্ড এনেকুৱা বেমেজালি ব্যাখ্যা নথকা ক্ষেত্ৰত magistrate এ বিচাৰ কৰিব কেনেকৈ? কিছুমান magistrate এ গান ভাল পায় তেওঁলোকে সৰু সৰু ঘণ্টা বজাবলৈ দিব পাৰে। গতিকে এই খন যদি গৃহীত হয় তেনেইলে জন-সাধাৰণৰ অশান্তি সৃষ্টি কৰিব। গতিকে মই মন্ত্ৰী মহোদয়কে এই বিষয়টোৰ প্ৰতি পৰিস্কাৰ হৈ লবলৈ দাবী জনালো।

Shri FAKHRUDDIN ALI AHMED (Minister, Law):

Mr. SPEAKER, Sir, there is very little, I need add after what has been stated by my friend, Mr. Hareesh Goswami in support of this legislation which is now in its final taje in this House. As the hon. Members are aware, it has been our effort to regulate use of loud speakers, as provided under this legislation, as early as possible. If it had not been for the circulation of this Bill for eliciting public opinion and then a reference to the Select Committee, it would have been possible to inforce the provisions of this Bill much earlier. Since this Bill is going to be passed now my friend, Mr. Goswami, has expressed the desire that it should be put in to operation as early as possible. We shall see that this is done. I feel after this Bill is passed, there will be no further impediments in putting in it operations the provisions of this Bill.

My friend Shri Barbaruh has also made certain observations, in particulars, he has referred and expressed apprehension about to word "indiscriminate", in the preamble, I may tell him that there is no cause for any apprehension because the word "indiscriminate" has only been used in the preamble. If he goes through the provisions of this Bill he

will find that this Bill seeks in the first place to provide for declaring any area as urban area for a period of three months at a time but not exceeding six months. As was rightly pointed out by my friend Mr. Hareswar Goswami this has been done so that the use of loudspeakers should be restricted not only in the town areas but also in rural areas. Under one of the provisions of this Bill, in case of necessity the regulations of the use of the loud speakers can be to any rural area within the State of Assam for a period of 3 months at a time and six months maximum. In the second place this Bill provides that the use of loud speakers will be restricted and regulated for the purposes mentioned in Clause 4 of the Bill. The purposes mentioned there are for "preventing annoyance to, or injury to the health of, the public or of any section thereof, or for the purpose of maintaining public peace and tranquility or for the purpose of preventing disturbance to the educational institutions, hospitals and Courts". It is only for these purposes that this restriction and regulation will be restricted to and interference imposed on the freedom of the citizens. So my friend has no cause for apprehension that power under this Bill will be utilised for each and every purpose or that it will be indiscriminate.

With these words, Sir, I commend the provisions of this Bill for the acceptance of the House.

Mr. SPEAKER :— The question is that the Assam Loud Speakers (Control) Bill, 1959, as reported by the Select Committee, and as amended, be passed.

(The question was adopted)

The Assam Contingency Fund (Amendment) Bill, 1960

Shri FAKHRUDDIN ALI AHMED (Minister, Finance) :

Mr. Speaker, Sir, I beg to move that the Assam Contingency Fund (Amendment) Bill, 1960, be taken in consideration

Mr. SPEAKER :— Motion moved is that the Assam Contingency Fund (Amendment) Bill, 1960, be taken into consideration.

†Shri HIRALAL PATWARI (Panery)

Mr, Speaker, Sir, I beg to move that the Assam Contingency Fund (Amendment) Bill, 1960, be circulated for eliciting public opinion thereon by 31st May 1960.

মাননীয় অধ্যক্ষ মহোদয়, এই জনসাধারণৰ মতামতৰ কাৰণে কয় ঠপাব লাগে তাৰ কেইটামান পৰামৰ্শ আগবঢ়াব খুজিছো। কাৰণ হৈছে আগতে যি Contingency fund Bill আহিল তাত আছে—“All expenditures

met out of advances from the Fund made in that aforesaid manner shall be laid before the legislature for authorisation within the financial year in which such advances are made”

এতিয়া আমাৰ বিত্ত মন্ত্ৰী মহোদয়ে যি বিল আনিছে তাত তেনেই মূল ধৰনটোকে বন্ধ কৰি দিব খুজিছে। যদি এটা হয় তেন্তে গণতন্ত্ৰ বিৰোধাচৰণ কৰা হ'ব বুলি ভাবো। এই সদনলৈ জনসাধাৰণে পাতি দিয়া সদস্য সকলৰ দ্বাৰা এই সদন গঠিত গতিকে Party in power এ সদস্য সকলকৈ ক্ষমতাৰ ওপৰত কোনো ৰাজত্ব নিদিয়ৈ তেনেহলে মূল ধৰাকে হত্যা কৰা নহবনে? Contingency fund ৰ বিভিন্ন প্ৰকাৰৰ টকা থাকে তাৰে কিছুমান টকা আগতে খৰছত পেলায় আৰু পাছত সদনত পাছ কৰি লয়। যদি বিৰোধী দলে আপত্তি কৰিলেও Carry out হৈ যায়। কিন্তু আমি Public Accounts Committee the ৰ Report, Audit Report ত দেখিবলৈ পাত্ত যে এই খৰছটো Regular নহয় বা যিটো টকা খৰছ কৰা হয় সেইটো Contingency fund ৰ পৰা লোৱা উচিত নাছিল। গতিকে আমাৰ Democracy ক আমি কেনেকৈ for the people, of the people আৰু by the people বুলি কও? গতিকে যদি কিছুমান কথা বাস্তবিকৈ জনসাধাৰণৰ উপকাৰৰ কাৰণে হয় আৰু যদি আমাৰ sincerity থাকে তেনেহলে সকলো ক্ষেত্ৰত কিছুমান কাম তাড়াত্সি কৰিব লাগে। আমি কিমান অফিচৰ পাইছো কিমান টকা খৰছ কৰিছো সেই অনুপাতে কাম হৈছেনে এই কথা ৰাইছে সদায় আপত্তি কৰি আহিছে; তাৰ আগত যেতিয়া কোনো এমন আইন কৰিব লগা হয়, তেতিয়া সদন বহাৰ আগত মন্ত্ৰী কেইজন বহি বিল কৰি নলয় তাৰ ফলত বহু ভুল থাকি যায় গতিকে Contingency fund ৰ পৰা খৰছ হোৱাতো বহুত irregularity থাকি যায়।

ফলত বহুত দুৰ্নীতি দেখি বুলি পোৱা যায়। আজি দুৰ্নীতি বিভাগে সমৰ্থন কৰিব, চৰকাৰে সমৰ্থন কৰিব আৰু পাৰ্টিয়ে সমৰ্থন কৰিব। এই দৰেই জনসাধাৰণেও সমৰ্থন কৰিব লগা হৈছে। এইয়ে বিবিধ পুজি ৰাখিব লগা হয়, এই পুজি যদি সদনত অনুমোদন মতে হয় তেন্তে সদ্ব্যৱহাৰ হ'ব। আজি জনসাধাৰণে বিচাৰে ন্যায়, সুস্থ শাসন, কিন্তু চৰকাৰৰ কিছুমান কামত আজি জনসাধাৰণৰ সন্দেহ হৈছে আৰু আপত্তি কৰিলে আইনৰ ফলত হাবি যায়। অৱশ্যে সত্যক লুকাব নোৱাৰে। এই কথা চৰকাৰেও জানে। সেই কাৰণে যদি এই বিবিধ পুজি এনেকৈয়ে থাকে যে বিধান সভাৰ অনুমোদন নহলেও হ'ব, তেন্তে বৰ অন্যায় হ'ব। এই সদনক অবজ্ঞা কৰা নীতিৰ বাহিৰৰ কথা চৰকাৰে কাৰণ দেখুৱাব পাৰে। কিন্তু মোৰ মতে শুদ্ধ নহয়। এই সদনক অবজ্ঞা কৰা যিমানেই যুক্তি নেদেখুৱাউক তাক জনসাধাৰণে বুজিছে। জনসাধাৰণে সত্য কথাহে বুজিছে। খৰছ কৰাত আপত্তি নাই কিন্তু তাৰ আগতেই ঠিক কৰি ল'ব লাগে। মই ভাবো

যে জনসাধাৰণৰ মতামত গ্ৰহণ কৰাটো কেতিয়াও দোষনীয় নহয়। সেই কাৰণে মই ভাবো যে সদনত সকলো সদস্যই মোৰ সংশোধনীটো গ্ৰহণ কৰিব আৰু জনসাধাৰণৰ মতামতৰ কাৰণে পঠাবলৈ সমৰ্থন কৰিব।

Mr: SPEAKER :—The motion moved is that the Assam Contingency Fund (Amendment) Bill, 1960 be circulated for eliciting Public opinion then on by 31st May, 1960.

*Shri G. URISANKAR BHATTACHARYA (Gauhati) : Mr. Speaker Sir, I stand to support the motion of my friend Mr. Patwari. I am prompted to give my support particularly in view of the Statement of Objects and Reasons give by the Minister appended to the Bill.

Let me take one aspect first. Now in the Statement of Objects and Reasons it has been said towards the latter part—“As regards authorisation of the expenditure within the financial year it is proposed to make this provision in the rule to be made under the principal Act. It is at this moment we have got no rules before us. We do not know what these rules will be; nor do we know any court of law where the matter will be justicible on the basis of the Statement of Objects and Reasons as appended to the Bill. Because however important Statement and Objects and Reasons may be it is not justicible within our court of law unlike the Court in France.

In this connection I should like to refer to the scope of the Statement of Objects and Reasons in the Bill.

I am referring to Appendix 3 of General Clauses Act—

‘In England the practice is growing up of prefixing to Bills a memorandum explaining the purport of the proposed legislation. In India since 1862, it has been uniform practice to append to every Bill a “Statement of Objects and Reasons” and the Legislative Rules governing procedure in the Legislature now regard such a Statement as a necessary accompaniment of a Bill at introduction. This convenient procedure was probably borrowed from France, where a “Project de loi” is always accompanied by an “Exposé des motifs”. The French court continually resort to the “Exposé des motifs” in interpreting the Acts of the legislature, but both in England and in India it is established that the proceedings of the Legislature cannot be referred to in the judicial interpretation of a State Administrator General of Bengal v. Premal Mullick (1895), L.R. 22 I.A., 107”. The Statement of Objects and Reasons is usefully historically, or as a lay commentary, but there are two sufficient reasons why the Courts cannot rely on it in constructing an Act. In the first place the Statement refers to the Bill as introduced, whereas it may be considerably altered before it is passed. In the second place, the meaning of the Legislature deduced from the language it has actually used, and not from its presumed intentions when its language

is ambiguous (but not otherwise) reference may be made to the previous state of the law, but even for this purpose the Statement of Objects and Reasons is not an authoritative statement of that law."

Therefore, however lofty the intention might be we cannot be guided by the Statement of Objects and Reasons unless and until we get something in proper form. Now, in the original Act, it was passed in 1950, there were two different sections 4 and 5 and not illogical as it sought to be made out by the present statement of Objects and Reasons" Section 4 says—"Pending authorisation by the Legislature, the Governor may make such advances out of the Contingency Fund, as may be necessary for the purposes of meeting unforeseen expenditure in the services of the State". So the Section 4 gives an authority to the Government to make certain advances. Now Section 5 of the Act says—"All advances made by the Governor may make such advances out of the Contingency Fund shall be laid before the Legislature for authorisation within the Financial Year in which such advances are made". Therefore, Sir, I myself humble submit that it will be wrong to think that if there is section 4, then section 5 is redundant, if there is section 5, section 4 is redundant. It would be entirely wrong for in one case the authority and the other gives the procedure as to how to implement. In this connection I may be allowed to refer to the history from the introduction of this act in 1950. I am only placing a few portion of the then Finance Minister's exposition of the matter before this House on 18th March 1950. It was said that "... a complete change of the procedure has been made by the provisions of the Government of India Act, 1935, Government could incur expenditure in excess of the amount voted by the Assembly, and subsequently place before the House, in case of emergency or unforeseen circumstances, such expenditure as laid under Section 81 of the Government of India Act, for approval of the House.

Under the present constitution no money can be spent beyond the amount use by the Assembly and included in the appropriation unless an Act is passed by the House providing a lump sum as impressed money which only may be available for urgent expenditure. The Article 236 runs as follows :—

"Not with standing anything in the forgoing provisions of this Chapter. The Legislative Assembly of a State shall have power :—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 203 for the voting of such grant and the passing of the law in accordance with the provisions of article 204 in relation to that expenditure.

(b) to make a grant for meeting an unexpected demand upon the resources of the State when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement.

(c) to make an exceptional grant which forms no part of the current service of any financial year : and the Legislature of the State shall have power to authorise by law the withdrawal of money from the Confidential Fund of the State for the purposes for which said grants are made.

Article 204 states that no money can be spent beyond the amount voted by the Assembly and included in the Appropriation Bill. Article 206 says—The Governor shall—(a) if the amount authorised by any law made in accordance with provisions of article 204 to be expended for a particular service for the current financial year is found to be insufficient for the purpose of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for the year, or (b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the House or the houses or the Legislature of the State, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State demand for such excess, as the case may be."

This can only be done subject to the provisions of articles 202, 203 and 204.

Article 267 (2) provides for constitution of a Contingency Fund to meet unforeseen, urgent and unexpected expenditure that the Government is called upon to spend, and the Article 267(2) runs as follows:—

"The Legislature of a State may by law establish a Contingency Fund in the nature of impress to be entitled, the contingency fund of the State in to which shall be paid from time to time such sums as may be determined by such law, and the said fund shall be placed at the disposal of the Governor or Rajpramukh of the State to enable advances to be made by him out of such fund for the purposes of making unforeseen expenditure pending authorisation of such expenditure by the Legislature of the State by law under article 205 or article 206. So these were the circumstances under which this Contingency Fund Bill was originally brought in 1950 to abviate the difficulty which was created after the passing of the Constitution of India. Now on this we have also parallels in other states. With regard to the scope of this provision it has been seen that Article 266 provides for the creation of 2 separate accounts in respect of public revenue and public moneys of India and the State. These two accounts are the Consolidated Fund and the public account. Article 167 provides for a third account under the title "Contingency Fund" the object of which is to enable advances to be for meeting unforeseen expenditure pending authorisation by the Legislature. Now authorisation by the Legislature is a very important aspect, and that is the aspect exactly on which present Bill gives a very rude attack, because what is sought to be made and what is there actually sought to be removed it was said that 'all expenditure, and not advance, made out of the advances' will be the corpus and from that corpus certain expenditure will be made. Now all expenditures, item by item, out of the advances from the Fund made in the aforesaid manner shall be laid before the Legislature for authorisation 'within the financial year in which such advances are made. This 'within the financial year' is of urgent importance from political reasons, i.e., the matters which were

sought to be made urgent do not come several years afterwards—that due to unforeseen circumstances i.e. earthquake, or flood or breakages of embankment, certain validation is to be made. So this sort of delaying and thereby blurring the public vigilance would be made. Therefore it has been specifically said that authorisation by the legislature must be made within the financial year itself because vigilance is the price of liberty. The people deserves to enjoy liberty only if their vigilance in the legislature as the mouth-piece of the people is always kept.

Now by this withdrawal or removal of the clause that vigilance is sought to be blurred. In this connection I may also refer to another parallel. As I have said that so far as clause (2) of Art 267 is concerned that concerns the State and clause (1) concerns the Union. Now pending authorisation of expenditure is a matter on which Basu in his commentary has, in the Constitution of India, given a note. The Contingency Fund simply provides the legal source of the money required to meet the unforeseen expenditures. It does not absolve the Government of the obligation to have the expenditure itself voted by the Parliament in the form of a supplementary demand in case of India and in case of States by the Legislature. So, while Article 267 provides for the advance, we immediately come to Article 283 (2) where it is said :—

“The custody of the Consolidated Fund of a State and the Contingency Fund of a State, the payment of moneys into such Funds, the withdrawal of moneys there from, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of the State, their payment into the public account of the State and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of the State, and, until provision in that behalf is so made, shall be regulated by rules made by the Governor or Rajpramukh of the State.

Now here, therefore, in order to make both ends meet, in order to have the money under Act. 267 and in order to safeguard public interest under Art. 283, the Contingency Fund Act of 1950 had made these specific provisions in law. Now in the present Act it is said that “in view of sub-section (2) of section 2 of the Principal Act making provision for meeting unforeseen expenditure from the Contingency Fund pending authorisation of such expenditure by the State Legislature, the provision contained in Section 4 is redundant”. Is it really so? What does Section 2 say? It runs as follows :—

“A Contingency Fund in the nature of and imprest shall be established and shall be entitled ‘The Contingency Fund of the State of Assam’ hereinafter called the Contingency Fund. The Contingency Fund shall be placed at the disposal of the Governor of Assam”. Then Section 3 says, “There shall be paid by the State Government into the Contingency Fund, a sum of Rs. 35 lakhs out of the Revenues of the State for the financial year 1950-51; and thereafter such sum or sums as may be determined by the Legislature”. Now in the Statements of Objects and Reasons where is it that there is provision in Section 2 (2) of the principal Act that this shall be passed through the Legislature within the financial Year? I have not been able to find that under sub-action 9 of Section 2 of the principal Act. Therefore, I am really surprised as to how these Statements of Objects and

Reasons could creep in because that is not in keeping with principal Act. There is some amount of similarity in the wording between section 4 and 5. But so far as sub-section (2) to Section 2 of the principal Act is concerned, there is absolutely nothing therein where it is said that the matter shall be laid before the Legislature for authorisation within the financial year in which such advances are made. Therefore, to say that this provision has become redundant, I should say it is entirely misconceived, and, therefore, we cannot agree to the passing of this amending Bill.

There is another aspect. That aspect is, I quite appreciate, that the Government is keen not only in having every year more and more money in the Contingency Fund in view, probably of the huge developmental expenditures that are to be made, but also they want to simplify the financial procedure because some times due to this procedure delays do occur. But while speed is a necessity in a developing society, at the same time the public has got a right to see that every pie of their money is well spent, and that the Legislature use the vigilance which it is charged with. Now, if for the sake of simplification and speed that vigilance is to be relaxed if that is the wish of the people I shall have no objection but the will of the people should be ascertained. I don't think that even by circulating this Bill for public opinion that purpose will be fully served. I don't think so. But instead of doing anything it will be at least a sanction. Government will be able to say, "Well we did not do anything in a hurry, we circulated it for eliciting public opinion, and at that time you did not come forward to object it, and therefore, we had to pass it because speed was a necessity on our part and for simplification of procedure also we could not wait". So the Government will find a moral justification for this change in the law as proposed. But if all on a sudden this Bill is brought or bushed and passed as it has sought to, than that will be to use a very mild word a betrayal to the trust which the public has given on us, and, therefore, while I submit, I do not think that even Mr. Patwary's amendment goes far enough to get the public sanction. I find that this is the least bad in a very bad situation, and therefore, I support his amendment.

In this connection I should also like to know from the Minister whether there have been some printing mistakes in the statement of Objects and Reasons or anything of the sort because really speaking knowing Shri Ahmed as the legal luminary I have not been able to understand as to how this thing could come in the statement of Objects and Reasons, the thing which does not exist at all in the principal Act which is before me. Of course I am subject to correction but I should like to have some light from the Minister because it appears to be misleading and I am misled because of the statement of Objects and Reasons.

With these few words, Sir, I support the amendment moved by Shri Patwari.

*Shri FAKHRUDDIN ALI AHMED, (Minister, Finance): Mr. Speaker Sir, I should like first of all to deal with the Constitutional or legal aspect which has been placed by my friend Shri Gaurisankar Bhattacharyya in this House. The Hon'ble Members has referred to Article 267, sub-clause

2 of the Constitution of India. It is evident from that sub-clause that the Legislator of a State may by law establish a Contingency Fund in the nature of an imprest to be entitled "the Contingency fund of the State" into which shall be paid from time to time such sum as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor or Rajpramukh of the State to enable advance to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of the State. It is, therefore, obvious that apart from what expenditure has been sanctioned by the Legislator for spending on various item, it also contemplates placing at the disposal of the Governor certain amount, out of which certain unforeseen expenditure can be incurred and for that purpose, the Hon'ble Member is aware this House approved a Bill under which certain amount is placed at the disposal of the Governor. So far as this Bill is concerned, the original Bill in respect of which the amendments are sought to be made has no concern whatsoever. Apart from that Bill, for placing of funds at the disposal of Governor there is a procedure as to how to draw the money out of that Contingency Fund and that is regulated by the Act of 1950, in respect of which the Hon'ble Member would be pleased to see the Assam Contingency Fund Act, 1950, then he would find that the sub clause 2 of the Act says that the Contingency Fund shall be placed at the disposal of the Governor of Assam and the same thing is repeated in section 4 of the Act excepting the words "pending authorisation by the Legislature". Now, if you just eliminate the words "pending authorisation by the Legislature" then the other words are the same. The Governor may make such advances out of the Contingency Fund as may be necessary for the purpose of unforeseen expenditure in the service of the State. My submission before you, Sir, is that so far as the purport and meaning of section 4. Therefore, it is redundant.

*Shri GAURISANKAR BHATTACHARYYA (Gauhati): So the Governor becomes the custodian.

*Shri FAKHRUDDIN ALI AHMED (Minister, Finance) : The Governor may make such advances out of the Contingency Fund to meet unforeseen expenditure subject to such restrictions as are laid down by the Constitutions or the Legislator. My friend's objection is that the words "pending authorisation by the Legislature" are not there. But, Sir, so far as these words are concerned, we have concerned, we have certain difficulties. If any amount is to be spent out of this Fund then it makes necessary for us to take the permission of the House during the financial year. But some time it happens that the permission cannot be taken during the financial year and so difficulty arises. We also referred this matter to the Government of India to suggest as to how this difficulty could be overcome. The procedure in other States as also in the Government of India is that after an expenditure is incurred out of the Contingency Fund, the first time after that the Assembly meets that expenditure is placed before the House. In reply to our letter the Government of India does not contain similar provisions as contained in Sec. 4 of the Assam Contingency Fund Act. The provision for the repayment of the advances is contained in the Rules framed by the Government of India and so they suggested "you better have rules as in Government of India". Therefore, Sir we propose to amend the

the relevant sections of the Contingency Fund Act to bring it in line with the rules as exist in the Government of India Act. Because of the words "pending authorisation by the Legislature" we found in the past that sometime we could not place it before the House although the expenditure was incurred out of the Contingency Fund during the financial year. So in order to overcome the difficulty of placing the whole matter before the House within the financial year these words are sought to be changed. We want to fall in line with the provisions of the Central Contingency Fund. There the expenditure is controlled by the Rules and so far as the Rules are concerned, the Hon'ble Members are aware that there is a Subordinate Legislation Committee and this would be placed before the Committee and we shall follow the same procedure as is obtained in the Central Government. In fact we have formulated these Rules and after this provision is passed this matter will be placed before the Hon'ble Members and it will be considered when the Subordinate Legislation Committee meets. Therefore, the Government of India suggested that since section 2 (2) of the Assam Contingency Fund makes it clear that the advances from the Contingency Fund are to be met pending authorisation by the State Legislature of the expenditure, this provision is unnecessary and redundant. Therefore, the Government of India suggested that this should be deleted and we also agree with their views in this connection.

We also agree with the Government of India's view in this connection and should be deleted.

***Shri GAURISHANKAR BHATTACHARYA (Gauhati)**

On a point of clarification before he goes to the next point. What I wanted to know was this how can Sub-section 2 of Section 2 of the Principal Act be analogous to either Section 4 or 5 because Sub-section 2 of Section 2 says that there will be a Contingency Fund at the disposal of the Governor. Section 4 says that from that Contingency Fund, the Governor may make such advances, as may be necessary, for the purposes of meeting unforeseen expenditure in the services of the State and it will be regularized in the course. All the three stages are necessary. There must be a fund there must be an expenditure and there must be a procedure. When one thing is there, how can the other thing be redundant? As the point is not clear. As a matter of fact these two things are completely different, Section 2 and Section 4

***Shri FAKHRUDDIN ALI AHMED (Minister, Finance):**

My submission is that we have suggested deletion of Section 5. Keeping Section 2 (2) of the original Act and amending Section 5 which is provided in Clause 4 of the Bill, the new clauses read together will serve the same purpose as the relevant sections of the old Act.

Mr. SPEAKER :— The Hon. Member is not clear on the point that Sub-section 2 of Section 2 is analogous.

*Shri FAKHRUDDIN ALI AHMED (Minister, Finance):

That I have explained. If the Hon'ble Member will be pleased to see that "the Contingency Fund shall be placed at the disposal of the Governor of Assam." That is to say, the Governor of Assam can spend out of this imprest money which is provided by the Contingency Fund.

The Contingency Fund shall be placed at the disposal of the Governor and it is the same thing as saying that the Governor may make such advances, as may be necessary, for the purposes of meeting unforeseen expenditure in the services of the State. You may look at sub-clause 4 of the amending bill for the purpose of carrying out the object of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawals of moneys from, the Contingency Fund of the State of Assam." I mean the procedure has already been provided. So, actually what we are doing is that we want to bring our Act in consonance with the provisions of the Act of the Government of India

*Shri GAURISHANKAR BHATTACHARYYA (Gauhati):
We have not been supplied with the Government of India Act.

*Shri FAKHRUDDIN ALI AHMED :— That he can get easily. (A voice : as he has collected so many other books).

*Shri GAURISHANKAR BHATTACHARYYA :— My point was the Government of India Act and the Assam Act are not indetical.

*Shri FAKHRUDDIN ALI AHMED :— Now we want to bring it more or less to the same—that is the Assam Act with the Government of India Act. But here a difficulty arises. I want to take the Members of this House into confidence. Sometimes money was advanced out of this Contingency Fund for unforeseen expenditure and this could not be laid before the House before the end of the financial year for one reason or other. So we wanted to provide for this. On account of this difficulty we referred the matter to the Government of India who replied that: you have created trouble for yourself. Why do you not fall in line with us? Make some provision and there will be no difficulty. Therefore we are following their advice.

My submission is that here there is nothing suspicious about which my friend may have some doubts. So far as this fund is concerned, I think in a developing economy, it is necessary that certain freedom should be left with the Government to incur an expenditure which is not provided in the Budget.

*Shri GAURISHANKAR BHATTACHAYYA (Gauhati):--
Freedom without restraint degenerates into licence.

*Shri FAKHRUDDIN ALI AHMED (Minister, Finance):--

If this provision is not there, it would be impossible for us to incur an expenditure of an unforeseen nature. The Hon'ble Members know that not a single pie can be spent without the approval of the Legislature. It may be that the approval is not taken today but soon after the Legislature meets, all these amounts come up by way of Supplementary Demands and they are placed before the House for their approval. Then again there is the Public Accounts Committee, the Accountant General who will see that the amounts cannot be spent without sanction of the Legislature.

My friend Shri Patwary's concern that there is scope for bribery and corruption if something is spent out of the Contingency Fund, I donot share. If it is so, could he point out a single instance where bribery and corruption had taken place because certain amounts were spent from the Contingency Fund? The Contingency Fund has nothing to do with bribery and corruption. It only authorises incurring of expenditure of an essential nature which could not be foreseen at the time of the Budget being presented or when an expenditure is incurred at the time of an emergency. Now take for instance the amount which was advanced by the Government during the time of flood in North Kamrup, Cachar and other part of the State. In order to meet the food situation in the Mizo Hills, there was no provision for such an expenditure in the Budget. The Assembly was not in session at that time. If that expenditure was not made at that time people would have died in North Kamrup and Mizo Hills district.

It is only to provide for such emergencies that the Act of 1950 was enacted. Now we want to make this amendment according to Government of India's suggestions in view of the difficulties which have been experienced by us.

In view of this, my friend will please waive his objection and not press their motions for eliciting public opinion and proceed with the consideration of the business.

Shri HIRALAL PATWARY (Panery) : মই মোচনটো press কৰিব খোজো।

Mr. Speaker—Order, order I put the Question. The Question is that the Assam Contingency Fund (Amndt) Bill, 1960 be circulated for eliciting public opinion by 31st May 1960.

House divided.

Ayes : 5

- | | |
|-----------------------------------|------------------------------|
| 1. Shri Gaurisankar Bhattacharyya | 4. Shri Hiralal Patwari |
| 2. „ Ghanashyam Talukdar | 5. „ Khogendranath Barbaruah |
| 3. „ Gopesh Namasudra | |

Noes : 35.

- | | |
|-----------------------------------|------------------------------|
| 1. Shri Bimala Prasad Chaliha | 19. Shri Gaurisankar Roy |
| 2. „ Fakhruddin Ali Ahmed | 20. „ Harinarayan Barua |
| 3. „ Rup Nath Brahma | 21. „ Mahadev Das |
| 4. „ Debeswar Sarma | 22. ML. Mahammed Idris |
| 5. „ Kamakhya Prasad Tripathy | 23. Shri Manik Ch. Das |
| 6. „ Hareswar Das | 24. „ Molia Tati |
| 7. M. Moinul Haque Chaudhury | 25. „ Nanda Kishore Sinha |
| 8. Shri Biswadev Sarma | 26. „ Narendra Nath Sarma |
| 9. „ Radhika Ram Das | 27. ML. Nurul Islam |
| 10. „ Larsingh Khyriem | 28. Shri Purnanda Chetia |
| 11. „ Lalit Kumar Daley | 29. „ Radha Charan Chaudhury |
| 12. „ Chatrasingh Teron | 30. „ Rajendra Nath Barua |
| 13. Maulavi Abdul Matlib Mazumder | 31. „ Ram Nath Das |
| 14. Shri Baikunath Nath Das | 32. Dr Ram Prasad Chaubey |
| 15. „ Devendra Nath Hazarika | 33. Shri Sarat Ch. Goswami |
| 16. „ Durgeswar Saikia | 34. „ Sarbeswar Bordoloi |
| 17. „ Dwijesh Ch. Deb Sarma | 35. „ Tajamul Ali Bar'askar |
| 18. „ Ghanashyam Das | |

(The question was negatived)

Mr. SPEAKER :—Now, the question is that the Assam Contingency Fund (Amendment) Bill, 1960 be taken into consideration.

(The question was adopted)

Mr. SPEAKER :—There is no amendment to Clause I of the Bill.

So I put the question that Clause I of the Bill do form part of the Bill.

(The question was adopted)

Clause 2

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)] Mr. Speaker, Sir, I beg to move that Clause 2 of the Bill shall be deleted be renumbered accordingly.

Sir, আমি আইনজ্ঞ নই এই আইনের ব্যাখ্যা করণে ইংরেজী ও ভাল জানি না কিন্তু একজন সাধারণ মানুষ সাধারণ ইংরেজী জ্ঞান নিয়ে যদি দেখি তবে দেখতে পাব Clause 2 তে সরকার আজ কি পরিবর্তন আনতে চাইছেন— Bill এর Clause 2 তে আছে “Section 4 of the Principal Act shall be deleted.”

Principal Act এর Section 4 এ কি আছে দেখি— “All expenditure met out of Advances from the fund made in the aforesaid manner shall be laid before the Legislature for authorisation (within the financial year in which such advances are made). এই যে “Laid before the legislature” এবং “within the financial year” এই দুটাকে ফাঁকি দেবার জন্য এই সংশোধনী বিল সরকার তুলেছেন Contingency fund একটা জরুরী অবস্থার জন্য রাখা ফাণ্ড। সেই ফাণ্ড ব্যবহার করবার জন্য নয়। কিন্তু আমরা দেখেছি যখন তখন এই ফাণ্ডের টাকা খরচ করা হয়েছে এবং পরবর্তী বয়সে Supplementary demand টা আবার তাহা পূরণ করা হয়েছে। এতে জরুরী অবস্থা অনেক সময় ছিল না।

ধরা যাক মিজো জিলার কথা— আজ দুই বৎসর হলো বাঁশে ফুল ধরছে; ইতরের উপদ্রব আরম্ভ হয়েছে। মিজো জেলার জমিচাষী জমি চাষ বন্ধ করে দিয়েছে। তাদের ধারণা ইতরের উপদ্রব এবং বাঁশের ফুল অশুভ-লক্ষণ তাদের মতে দুর্ভিক্ষ আসছে। এটা একটা সংকট পূর্ণ অবস্থা, এটাকে কোনো জিলায় রক্ষা করতে পারে না তবে নিজের resource থেকে সমস্ত রাজ্য এসে তাঁর পিছে দাঁড়াতে হবে। কিন্তু সরকার কি এই দুবছরের মধ্যে বাজেটে এর কোন ব্যবস্থা রেখেছেন? না— নাই। এই বৎসরের পাঁচ ছয় মাস আগে থেকেই অবস্থা অত্যন্ত শোচনীয় আকার ধারণ করেছে। কিন্তু এই বৎসরের বাজেটও কোনো ব্যবস্থা নেই। আমরা জানি আবার যখন বিধান সভার অধিবেশন বসবে তখন Contingency ফাণ্ড থেকে খরচ করা হয়েছে বসে Supplementary demand আসবে। এটাতো unforeseen নয় দীর্ঘ দিন যাবৎ চলে আসা ঘটনা। কিন্তু কি ভাবে খরচ হবে আমরা জানি। আগের ব্যবস্থা মত্ত বিধান সভার অনুমতি নেওয়ার ব্যবস্থা ছিল ওটা শেষ করে দিতে চান সরকার এটা গণতন্ত্র নয় স্বেচ্ছাচার— জনসাধারণের মিসকিটিং আইন সভার অধিকার শুধু ভোটের জোরে পাশ করিতে নেওয়ার ব্যবস্থা হয়েছে? কাজেই Sir, ব্যবস্থা থাকা অনুচিত বলেই এই সংশোধনী প্রস্তাব আমি এনেছি।

Mr. Speaker :— The amendment moved is that the clause 2 of the Bill shall be deleted and the subsequent clauses be renumbered accordingly.

Shri KHAGENDRA NATH BORBARUA (Amguri) :—

অধ্যক্ষ মহোদয়, কি কাৰণে ৪ৰ্থ ধাৰাটো মূল আইনৰ পৰা আঁতৰোৱা হৈছে বুজ নোপাওঁ। মই অতি আগ্ৰহেৰে মনোযোগ দি বিত্ত মন্ত্ৰীৰ বক্তৃতা শুনিলো কিন্তু মই একো ধৰি নোৱাৰিলো কিয় ৪ৰ্থ ধাৰাটো মূল আইনৰ পৰা তুলি দিব লাগে। মোৰ মতে এই ৪ৰ্থ ধাৰাটো আগৰ দৰেই থকা উচিত। কমপানিৰ হাতৰ পৰা Contingency fund ৰ টকা আনি চৰকাৰে খৰছ কৰিব আৰু বিত্তীয় বছৰতে এচেন্সনীতে পাচ কৰাই লব। এইটো অতি সহজ কথা। যদি এই খিনি গণতন্ত্ৰৰ মান লব নোখোজে তেনেহলে গণতন্ত্ৰৰ কি অৰ্থ মই বুজি নোপাওঁ। এই যে ৪ৰ্থ ধাৰাটো তুলি লবৰ কাৰণে প্ৰস্তাৱ আনিছে ইয়াৰ দ্বাৰা Legislation ৰ ক্ষমতাত আঘাত কৰিছে। সেই কাৰণে মই শ্ৰীমন্ত্ৰীৰ সংশোধনী প্ৰস্তাৱটো সমৰ্থন কৰিছো।

*Shri GAURISANKAR BHATTCHARYYA (Gauhati):

Mr. Speaker, Sir, again I rise to support the Amendment of my friend Shri Namasudra. It appears now we have both the negative and positive. I went to say in that direction, because while the Minister-in-charge of the Bill proposes to delete Section 4 of the Principal Act, my friend wants to delete this proposal of the Minister, that is to say of keeping Section 4 of the Principal Act. Whether actually Section 4 of the Act can remain or whether this Section can really be done away with, this point will be clear if I refer to Article 283 of the Constitution of India, particularly clause 2. We find from Basu's commentary, the object of this Article is to place the custody as well as payment of public monies under the control of the Legislature. In England there is custody and there is also a custodian and the custodian also makes payment for certain purposes. So far as this Contingency Fund is concerned, this is a Imprest money. What is Imprest money? The dictionary meaning of the ...or "Imprest money" is the money which is going in the custody of person for expenditure for State purposes. That is the dictionary meaning.

Now so far as the states purposes and concerned that defined under section 4 or rather I should say this is prescribed under section 4. From time to time, as the Minister says, the advances are to be made which has become urgent in developing economy as is ours. I also see the logic in the Minister's argument that money is to be spent for certain unforeseen circumstances which are to be met at the fag end of the year. It may not be possible to place the matter for authorisation by the legislature within the Financial year itself. If it is really difficulty for the Financial Minister to follow the procedure, he should have come forward to do away with section 4 and not section 4, because he is not going to touch section 5

***Shri FAKHRUDDIN ALI AHMED (Minister, Finance)**
 What I have said is that the Clause 2 of the old act plus the amended sub-section 5 should be read together. So far as the Section 5 is concerned this section is to be revised now.

***Shri GAURISANKAR BHATTACHERYYA : (Gauhati)**
 Yes, Sir, there is logic in the proposition of the Minister as given under clause 3. The Minister wants to substitute section 5 by a new thing—i.e., the Minister wants to avoid the provision within the financial year in which such advances are made. So this section is amended and I read the amended section—“For the purposes of carrying out the object of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawals of moneys from the Contingency Fund of the State of Assam”. I am not speaking on clause 3. I shall discuss this clause when it comes up for discussion in due course. Now I shall speak about the amended section 5. I do not find any reason whatsoever to delete section 4. Because so far as the difficulty of financial year is concerned, that is another thing and so far as the authorisation is concerned this is required under Article 283, clause 2. So far as this Article is concerned, who is the custodian of the impressed money created under section 2? The Executive Government is empowered to spend from the contingency fund of a State for unforeseen expenditure in the services of the State. What this section emphasizes in particular is that the Executive Government may not spend from this fund as it pleases. There are two things two limitations—that is the expenditure to be made must be unforeseen and it must be one which is really necessary as my friend Shri Namasudra pointed out. The contingency amount must be spent on such situations which the executive Government has not been able to foresee. If these are not so, then this is not our fault, and that is not the fault of the people. That must be fault of the Executive Government.

***Shri FAKHRUDDIN ALI AHMED**
 All are not prophets to foresee some unusual situation.

***Shri GAURISANKAR BHATTACHERYYA :** Yes I agree that all are not prophets. If the money is spent for unforeseen and unusual situations or for abnormal situation, then it is rightly spent. But if the money is to be spent in foreseen circumstances or for the situation which the normal commonsense can anticipate then this expenditure is not justified and this sort of spending does not entitle the Executive Government to resort to the extraordinary provisions of the Constitution. Whether we may speak of Article 267 or we may speak of Article 283 or whether we speak of all these Articles i.e., Articles 202, 203 and 204, all these articles give certain extraordinary power to the Government in certain extraordinary provisions in the Constitution, it does not mean that the people's money should be squandered away at the sweet will of the Executive Government. We must be very cautious in spending public money. Though it has been enunciated in the Constitution that the Executive Government will have power to spend money from this fund, this should be realised that it is the people's money. The money of the people should be spent only

after getting the approval of the people through their elected Representative. This expenditure may be presented by way of supplementary demand or reappropriation. The expenditure may also be incurred from the Consolidated Fund and Contingency Fund. Therefore the Executive Government should not take the advantage of these funds in running the governmental business. Section 4 is a condition. Rather I should say it stands as guard. Because, this section specifically says that the contingency fund shall be withdrawn only for meeting the unforeseen expenditure for the services of the State. That is one condition. The second condition is that this spending must be authorised by the legislature subsequently.

Therefore, if we delete this section, then it will be a great set back and I donot know what will happen. These two guarantees stand so to pay as the brek-knot which may be otherwise called as the Darwan guarding the doors of the public exchequer. Mr. Ali Ahmed may be very careful in spending money from this fund. But he will not be here always. Tomorrow there will be somebody who will not be as careful as the Present Finance Minister. Who knows, tomorrow I may also step into his shoe and I may not be able to follow him in the matter of spending such much. Therefore, I think by removing these two guarantees on behalf of the people no good will be done to the people and to the Government. I fully appreciate the difficulties of the Finance Minister, but I could not persuade myself to agree to remove these two important guarantees.

We shall consider the clause 5 in the second stage of the discussion and so far as the clause 4 is concerned, I think if we delete this clause this will create reason for suspicion. With these words Sir, I support the amendment motion moved by my friend Mr. Gopesh Namasudra.

***Shri FAKHRUDDIN ALI AHMED (Minister, Finance)**

Mr. Speaker, Sir. I was under the impression that my friend Shri Gopesh Namasudra would move his amendment just to oppose in order to give us the power to do away with the provision of spending, within the financial year. But from his speech it is apparent that he had not move his amendment with that object. So far as Shri Gaurisankar Bhattacharyya is concerned, I request the honourable member to consider that sub-clause 2 of the Act is sought to be amended to do away with the clause 4 of the original Act. What we seek to provided is not clause 3 by amending clause 5 of the original Act. All these things have to be taken together. Is the honourable member pleases to see the sum total of these things i.e., contingency fund at the disposal of the Government and then look to the procedure prescribed, he will find that the contingency fund is being spent for the services of the people of the State, and for the purpose, rules shall have to be framed. Now, here my friend said that in the existing clause 4, there is a restriction of expenditure and there is also a limit for unforeseen expenditure. There, if we delete clause 4, then the check which now the legislator exercises, will not be there. My submission is that the expenditure on unforeseen situation is a matter o

subjective consideration. As a matter of fact, from the point of view of the subjective consideration I may spend from this fund for the purpose of unforeseen situation. It is for me to decide whether this is an expenditure for unforeseen situation or otherwise. I may be wrong or I may be right in finding the situation whether it is seen or unforeseen but it will be my decision. If the expenditure is incurred, the matter will be placed before the House to decide whether the expenditure incurred was of right type or not. So the legislature can easily accept or refuse it. So, I think, by doing so, I am not taking away the power of the legislature. I have said this matter is going to be regulated by framing proper rules for the benefit of the individual member. If the honourable member cares to look at it, he will find that these have been provided by rules. I will just read a portion—"we want to provide in our rules that no advance shall be made except pending authorisation of the legislature". There is already provision for these rules. So, there is no fear for me that these will not be followed by the Government. We have been advised by the Government of India to bring these amendment for the purpose of sub clause 3. So, I think, the honourable member should not oppose it, particularly when he agreed that there is difficulty to far as this expenditure is concerned.

*Shri GAURISANKAR BHATTACHARYA: (Gauhati)
I have not objected, I have pressed for it.

*Shri FAKHRUDDIN ALI AHMED (Minister Finance)

Sir, there are other orders and other problems also. Now that the financial year is closed, we have to come for this amendment here. The Government of India has suggested that provision of sub clause 4 is redundant. If we feel that we have to retain sub clause 2 as amended and do not delete clause 4, sub clause 3 and for that matter clause 4 of the existing rules becomes redundant. Now I have explained the position to my friend and I hope he will accept the same and allow the deletion of this clause.

Mr. SPEAKER: Clause 4 falls within the clause 3
Now the motion is lost. Now clause 4—Shri Gopesh Namasudra

Shri GOPESH NAMASUDRA [Patharkandi Reserved
for Scheduled Caste)]

Mr. Speaker Sir. I beg to move that for clause 4 of the Bill the following shall be substituted, namely:—

"For the purpose of carrying out the object of this Act, the State Government may make rules subject to the approval of the State Legislature to regulate all matters connected with or ancillary to the custody of, and the payment of moneys into and withdrawals of money from, the Contingency Fund of the State of Assam."

চাৰ, এসম্পৰ্কে আমাৰ Comrade Bhattacharyya এবং মানীয় সদস্য শ্ৰীপাটোয়াৰী জনমত সংগ্ৰহৰ জন্তে এই বিল প্রচাৰ কৰা দৰকাৰ বলে যে সংশোধনী এনেছিহেন তাৰ সমর্থনে বলতেগিয়ে যা বলেছে এখন নতুন করে বলবার কিছুই নেই। শুধু পুণৰুক্তিই হবে। আশা কৰি আমাৰ সংশোধনী গৃহীত যবে।

Mr. Speaker:— The Amendment move is:—For Cluse 4 of the Bill the following shall be substituted nanely:—

“For the purpose of carrying out the object of this Act the State Govt. may make rules subject to the approval of the state Legislature to regulate all matters connected with or ancillary to the custody of, and the payment of moneys into and withdrawall of moneys from this contingency Fund of the State of Assam.

*Shri FAKHRUDDIN ALI AHMED (Minister Finance)

Mr. Speaker, Sir. I oppose the amendment for a very simply reason that whatever rules are framed by the Government and sent to the Sub Legislature Committee for its consideration and on their recommendation rules are framed and placed before the House. So we have got nothing to do in the circumstances.

Mr. SPEAKER :— Mr. Namasdra, are you prepared to withdraw your amendment ?

Shri GOPESH NAMASUDRA :—[Patharkandi (Reserved for Scheduled Castes)] Yes The amendment was withdrawn with the leave of the House.

Then I put the question that clause 3 does form part of the Bill

(The question was adopted)

I then put the main question. The question is that the long and the short title of the Bill do form part of the Bill.

(The question was adopted)

Shri FAKHRUDDIN ALI AHMED :

Sir, I beg to move that the Assam Contingency Fund (Amendment) Bill 1960 be passed.

Mr. SPEAKER :— The Motion moved is that the Assam Contingency Fund (Amendment) Bill, 1960 be passed.

*Shri HARILAL PATWARY (Panery) :— অধ্যক্ষ মহোদয়, ৫ টাৰ বিপক্ষে ৩৪ টা ভোট পাই বিলখন পাচ হোৱাৰ কাৰণে আনন্দ পাইছে। আমি ৫ টা ভোট পোৱাৰ বাবেই আনন্দ লাগিছে। এই পুঁজি Emergency ৰ বাবে ৰাখিছে আৰু Unforeseen শব্দটো ব্যৱহাৰ কৰিয়েই কিছুমান টকা খৰচ কৰিবলৈ দি দিয়ে। আজি ডাকবঙলা মেৰামতি কৰিবৰ কাৰণেও ২৬ হেজাৰ ৬০৯, টকা দিছে সেইটো Unforeseen নহয়। কিন্তু টকা দি দিছে আৰু খৰচ কৰিছে। ২০৫ আৰু ২০৬ টকাৰ উপৰিও ২৬৭ বেচি Emergent আজি যি বিবিধ পুঁজি ব্যৱহাৰ হৈছে তাৰ গবেষণা কৰিলে আচল কথাটো ওলায় পাবিব। আজি আচল উত্তৰ পাৰৰ জনজাতি সকলৰ কাৰণে একো কৰা নাই। যত দৰকাৰ হয় সেই মতেই এই পুঁজি ব্যৱহাৰ কৰা হয়। এইটো আচলতে Constituency fund হৈ Contingency fund নহয়। কাৰণ ইয়াত সদায় সুবিধা মতেহে খৰচ কৰা হয়। হিপাবতও এই পুঁজিত পৰা এইকাত খৰচ কৰা নাই। আমি কৈছো এই সদনত অধিকাতৰ কথা তাড মন্ত্ৰীয়ে আপত্তি কৰিবলৈ কি আছিল। যদিও এই বিলখন ৫—৩৪ ভোট পাচ হৈছে তথাপি আমি কওঁ যে Unforeseen শব্দটো ব্যৱহাৰ কৰি যতে আন এটাও খৰচ নকৰে। সিদিনা মোৰ সমষ্টি ৩ হঠাৎ এটা স্কুল ভাগি গল কিন্তু Unforeseen বুলি ইয়াত পৰা এটকাও দিয়া নাই। মোৰ সমষ্টিৰ ৰাইজ বৰ জুখীয়া কিন্তু চৰকাৰৰ পৰা কোনো সহায় পোৱা নাই। শিৱমাগৰত এটকাৰ চাউলৰ কাৰণেই নিজৰ ছোৱালীকে বিক্ৰি কৰিছে। সেইটো কাগজত দেখিছো। চৰকাৰে আজি গাৱলীয়া ৰাইজৰ কাৰণেহে চিন্তা কৰিব লাগে। গাঁৱত গাঁও বুঢ়াই আটা ইত্যৈকে বেচি কাম কৰে। কিন্তু সকলোৱে তেওঁক ধমকহে দিয়ে। ডানকান চাহাবে সৰম কৰি ছুটকা দিলে আৰু সেয়ে এতিয়াও আছে। এই বিবিধ পুঁজিত পৰা এটকাও নিলিখিল।

Shri KHAGENDRA NATH BARBARUA (Amguri) :—

অধ্যক্ষ মহোদয়, Contingency fund ৰ টকা খৰচ কৰিবলৈ হুচিয়াৰ হোৱা দৰকাৰ। চৰকাৰে হুচিয়াৰ হলে এনে ফন্দিৰ প্ৰয়োজনেই নহয়। যেনে মিজো পাহাৰত ১৯৫৭ চনৰ পৰা বাঁহ ফুলিছে আৰু সেই ফুল খাই এন্দুৰ বাঢ়িছে। তাৰ কাৰণে চৰকাৰ সাজু হ'ব লাগিছিল। কাৰণ তাৰ ৰাইজেও আপত্তি কৰিছিল। এন্দুৰ উজনী অসমৰ সকলোতে ক্ৰমে বাঢ়ি আৰু উৎপাত কৰিছে কিন্তু চৰকাৰে সিদিনা এটি প্ৰশ্নৰ উত্তৰত চৰকাৰে নিগনিৰ উপদ্ৰৱ গম নাই পোৱা বুলি কৈছে। সকলো সদস্যই নিগনি বঢ়াতো জানে! গতিকে চৰকাৰৰ কৰ্তব্য হুচিয়াৰ হোৱা। কিন্তু হুচিয়াৰ নোহোৱাৰ ফলত যেতিয়া অতিমাত্ৰাই

অবস্থাই দেখা দিয়ে তেতিয়া Contingency fund ৰ পৰা ধৰ্মাধৰ্ম খৰছ কৰা, অফিচাৰ নিয়োগ কৰা আদি কৰি থাকা। এইটো যুক্তিসংগত নহয়।

১৯৫০ চনতে ভূমিকম্প হ'ল আৰু Contingency fund ৰ টকা যথেষ্টে খৰছ কৰিলে। এতিয়া সদনে “পাচ কৰা” Embankment and Drainage Validation বুলি এখন বিলত spirit is followed but provision is not followed বুলি অপব্যয় কৰি সদনত ‘সকলো ভাল হৈছে’ বুলি পাচ কৰাৰ খুজিছে যদি টকা খনৰ হেন্দোল নাই, ঠেংএটা নাই, তেনেহলে থাকিল কি? কিন্তু Validation Act মতে যোৱাক ভাল কৰা হয়, অত্যাৱশ্যক জ্ঞায় কৰা হয়, অধৰ্মক ধৰ্ম কৰি সদনত পাচ কৰাবলৈ সিক কৰিছে কি আচৰিত চৰকাৰ?

এই Contingency fund টো এনে যেন “সাবাৰ কাসে ব্যৰ্থ হয়ে তোমাৰ কাসে এসেছি।” সদনত পাচ কৰাবলৈ আহিছে। আন হাতে দি এই বিল জানিবা মকৰবধজ। যদি এয়ে হয়, তেন্তে বাজেট পাচ কৰাৰ মানে হল কি? তাৰোপৰি বছৰৰ শেষত টকা খৰছ কৰিব নোৱাৰি Surrender কাৰটো চৰকাৰৰ বহুতো ক্ষেত্ৰত ধৰ্ম্মহে পৰিছে। কাষেই এইটো, স্বাভাৱিক হ'ব যে এই ফাণ্ডৰ টকা খৰছ কৰিব নোৱাৰি পোষত Surrender কৰিব লাগিব। গতিকে Contingency fund ৰ আয় ব্যয় সদনত আৰ্থিক বছৰতে দাঙ্গা নধৰিবলৈ কৰা প্রচেষ্টাত মোৰ সমৰ্থন নাই। [সময়ৰ সংকেত ধ্বনি— আৰু মাননীয় সদস্যই নিজৰ আসন লয়।]

Mr. Speaker :— Now I put the main question. The question is that the Assam Contingency Fund (Amendment) Bill, 1960 be passed.

(The question was adopted)

(At this stage the speaker Vacated the chair the Deputy Speaker accussed it.)

Half an hour discussion on answer arising out of the unstarred questions No. 122 asked by Shri DURGESWAR SAIKIA on 19th March, 1960.

Shri DURGESWAR SAIKIA (Thowra):— মাননীয় অধ্যক্ষ মহোদয়, যোৱা ১৯ মাৰ্চ তাৰিখে, মোৰ Unstarred question No. 122. উত্তৰত মাননীয় মন্ত্ৰী মহোদয় যি উত্তৰ দিছিল সেই উত্তৰত বহুখিনি কথাই সত্য নহয় আৰু তাত মই সন্তোষ্ট নহৈ সেই প্রশ্নকেই মই আধা ঘণ্টাৰ আলোচনাৰ কাৰণে দিছিলো।

সেই প্রশ্নৰ উত্তৰত মাননীয় মন্ত্ৰী মহোদয়ে কৈছিল যে the Land Settlement Advisory Committee এ ৪০ ঘৰ মানুহক অভয়পুৰ বিজাৰিত কৰেঙত চিৰলো গাৰত Settlement কৰিবলৈ recommend কৰিছিল।

আৰু তাৰে ৭ ঘৰ মানুহ মাটি দখল লবলৈ নাছিল। সেই কাৰণে, সেই ৭ ঘৰ মানুহক ঠাইত হাইচকা মৌজাৰ কাছাৰী গাৰৰ ৭ ঘৰ জনজাতীয় লোকৰ ১৯৫৭ চনত Land Advisory Committee এ realloot কৰিছিল। এই কথা গম আগতে মাটি দখল কৰিবলৈ নহা মানুহ ৭ ঘৰে পুনৰ, মাটি দখল কৰিছে তেতিয়া সেই ৭ ঘৰ ট্ৰাইবেল মানুহক অভয়পুৰ বিজাতি ফৰেষ্টৰ সেই অঞ্চলত যত বেদখল হৈছিল, পট্টন দিয়াৰ অনুমতি হৈছিল। কিন্তু এই জনজাতীয় লোক কেই ঘৰে পুনৰ বেদখল হোৱাৰ ভয়ত মাটি দখল নকৰিলে। তাৰ পিচত তেওঁ লোকৰ দিৰে বিজাতিৰ ফৰেষ্টত মাটি দিয়া হৈছিল আৰু তালৈও নগলে। এই ৭ ঘৰ জনজাতীয় লোকৰ কেওঁ উক্ত ছুঠাইৰ য়েই কোনো এঠাইত তেওঁ লোকৰ পচও মতে আহি মাটি দখল কৰিব পাৰে বুলি তেতে কৈছিল। এই কথাৰ য়ে সত্যতা নাই তাকেই জনাবলৈ মই সদনত জনাব খুজিছো য়ে — যি ৭ ঘৰ জনজাতীয় মানুহ (পানীদিহিং মৌজাৰ কছাৰী মানুহ) নাছিল বুলি তেখেতে কৈছে তেওঁ লোকৰ ঠাইত—

- ১। শ্ৰীকীৰ্ত্তি লাহন — ইকৰানি গাওঁ, লমুমা পুৰ।
- ২। „ সিংহেশ্বৰ হাতীমৰীয়া — টেঙ্গাপুখুৰী।
- ৩। „ শিগুৰাম শইকীয়া — „
- ৪। „ জেনিৰাম হাতীমৰীয়া — কলিয়ামাট গাওঁ।
- ৫। „ দেহিৰাম ছুৰৰা — „
- ৬। „ জয়ৰাম শইকীয়া — টেঙ্গাপুখুৰী।
- ৭। „ টঙ্কেশ্বৰ শইকীয়া — „

এই সাত ঘৰ মানুহক বিভাগীয় কৰ্ত্তৃপক্ষই মনে মনে মাটি বিতৰণ কৰিছে। মাননীয় মন্ত্ৰী মহোদয়ে যি উত্তৰ মোৰ প্ৰশ্নৰ প্ৰসঙ্গত দিছে— সেইটো য়ে সত্য নহয় তাৰে প্ৰমাণ কৰিবলৈকে এই নাম ৭টা সদনত দাঙি ধৰিলো। ইয়াৰ বাহিৰেও এই প্ৰশ্নৰ উত্তৰৰ গেদি তলত দিয়া তিনিটা অন্তায় বিভাগীয় কৰ্মচাৰীয়ে কৰিছে।

প্ৰথমটো হৈছে ইয়াৰ দ্বাৰাই তেওঁলোকে নিজৰ কৰ্ত্তব্যৰ প্ৰতি অবহেলা কৰছে।

দ্বিতীয়টো হৈছে ইয়াৰ দ্বাৰাই আনাহকত দৰজা জনসাধাৰণকৰ বিশেষ-কৈ সেই ৭ ঘৰ মানুহক জুলুম কৰিছে।

তৃতীয় টো হৈছে ইয়াৰ দ্বাৰাই তেওঁলোকে দুৰ্নীতিক প্ৰশ্ন দিছে। ইং ১৯৫৩ চনতেই এই ৭ ঘৰ মানুহক মাটি দিছিল ভত্ৰাচ ১৯৫৮ চনলৈকে তেওঁলোকৰ নহাৰ কথা L S A বোৰ্ডক নজনাগৈ, যোৰা ৫ বছৰ ধৰি বিভাগীয় কৰ্মচাৰীয়ে চেপা দি লুকাৰাই থিলে। তাৰ পিচত যি কেই ঘৰ মানুহক

মাটি cancel কৰিছিন তেওঁলোকৰ পুনৰ দিয়া হৈছে বুলি এটা অসত্য উত্তৰ দিছে। তাৰ পিচত যি কেইঘৰ মানুহক land Advisory Committee এ মাটি দিছিল তেওঁলোকৰ আজি প্ৰায় তিনি বছৰ হল মাটি পোৱা নাই। অথচ মন্ত্ৰী মহোদয়ে উত্তৰ দিছে যে দিবৈ বিজ্ঞা ও ফৰেষ্টত ৯ ঘৰ মানুহক মাটি দিয়া হৈছিল আৰু তেওঁলোক যোৱা নাই। এই কথাত মই কও যে তেখেতৰ উত্তৰ সত্য নহয় আৰু এই ৭ ঘৰ মানুহে পোৱা নাই। আৰু কেনেকৈ বিভাগীয় কণ্ট্ৰ'পক্ষই আওপকীয়া মাৰিবলৈ চেষ্টা কৰি উত্তৰ দিছে, সেই বিষয়ে শিৱসাগৰ জিলা কংগ্ৰেস কমিটিৰ প্ৰেচিডেণ্ট, মহকুমাধিপতি আৰু মোলৈ দিছিল তাৰোপৰি তলত দিয়া বিলখন মই পঢ়ি শুনাওঁ। “শ্ৰীল শ্ৰীযুক্ত দুৰ্গেশ্বৰ শইকীয়া, এম, এল, এ, ডাঙৰীয়া।

৩০-৩-৬০

নিবেদন,

এইয়ে নিম্নলিখিত সাত ঘৰ হাহচৰা মৌজাৰ কচাৰী গাৱৰ মাটিহীন বাইজক শিৱসাগৰৰ লেণ্ড, চেপ্টলমেন্ট এডভাইজৰী ব'ৰ্ড ১৮-২-৫৬ তাৰিখে অভয়পুৰ বিজ্ঞাৰ চিংলো পঠাবত মাটি মঞ্জুৰী কৰিছিল আৰু এই বিষয়ে ২৮-২-৫৮ তাৰিখে বেকাৰ চাহবলৈ মাটি দিবলৈ এচ, ডি, ও (S D O) চাহাবক লিখিছিল। তিনি বছৰ পাৰ হৈ গ'ল। অন্ততঃ ৫০/৬০ বাৰ বেঞ্জ Range অফিচলৈ যোৱা হৈছে আৰু বিজ্ঞাবলৈ কতবাৰ যোৱা হৈছে তাৰ সীমা নাই। আপত্তি কৰাত অফিচৰে আমাক দেখি অমনি পাই আমাক কৈছে মোৰ ওচৰলৈ তোমালোক আৰু নাহিবা। চাক্ৰাই অফিচলৈ তোমালোক যাবা, চাক্ৰাই অফিচলৈ গলে তেওঁ লোকে কয় আমি কাগজ নাপালে একো কৰিব নোৱাৰো।

এবাৰ সেই সময়ৰ বেঞ্জ অফিচাৰ শ্ৰীযুক্ত ফুকনে কয় যে সেই সাত ঘৰৰ চিটৰ অহা মানুহ বহোৱালে আৰু তোমালোক গুৱালা পঠাবলৈ যোৱা। আমি গুৱালা পঠাবলৈ গৈ দেখো যে তাত কোনো মাটি নাই। এইবাৰ আমি বেঞ্জ অফিচাৰক জনাও বেঙ্কাৰে তেতিয়া মাননীয় শ্ৰীযুক্ত গীৰীন্দ নাথ গলৈ ডাঙৰীয়াৰে আগতে কয় যে এবা আমি ভুলতে পঠালো, বাক তোমালোকৰ কাৰণে অহা ঠাইত চাব লাগিব।

এনেদৰে অনেক ঘূৰাঘূৰী কৰি থাকি যোৱা ১৫-৩-৬০ তাৰিখে আমাক দিবৈ ৰীজাৰ চকলীয়াত ৯টা চিট খালি আছে বুলি শ্ৰীমন্ত্ৰ চৌতীয়া নামৰ এজন মানুহৰ নাম লিখি দি তেতিয়াই মাটি দেখাওঁ দিব বুলি কৈ পঠায় আৰু আমি সেই অনুযায়ী তালৈ যাও কিন্তু তাত শ্ৰীমন্ত্ৰ চৌতীয়াক লগ নাপায় তেওঁৰ দৰ্দ্দায়ক লগ পায় শোধ্যাত, তেওঁ কোনো চিট নাই বুলি কয় আৰু যদি চিট আছে বেবে নেদেখাই হি কয় বুলি আমাৰ সমিধান দিয়ে। এনেদৰে আমাক কত টকা পয়সা কাম কাষ সময় আদি ক্ষতি কৰি বিপদত পেলাইছে তাক লেখি শেষ কৰিব নোৱাৰি।

তাৰ পিচত, অভয়পুৰ চিংলো বিজাৰিত D. F. O. আৰু Ranger বেঞ্জাৰ) এ কিছু মাটি বেদখল কৰি থকাত, আমাক কয় ফচল ডাক আৰু যদি ডাকিব নোৱাৰা তেন্তে মাটিও নোপোৱা। তোমালোকে ডাকিলে তোমালোকৰ কোনো বিপদ যাতে নহয়, তাৰ বাবে আমি মিনিটেৰী দি সহায় কৰিম। সেই অনুপাতে আমি ৫২৫৮ (পাচশ পশ্চিচ) টকাত সেই মাটিৰ ফচল ডাকি লও আৰু ২৬-১১-৫৯ তাৰিখে টকা জমা দিও— (১৯৩৭ নং বহি মতে); কিন্তু আমাক কোনো সহায় নিদিলে। গতিকে আমি কোনো ফচল আনিব নোৱাৰিলো। এই বিষয়ে আমি ডি, এফ, ও (D. F. O.) আৰু বেঞ্জাৰ (Ranger), মাননীয় মন্ত্ৰী আৰু আপোনাকো টেলিগ্ৰাম যোগে জনাও।

গতিকে মহোদয়ে অতি সোনকালে আমাক মাটি দিয়াৰ প্ৰাৰ্থনা আৰু আমি ফচল ডাকি লোৱা মুঠ ৫২৫৮ টকা ঘূৰাই দিয়াৰ প্ৰাৰ্থনা।

বিনীত—

দৰ্শাস্ত কাৰী—

- ১। শ্ৰীদলুৰাম মেছ
- ২। „ গোলাপ মেছ
- ৩। „ কমল চন্দ্ৰ মেছ
- ৪। „ হৰ মেছ
- ৫। „ মেকেক মেছ
- ৬। „ নাৰায়ণ মেছ
- ৭। „ যতীন্দ্ৰ নাথ মেছ।”

আৰু এই কথা যে দিৰৈ বিজাৰিত যি ৯ ঘৰ মানুহ বাব লাগিছিল তেওঁ-লোকক চিঠি দি বাব দিয়া হোৱা নাছিল— মাত্ৰ slip এখন আৰি দিছিল।

পানী দিহিৰ মানুহ খিনি ব্ৰহ্মপুত্ৰৰ বান-বিবস্ত আৰু গৰা খহনীয়া বিধ্বস্ত লোক—

এনে ধৰণৰ মানুহ বোৰ মাটিহীন বান-বিবস্ত মানুহ। হাহচৰা মৌজাৰ মানুহ বোৰ সম্পূৰ্ণ দুখীয়া মানুহ। এই সদনত এই বিষয় লৈ যি বিলাক প্ৰশ্ন উত্থাপন কৰা হৈছিল তাৰ উত্তৰ স্থানীয় অফিচাৰে পঠিয়া উত্তৰ। স্থানীয় অফিচাৰে সদনৰ সদস্য সকলক মিছলীয়া কৰিবৰ কৰণে মন্ত্ৰী ডাঙৰীয়াৰ ওপৰত অবমাননা কৰিবৰ কাৰণে এনে উত্তৰ পঠিয়াইছে সেই কাৰণে মই এই আধা ঘণ্টীয় আলোচনাটো দাঙি ধৰি আশা কৰিলো যেন মন্ত্ৰী মহোদয়ৰ পৰা যি কেইটা প্ৰশ্ন কৰিছোতাৰ সঠিক উত্তৰ পাম।

Shri HARESWAR DAS (Minister, Revenue)

I am thankful to the Hon'ble Member for initiation of this discussion. Some mistakes crept in the reply and I take this opportunity to correct them. At the outset I may say this that this is a question of settlement of land in Forest Reserves. The Land Settlement Advisory Committee has no jurisdiction over it. Settlement of land in Forest Reserves for Forest Villagers is dealt with exclusively by the Forest Department which selects the people. They do not give land to any people. There are some people who are regarded as forest minded. These people can only be settled there and not others.

Now, here some new points have been raised. I will reply to these one by one.

- 1) When these 40 families were selected to be settled in Abhoypur Reserve?

This number is a mistake. The figure is not 40 but 38. This Land Settlement Advisory Committee recommended their settlement in 1952.

- 2) If these 7 families who did not go to the reserve were cancelled?

The D.F.O. intimated these 7 families by his Letter No.B. 4569/34, dated 1-8-53 that if they failed to occupy the land by 31-12-53 their allotments would be cancelled. They did not turn up till 31-12-53 but came and occupied the seats sometimes in July 1954. As these families were deserving and recommended by the L.S.A.C. the D.F.O., did not evict them but regularised their occupation by allowing settlement with them in 1956.

- 3) Whether the Divisional Forest Officer informed the L.S.A. Board by their letter No. B-/982-83/34, dated the 28th February 1958 about certain vacancies in the Reserve?

We could not find out any such letter. Possibly there is a mistake but the date is correct. On 28th February 1958 the D.F.O., by his letter No. B/1982-83/34 dated 28.2.58 informed the S.D.O. that there was no more land in the Reserve for allotment to any forest villager. The copy of the letter is with me.

“My view on the proposal moved by Shri D. Saikia, M.L.A. for further opening of land in Deroi Reserve Forests is as follows :—

1. Having opened 6,000 bighas of land in the last few years to accommodate flood and erosion affected people it would be detrimental to the existence of the removing portion of the forest to open more land.
2. The area propose contain pactness of good forests.
3. The open small patner land there occurs in between the forests are enquired for grazing of the existing forest village as well as the villager living outside the Reserve.

4. It is propose to open natural reg. block in this area where large number of seedling of Nahor, Sopa, Amari, etc. exist to compensate the loss of forest sustained dues to opening of land already settled.

Regarding settlement in Chakalia patner block 50 families have already been given settlement of the patner land measuring about 200 bighas. The tree in the remaining portion of the block could not be sold for want of extension road.

So it is incorrect that D.F.O. informed by this letter that there was land available for settlement.

- 4) When these 7 families were selected whether in 1957 as replied or in 18th February, 1958 vide RS. No.12 of the L.S.A. Board of Sibsagar? Here is a mistake as to the date. Shri Saikia is correct. The recommendation of the L.S.A.C. was actually made in Resolution No. 12 of 20.2.1958. That is correct.

- 5) Whether it is a fact that the 7 families of the original list came to the Reserve out of the 40 families. If so, will the Minister be pleased to supply the names of 40 families selected previously? The names of these 38 families are :—

1. Nabin Chandra Hazarika
2. Sunsan Seleng
3. Budhiram Bora
4. Dimbadhar Hazarika
5. Gobin Saikia
6. Bangali Saikia
7. Dapholi Bora
8. Hedari Barua
9. Upendra Nath Hazarika
10. Amula Barua
11. Suro Bawri
12. Niharam Saikia
13. Lareswar Saikia
14. Jugan Chandra Kachari
15. Libeswar Kachari
16. Elayswar Saikia
17. Gomen Chandra Kachari
18. Bapiram Bora
19. Bhabakanta Kachari
20. Lokheswar Saikia
21. Sukhram Koch
22. Naga Hazarika
23. Thanuram Bora
24. Hakhidhar Saikia
25. Kheman Barua
26. Jurong Saikia
27. Saiyaram Saikia
28. Savaram Saikia
29. Hiteswar Bora
30. Moheswar Bora
31. Ghanedhar Barua

32. Bhobasan Bora
33. Swijya Kanta Barua
34. Darika Mala
35. Kekam Saikia
36. Dutiram Kachari
37. Ramdhair Lahar
38. Baputi Sonowal

Of these 7 people did not come :—

1. Upendra Nath Hazarika
2. Niharam Saikia
3. Elayaswar Saikia
4. Hakhi Dhar Saikia
5. Savaram Saikia
6. Moheswar Bora
7. Swijya Kanta Barua

The number of present occupants is 46 and the names are there.

- 6) Whether the S.D.O. wrote a letter to the Range Officer on 28th February 1958 reminding filling up the 6 vacancies and the matter was discussed on the 31st January 1960 in the L.S.A. Board?

Yes. the S.D.O. forwarded the Resolution of the L.S.A.C. adopted on 18-2-58 under cover of the aforementioned Memo and a copy of the Resolution taken on 30-1-60. But the vacancies were filled up by the old allottees two years prior to this Resolution.

It was not possible for the D.F.O. to cancel the settlement made with the old allottees to accommodate new families as suggested by the Land Settlement Advisory Committee subsequently.

Then 7 "Will the Minister please state whether the 7 families were the auctioneer of the paddy from the encroachers and deposited auction money to the Treasury with a view to get the lands as was assured by the D.F.O. or the S.D.O. during harvesting season?"

This should be taken together with question No 8, which is "Whether the D.F.O. ensured to help these people to protect them in harvesting the paddy?"

The fact is that the 7 families of Hahchura who were recommended by the Land Settlement Advisory Committee for allotment of seats in the Abhapur Forest Reserve could not be given any land there for reasons already stated in paras 2 and 3 above. They were offered land at the outskirts of the Singlo Forest Village. But they refused to take that land. Some other persons then occupied this land and grew paddy. Eviction proceedings were taken up against these encroachers and their standing paddy was put to auction sale. The 7 families from Hahchura Mauza who were originally offered this land bought the standing paddy in an auction sale. It is true that both the S.D.O. and the D.F.O. gave them assurance of due the protection during harvesting of the paddy. Unfortunately, however, the encroachers stealthily reaped away the paddy before the crop was mature. Criminal prosecution has been launched against the encroachers who stole the paddy. After the eviction of these encroachers, this land was again offered to the 7 families from Hahchura but they again refused to go there.

Then question No. 9 : "Whether the President, D.C.C., Sibsagar' and the questioner repeatedly requested the local officers to provide lands ?"

It is true that the President, D.C.C. and Shri Durgeswar Saikia, M.L.A., requested the local officers for allotment of land to these 7 families of Hahchura Mauza and in factland at the outskirt of Singlo Forest Village was offered to them twice but they refused to take up that land. They have lately expressed their willingness to go to Deroi Reserve and instruction have been issued by the D.F.O. on 6-3-60 to settle them in Chakatia Forest Village of Deroi Reserve.

It will be seen from the above facts that although allotment of seat in Forest villages actually do not come within the purview of the Land Settlement Advisory Committee, all efforts were made to provide land to these 7 families of Hahchura Mauza as recommended by the Land Settlement Advisory Committee.

Shri DURGESWAR SAIKIA (Thowra) :—মন্ত্রী মহোদয়ে কৈছে যে Land Settlement Advisory Committee এ মনোনীত কৰাৰ ক্ষমতা নাই, D. F. O, ই যদি মাটি Settlement দিব লগা হয় তেনেহলে Land Settlement advisory Committee ত কিয় তোলে ?

Shri Hareswar Das (Minister, Revenue)— Right নাই, কিন্তু advise লয় ।

Shri Durgeswar Siakia :— যি ৭ ঘৰ মানুহক ভূখণ্ডৰ পিচত মাটি দিছে বুলি কৈছে সেই ৭ ঘৰৰ পৰিবৰ্তে দেখোন— সিদ্ধেশ্বৰ সেনো-বাল, হৰকান্ত বৰা, বিমল চন্দ্ৰ শইকীয়া, টেটেৰা শইকীয়া, ইন্দ্ৰেশ্বৰ বৰুয়া, লীলাবাম বৰা আৰু খগেশ্বৰ বৰা আদি মানুহহে আছে ?

Shri Hareswar Das :— এইটো নতুন প্ৰশ্ন কৰিছে । মই উত্তৰ দিব নোৱাৰিম । D. F. O. লৈ লিখি এইটো উত্তৰ অনাইছো ।

Mr. DEPUTY SPEAKER :—Mr. Saikia, there is no provision in the rules for putting supplementaries. You raised a discussion and the Minister has replied to it. You may only seek any clarification, if necessary, but you cannot put supplementaries.

ADJOURNMENT

The Assembly was then adjourned till 10 A.M. on Tuesday the 5th April, 1960.

R. N. BARUA.

Secretary, Legislative
Assembly, Assam.