



# **Assam Legislative Assembly Debates**



## **OFFICIAL REPORT**

EIGHTEENTH SESSION OF THE ASSAM LEGISLATIVE ASSEMBLY  
ASSEMBLED AFTER THE FIFTH GENERAL ELECTION  
UNDER THE SOVEREIGN DEMOCRATIC REPUBLICAN  
CONSTITUTION OF INDIA

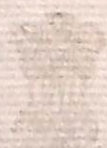
**October-November Session**  
**VOLUME XVIII**

**No. 6**

The 7th November, 1977  
1990



Assam  
Legislative Assembly  
Debates



OFFICIAL REPORT

SEVENTH SESSION OF THE ASSAM LEGISLATIVE ASSEMBLY  
Held on 15th April 1954  
GENERAL DEBATES  
ON THE MOTION FOR THE  
REPEAL OF THE ASSAM  
MAGNANIMITY ACT, 1946

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DEBATES OF THE ASSAM LEGISLATIVE  
ASSEMBLY, 1977  
(Eighteenth Session)  
Volume XVIII  
**No. 6**

Dated the 7th November, 1977

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# DEBATES OF THE ASSAM LEGISLATIVE

ASSEMBLY, 1977  
(English Version)  
Volume XXII

Part 6

Date: 1st November, 1977

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**ASSAM LEGISLATIVE ASSEMBLY DEBATES**  
 The House met at 10 a.m. at Dispur  
 with Mr. Speaker in the Chair

**Starred Question and Answer**

Dated : 7th November, 1974

**বিঃ ভুবনেশ্বৰ বৰুৱা কেম্সাৰ ইনষ্টিটিউত**

শ্রীনগেন চন্দ্ৰ বৰুৱাই সুধিছে—

৬১। মাননীয় স্বাস্থ্য বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্রহ কৰি জনাবনে :

(ক) ভুবনেশ্বৰ বৰুৱা কেম্সাৰ ইনষ্টিটিউতত চৰকাৰে বছৰি কিবা অৰ্থব্যয় কৰে নেকি ?

(খ) যদি কৰিছে তেন্তে এতিয়ালৈকে কিমান কৰা হৈছে ?

(গ) বৰ্ত্তমানে কিবা ধনৰ সাহায্য দিয়া হৈছে নেকি ?

(ঘ) এই অনুষ্ঠানটি স্থায় সম্পূৰ্ণ কৰিবৰ অৰ্থে চৰকাৰে কিবা আঁচনি গ্ৰহণ কৰিছে নেকি ?

ডাঃ লুটফুৰ বহমান (স্বাস্থ্য বিভাগৰ মন্ত্ৰীয়ে উত্তৰ দিছে।

৬১। (ক) কৰে।

(খ) এতিয়ালৈকে মুঠ ১৯'৬৫ লাখ টকা মঞ্জুৰী দিয়া হৈছে।  
 (১৯৬৭ চনৰ পৰা ১৯৭৭ চনলৈকে)

(গ) দিয়া নাই। চলিত বছৰৰ কাৰণে টকা মঞ্জুৰী দিয়াৰ প্ৰস্তাৱ বিবেচনাধীন হৈ আছে।

(ঘ) চৰকাৰৰ ওচৰত তেনে কোনে আঁচনি নাই।

শ্রীনগেন বৰুৱা : মই মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে প্ৰত্যেক বছৰে যিবিলাক টকা দিয়া হয় সেইবিলাক বেকাৰিং গ্ৰাণ্ট হিচাবে দিয়া হয় নে নন বেকাৰিং গ্ৰাণ্ট হিচাবে দিয়া হয় ?

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী) — নন বেকাৰিং গ্ৰাণ্ট হিচাবে প্ৰতি বছৰে দিয়া হয়।

শ্রীনগেন বৰুৱা — ইয়াত যি সকল ৰোগী চিকিৎসা লৈ আছে সেইসকল যি সাহায্য দিয়া হয় সেই সাহায্য ব্যক্তিগত ভাবে দিয়া হয় নেকি ? নে কি হিচাবে দিয়ে।



ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)—ব্যক্তিগত হিচাবে সাহায্য দিয়া নহয়।

শ্রীনগেন বৰুৱা— কেন্সাৰ চিকিৎসা মেডিকেল কলেজ আদিত ভাল নহয় কাৰণে কেন্সাৰ ইন্সটিটিউত ব্যৱস্থা কৰা হৈছে। গতিকে এই অনুষ্ঠানটো শক্তিশালী কৰাৰ কাৰণে কিবা ব্যৱস্থা কৰিছে নে?

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)— চৰকাৰৰ ফালৰ পৰা সদায় চেষ্টা কৰি আহিছে। কিন্তু মেনেজমেণ্টে মানি লোৱা নাই। তেওঁলোকে কয় যে তেওঁলোকে ডেভলপ কৰিব। যদি তেওঁলোকে ডেভলপ কৰিব নোৱাৰে চৰকাৰে পিছত চাব।

শ্রীগৌৰীশংকৰ ভট্টাচাৰ্য্য— ইয়াত কি কি ব্যৱস্থাবে চিকিৎসা কৰা হয়?

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)— ডিপ এক্সৰে, মাইনৰ চাৰ্জাৰি আৰু কোৱালিটি থিৰাফি আদিৰ ব্যৱস্থা আছে।

শ্রীনগেন বৰুৱা— কেন্সাৰ ইন্সটিটিউটটো শক্তিশালী কৰাৰ কাৰণে আৰু সকলোবিলাক যাবতীয় ব্যৱস্থা কৰাৰ কাৰণে চৰকাৰৰ ওচৰত কিবা আঁচনি দাখিল কৰিছে নেকি?

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)— তেওঁলোকে দাখিল কৰিছে। কোৱালিটি থিৰাফি, মাইনৰ চাৰ্জাৰি এইবিলাক কথা আহিছে। চৰকাৰে ইয়াৰ কিছু দিব পাৰিছে কিছু দিব পৰা নাই।

শ্রীসোণেশ্বৰ বৰা— এই অনুষ্ঠানটোত চিকিৎসা লৈ ৰোগী ভাল হয়নে নহয়? যদি ভাল হৈছে এতিয়ালৈ কিমান ভাল হৈছে, যদি হোৱা নাই কিমান ভাল হোৱা নাই।

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)— কিমান ভাল হৈছে কিমান ভাল হোৱা নাই এই সংখ্যাটো মোৰ হাতত নাই। কিন্তু একেবাৰে নোহোৱাকৈও থকা নাই।

শ্রীঅতুল চন্দ্ৰ শইকীয়া— এই অনুষ্ঠানটোৱে কিমান মঞ্জুৰী এই বছৰ বিচাৰিছিল। লগতে আগৰ বছৰৰ হিচাব দাখিল কৰিছিল নে নাই? এই অনুষ্ঠানটোৰ হিচাব বচৰে বছৰে দাখিল হৈছে নে নাই সেইটো চৰকাৰে জানে নে?

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)— তেওঁলোকে হিচাব দাখিল কৰি আহিছে।

শ্রীঅতুল চন্দ্ৰ শইকীয়া— শেহতীয়াকৈ হিচাব কেতিয়া পোৱা হ'ল?

ডাঃ লুটফুৰ বহমান (মন্ত্ৰী)— যোৱা বছৰৰ হিচাব পাইছো। আমি যোৱা বছৰৰ হিচাব নোপোৱাকৈ নেজুট গ্ৰাণ্ট নিদিওঁ। এই চিকিৎসালয়ত



চিকিৎসা লোৱা বোগী কিমান ভাল হৈছে, কিমান মৰিছে, সেই হিচাব মোৰ হাতত নাই।

শ্রীমতী প্রণীতা তালুকদাৰ— কোবাল্টিথিৰাপি যন্ত্ৰটো ক'ৰপৰা অনা হৈছিল ?

ডাঃ লুটফুৰ ৰহমাণ (মন্ত্ৰী)— কোবাল্টিথিৰাপি যন্ত্ৰ আগতে আমাৰ দেশত নাছিল যদিও এই যন্ত্ৰটো আমাৰ ইয়াতে বিশেষভাৱে তৈয়াৰ কৰি দিছে। ভাৰত চৰকাৰে তৈয়াৰ কৰাই পঠাই দিছে।

শ্রীদুলালচন্দ্ৰ বৰুৱা— কেন্‌সাৰ ইন্‌স্টিটিউটৰ যিখন বোৰ্ড অব ট্ৰাষ্টে মেনেজমেণ্ট কৰে তাত চৰকাৰৰ প্ৰতিনিধি আছে নে নাই। লগতে আমাৰ ফালৰপৰা যি অনুদান দিয়া হয় সেই অনুদান বিলাক ভালভাৱে ব্যৱহাৰ হৈছে নে নাই এই সম্পৰ্কত চকু ৰাখিবৰ কাৰণে চৰকাৰে কিবা ব্যৱস্থা লৈছে নে ? যদি নাই কোনে চাব ?

ডাঃ লুটফুৰ ৰহমাণ (মন্ত্ৰী)— এই অনুষ্ঠানৰ লগত মুখ্যমন্ত্ৰী আৰু ফৰেষ্ট মন্ত্ৰী জৰিত আছে। ইয়াত স্বাস্থ্য মন্ত্ৰীও অফিচৰ ফালৰপৰা আছে। লগতে প্ৰিন্সিপাল আৰু ডিৰেক্টৰ হেলথ চাৰ্ভিছো প্ৰতিনিধি হিচাবে আছে।

শ্রীদুলালচন্দ্ৰ বৰুৱা— যিবিলাক অনদান দিয়া হৈছে সেইবিলাক ঠিকমতে ব্যৱহাৰ হৈছে নে নাই সেইটো কোনে চকু ৰাখে ?

ডাঃ লুটফুৰ ৰহমাণ (মন্ত্ৰী)— আমাৰ মানুহ আছে তেওঁলোকেই চায়।

শ্রীজালালুদ্দিন আহমেদ— তাত কিমান চিট আছে আৰু এতিয়ালৈকে কিমান বোগী ভতি কৰা হৈছে ? আৰু কিমান ভাল হৈছে মন্ত্ৰী মহোদয়ে জনাব নে ?

মাননীয় অধ্যক্ষ— পিচৰটো উত্তৰ দিয়া হৈছে আগৰটো উত্তৰ দিয়ক।

ডাঃ লুটফুৰ ৰহমাণ (মন্ত্ৰী)— আমাৰ তাত ৩৫ খন চিট আছে আৰু ষ্টেণ্টথ বঢ়াবৰ কাৰণে চেপ্টা কৰা হৈছে। ৩৫ টা চিটত ৩৫ জন বোগী আছে।

শ্রীঅতুলচন্দ্ৰ শইকীয়া— ষ্টেণ্টথ আছে, কিন্তু চিট নোহোৱাৰ কাৰণে যিমান বোগী ভতি কৰাব লাগে সিমান পৰা নাই। সেই কাৰণে চৰকাৰৰ ফালৰপৰা সাহায্য দি বাইজৰ সুবিধাৰ কাৰণে ব্যৱস্থা কৰিব নোৱাৰেনে ?

ডাঃ লুটফুৰ ৰহমাণ (মন্ত্ৰী)— এই বছৰ দিয়াৰ বন্দোবস্ত হৈছে। সেই টকাৰে কিমান কি কৰিব পাৰে তেওঁলোকে বিবেচনা কৰিব।

শ্রীঅতুলচন্দ্ৰ শইকীয়া— এই অনুষ্ঠানটোৱে নগালেণ্ড, মেঘালয়, মণিপুৰ, অৰুণাচল আৰু ত্ৰিপুৰাৰ পৰা অনুদান পায় নেকি ? যদি অনুদান দিয়ে কি স্বৰ্ভূত দিয়ে ?



ডা: লুটফুৰ বহমাণ (মন্ত্রী— তেওঁলোকে অনুদান নিদিছে।

Mr. Speaker— Before I call the next question I would like to make an announcement. I like to inform the House that owing to strike resorted to by the employees of the Civil Secretariat, the Reporters who were requisitioned for reporting the proceedings of the House have not reported to their duties, as a result, there is no possibility of recording the verbatim proceedings of the House today. We have two English Reporters who will try their best to report to proceedings. However, the proceeding will be tape recorded as usual and recorded proceedings will be transcribed in due course for distribution to the Hon'ble Members as was done on previous occasion.

বিঃ— শ্বিলঙৰ অসম ভৱন

শ্রীলক্ষ্মাকান্ত শইকীয়াই সুধিছে—

৬২। মাননীয় মুখ্যমন্ত্রী মহোদয়ে অনুগ্রহ কৰি জনাবনে—

শ্বিলঙত প্রস্তাবিত অসম ভৱন অনুষ্ঠানিক ভাবে ব্যৱহৃত হৈছে নে?

শ্রীশৰৎচন্দ্ৰ সিংহ (মুখ্যমন্ত্রী)য়ে উত্তৰ দিছে—

৬২। ৬ আগষ্ট ১৯৭৬ পৰা শ্বিলঙৰ শতনৌলেঙত থকা প্রধান ভৱনটো 'অসম ভৱন' হিচাবে ব্যৱহৃত হৈছে।

শ্রীলক্ষ্মাকান্ত শইকীয়া— মই মুখ্যমন্ত্রীৰ পৰা জানিব বিচাৰিছো যে চিলঙত অসম ভৱনত কি কি ব্যৱস্থা চলি আছে আৰু কি কি সুবিধা দিয়াৰ ব্যৱস্থা কৰা হৈছে?

শ্রীশৰৎ চন্দ্ৰ সিংহ (মুখ্যমন্ত্রী)— তাত থকা খোৱা আৰু হাৱতীয় ব্যৱস্থা আছে আৰু কেতাৰিঙৰো ব্যৱস্থা আছে। মুঠতে চাকিত হাউচত যিবিলাক সুবিধা আছে তাতো সেই একে বিলাক সুবিধাই আছে।

শ্রীৰাম চন্দ্ৰ শৰ্মা— অসম চৰকাৰৰ অসম ভৱনৰ মাটি কিমান আছে, ঘৰ কেইটা আছে। এই ঘৰবিলাক কি কি কামত ব্যৱহাৰ কৰা হয় জনাবনে?

Sri Sarat Chandra Singa (Chief Minister) .. Sir, the Stoney Land complex comprises one main building and



three small cottages. The floor area of the main building is 532 Sq. m. The floor areas of other cottages are 270 Sq. m., 201 Sq. m. and 390 Sq. m.

M. Speaker— The question hour is over.

**Re : Sub-divisional Civil Hospital at Dhemaji**

Shri Ramesh Mohan Kouli asked :

\*63. Will the Minister, Health be pleased to state :

(a) Whether the Government has considered the long-felt demand of the public for a sub-divisional Civil hospital at Dhemaji under Lakhimpur District ?

(b) If so, what is the present position ?

Dr. Lutfur Rahman (Minister, Health) replied :

63. (a) —Yes. But in view of the shortage of fund it is not possible to take up the work.

(b) —Does not arise in view of the reply at (a) above.

Shri Ramesh Mohan Kauli— Sir, I wanted to know if the reply to Question (a) is 'yes' then what is the present position ?

Dr. Lutfur Rahman (Minister)— The present position is that we have not started the construction yet.

Shri Dulal Chandra Barua— What is the difficulty for not starting the construction there ?

Dr. Lutfur Rahman (Minister)— Shortage of fund.

Shri Dulal Chandra Barua— In the year 1974 the amount was ear marked for the construction of the hospital in the particular subdivision and the site also was selected. If so, what is the difficulty for which the Govt. did not start the construction till today ?

Dr. Lutfur Rahman (Minister)— Fund was not available.

Shri Dulal Ch. Barua— May I know when the Government is going to take up the matter ?



Whether the Project report has been prepared ? If so, what is the amount ?

Dr. Lutfur Rahman (Minister)— Project report has been prepared and the amount is Rs. 69,40,700/.

শ্রীনগেন বৰুৱা— অধ্যক্ষ মহি মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে এখেতৰ আগৰজন স্বাস্থ্য মন্ত্ৰীয়ে ধেমাজিত চিভিল হাস্পাতাল স্থাপন কৰিছিল নে কি ? যদি কৰিছিল কোন চনত ?

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)— সেই খবৰটো মোৰ হাতত নাই।

শ্রীনগেন বৰুৱা— মন্ত্ৰী মহোদয়ৰ পৰা জানিব পাবো নে যে তাত তেখেতৰ আগৰ মন্ত্ৰী ডাঙৰীয়াই আধাৰ শিলা স্থাপন কৰিবলৈ যোৱাৰ আগতে নিশ্চয় এই প্ৰজেক্টটোৰ কাৰণে টকা পইচাৰ সংস্থাপন কৰা হৈছিল, পেন-এণ্টিমেট কৰা হৈছিল। এতিয়া মন্ত্ৰী মহোদয়ে কৈছে যে তাৰ কাৰণে ফাণ্ডৰ অভাৱ— এইটো কোৱাৰ কি যুক্তি যুক্ততা আছে।

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)— তেতিয়াও ফাণ্ড নাছিল আৰু আজিও ফাণ্ড নাই— মোৰ হাতত থকা খবৰ মতে।

Shri Dulal Ch. Barua— Sir, as a matter of policy, the Government have to develop and to give medical facilities to our rural population and money has been ear-marked by the Govt. of India for providing medical facilities. But why the Government could not provide fund for that particular project in Dhemaji. And if there is no fund, why list has been obtained from the MLAs, for sub-centres.

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)— চাব চেণ্টাৰৰ ফাণ্ড বেলেগ আৰু চিভিল হাস্পাতালৰ ফাণ্ডও বেলেগ। চিভিল হাস্পাতালৰ কাৰণে ফাণ্ড নাই।

Shri Dulal Ch. Barua— I want to say that this is a fund allotted under the Medical Department budget. The Civil hospital and the sub-centres are under the same department. When there is need for establishing such kind hospital in the rural areas and backward areas in Dhemaji, why fund could not be made available for this project ?

ডঃ লুটফুৰ ৰহমান— এতিয়া ধেমাজী চিভিল হাস্পাতালৰ কথাহে হৈছে। চাব চেণ্টাৰৰ কথা আছে পি, এইচ, চি'ৰ আওৰাত আৰু গাঁৱত।



চিভিল হাস্পাতাল কৰিব বিচাৰিছে ধেমাজীত— অৰ্থাৎ চহৰত। চিভিল হাস্পাতাল আৰু চাব্ চেন্টাৰৰ ফান্ড বেলেগ বেলেগ।

Shri Ramesh Mohan Kouli— Is it not a fact that there was fund available in the year 1975 ; Is it not a fact the Minister, Health at that time laid the foundation stone ; is it not a fact that due to controversy over the selection of site, it was politicalised : is it not a fact that the site could not be selected finally. Is it not a fact the Commissioner of Plains Division, Trevedi visited the place last time and he wanted to change the site ?

Dr. Lutfur Rahman (Minister)— Sir, the fund was not available ; but whether it was politicalised or not, this information is not with me.

Shri Romesh Mohan Kouli— How the site was selected without sanction of fund ?

Dr. Lutfur Rahman (Minister)— Site can be selected without sanction of money.

শ্রীমতী তৰুলতা বৰা— অধ্যক্ষ মহোদয়, মই মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে তেখেতে নিজে গৈ আধাৰশিলা স্থাপন কৰি আহিছে। টকা মঞ্জুৰী নোহোৱাকৈ আধাৰশিলা স্থাপন কৰিলে নেকি ?

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)— আধাৰশিলা স্থাপন কৰাৰ কথা নাই। সেই মন্ত্ৰীয়ে যদি কিবা কৰিছে সেইটো খবৰ মোৰ হাতত নাই।

Shri Dulal Ch. Barua— Sir, may I know from the hon'ble Minister whether it is a fact that in the budget for the year 1974-75, allotment had been made for this particular project. Will the Minister refresh his memory by consulting that budget ?

Dr. Lutfur Rahman (Minister)— Sir, that budget is not with me now ; that budget for 1974-75 is not with me now.

Shri Dulal Ch. Barua— Sir, how he is going to give a statement and reply here. Sir, so far as the budget for



1974-75 is concerned, not the whole amount but some amount had been ear-marked for this particular project. May I know from the Minister if he has got any such information? If he has not that information then on what basis he has come to give reply?

Dr. Lutfur Rahman (Minister)—Sir, so far as my information goes, no amount could be sanctioned for this project.

শ্রীনগেন বৰুৱা—মন্ত্ৰীৰ হাতত খবৰ নথকাৰ কথা নহয়—এই কথা ফাইলত আছে। ফাইলৰ ৰেকৰ্ডমতে তেখেতে উত্তৰ দিবলৈ আহিছে। গতিকে ফাইলত এই কথা নিশ্চয় আছে যে ১৯৭৪-৭৫ চনৰ বাজেটত এই হাস্পাতালৰ প্ৰজেক্টটোৰ কাৰণে টকা ধৰা হৈছিল সেইমতে স্বাস্থ্যমন্ত্ৰীৰে ধেমাজীত চাইট চিলেকচন হোৱাৰ পাছত আধাৰশিলা স্থাপন কৰিছে। গতিকে মন্ত্ৰী মহোদয়ে তেখেতৰ হাতত খবৰটো নাই বুলি কেনেকৈ কব পাৰে?

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)—মোৰ হাতত খবৰ নাই। কোনো টকা পইচা দিয়া হোৱা নাছিল সেইটো খবৰহে মোৰ হাতত আছিল।

শ্রীৰমেশ মোহন কুলি—ভৈয়াম অঞ্চলৰ আশুভুই ধেমাজীৰ চিভিল হাস্পাতালৰ ক্ষেত্ৰত শ্ৰীচৌধুৰী ডাঙৰীয়াই আধাৰশিলা স্থাপন কৰাৰ পাছত সেইটো আকৌ পৰিবৰ্তনৰ কাৰণে চেষ্টা কৰিছিল নেকি? আৰু দ্বিতীয় কথা হল চাইট চিলেকচন হোৱাৰ পাছত সেই টকাখিনি কেনিবাৰি ডাই-ভাৰ্ট কৰিলে নে জেপচ হল—দিব লাগে।

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)—সেইটো চাব লাগিব।

শ্রীদুলাল বৰুৱা—কি চাব লাগিব আমি বুজা নাই। ১৯৭৪-৭৫ চনত এই প্ৰজেক্টৰ কাৰণে কিছু টকা ধৰা হৈছিল। সেইটোৰ ওপৰত ভিত্তি কৰি চাইট চিলেকচন কৰি মন্ত্ৰীয়ে আধাৰশিলা স্থাপন কৰিছিল। গতিকে মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে সেই টকা কলৈ গল। যদি টকাই নাছিল কিহৰ ওপৰত ভিত্তি কৰি মন্ত্ৰীয়ে আধাৰশিলা স্থাপন কৰিছিল?

ডঃ লুটফুৰ ৰহমান (মন্ত্ৰী)—চাইট চিলেকচন হৈছে, আগৰ মন্ত্ৰীয়ে আধাৰশিলা স্থাপন কৰিছে—তাৰ পাছত কমিচনাৰে বদলি কৰিছে, তেনে কোনো ৰেকৰ্ড পোৱা নাই। যদি তেনে কিবা আছে তেন্তে চাই কব লাগিব।

শ্রীনগেন বৰুৱা—এচটা কাৰ্ট ইটাৰ কাম কৰিছে—আধাৰশিলা স্থাপন কৰি মন্ত্ৰীৰ মূৰ্তি নে চৰকাৰৰ মূৰ্তি স্থাপন কৰিছিল।



ডঃ লুটফুৰ বহমান (মন্ত্রী)— আধাৰশিলাৰ কথাটো চাই কব লাগিব। আধাৰশিলা স্থাপন কৰাৰ পিচত যদি ছাইট বদলি কৰাৰ চেষ্টা কৰিছে তেন্তে চাইহে কব পাৰিম।

Shri Shanti Ranjan Dasgupta— Sir, may I know from the Minister which is the nearest hospital from this Dhemaji subdivisional town and the distance of hospital from Dhemaji ?

ডঃ লুটফুৰ বহমান— ধেমাজীত পি, এইচ, চি আছে।

Shri Shanti Ranjan Dasgupta— Which is the nearest hospital and the distance of that from Dhemaji ?

ডঃ লুটফুৰ বহমান— ধেমাজীত পি, এইচ, চি আছে।

Shri Santi Ranjan Dasgupta— I did not ask for PHC ; I asked for the nearest hospital.

ডঃ লুটফুৰ বহমান— ধেমাজীত চিভিল হাস্পতাল নাই।

শ্রীশান্তি বৰ্জেন দাসগুপ্ত— কিমান দূৰত আছে ?

ডঃ লুটফুৰ বহমান (মন্ত্রী)— উত্তৰ লক্ষীমপুৰত আছে।

শ্রীদুলাল বৰুৱা— যিটো প্ৰজেক্টৰ কাৰণে ১৯৭৪-৭৫ চনত টকা ধৰা হৈছিল, সেই টকা কলৈ গল ?

ডঃ লুটফুৰ বহমান (মন্ত্রী)— সেইটোকা ধৰা হৈছিল নে নাই চাই কব লাগিব।

শ্রীদুলাল বৰুৱা— ১৯৭৪-৭৫ চনৰ এই প্ৰজেক্টৰ কাৰণে এটা অনুদান ধৰা হৈছিল— সেই অনুদান কলৈ গল ?

ডঃ লুটফুৰ বহমান (মন্ত্রী)— মই কৈছো ১৯৭৪-৭৫ চনৰ বাজেটখন মোৰ হাতত নাই। গতিকে খাটাকৈ কব নোৱাৰিম। চাইহে কব পাৰিম। টকা দি টকা কিয় খৰচ নকৰিলে, চাইট কিয় বদলি কৰিলে— চাইহে কব লাগিব।

মাননীয় অধ্যক্ষ— চাই কব। পেনডিং নহয়, এনেয়ে এটা শেটটমেন্ট দিব।

ডঃ লুটফুৰ বহমান (মন্ত্রী)— মই খবৰটে দি দিম।

শ্রীসোণেশ্বৰ বৰা— খবৰ দিলে প্ৰশ্ন উত্থাপিত হ'ব পাৰিব ?

মাননীয় অধ্যক্ষ— পাৰিব।



**Re : Paddy Procured by Gaon Panchayat Level  
Co-operative Societies**

Shri Mal Chandra Pegu asked :

\*64. Will the Minister, Co-operation be pleased to state :

(a) Whether the Gaon Panchayat level Co-operative Societies in the State will not procure paddy after abolition of restriction of movement of paddy by the Central Government ?

(b) If so, what will be the function of the said Co-operative Societies when these Societies will stop procuring Paddy ?

Shri Uttam Chandra Brahma (Minister, Co-operation) replied :

64. (a) —The abolition of restrictions on movement of paddy by Central Government does not debar the Gaon Panchayat Level Co-operative Societies from procurement of paddy in the State. They will do so along with others.

(b) —Besides procurement, the Co-operative Societies will continue to discharge their other functions viz. provision of agriculture credit and other inputs, distribution of essential commodities, assistance to rural poor.

Shri Mal Chandra Pegu— Whether the procurement price of the paddy to be procured by the Co-operative Societies has been fixed by the Government ?

Shri Uttam Chandra Brahma (Minister)— The Central Government has fixed the procurement price of paddy.

Shri Mal Chandra Pegu— What is the price ?

Shri Uttam Chandra Brahma (Minister)— Winter sali— Rs. 77/- per quintal ; medium slender— Rs. 80.11 per quintal ; Bao and red grain— Rs. 73.30 per quintal ; high yielding IR 8— Rs. 78/- per quintal and Juha (scented) Rs. 83/- per quintal.



Shri Mal Chandra Pegu— Whether any target has been fixed for procurement ?

Shri Uttam Chandra Brahma (Minister)— No target has been given to the State Government by the Government of India.

Shri Mal Chandra Pegu— Whether Government is aware of the fact that the price offered by Co-operative Societies will not be able to make the procurement ?

Shri Uttam Ch. Brahma (Minister)— Prices may fluctuate ; it may be lower sometime and higher also.

Shri Gaurisankar Bhattacharya— Whether the Government of India has fixed the minimum or maximum price ?

Shri Uttam Ch. Brahma (Minister)— Minimum price.

Shri Ataur Rahman— May I know what are the latest instructions regarding procurement of paddy from the Central Government and is it a fact that the Central Government, of late, directed the Co-Operatives and F.C.I. to procure paddy in Assam ?

Shri Uttam Ch. Brahma (Minister) No specific instruction has so far been received that the Co-Operatives will come into the picture for procurement of paddy.

Shri Santi Ranjan Dasgupta— To whom the Co-Operatives will supply the paddy after procurement ?

Shri Uttam Ch. Brahma (Minister)— To the public Sir.

Shri Mal Chandra Pegu— Whether the Co-operatives will make the procurement on monopoly policy basis or they will have to compete with the private traders ?

Shri Uttam Ch. Brahma (Minister)— Co-operatives will have to compete with the private traders. But perhaps



the hon'ble members remembers that the State Government moved the Central Govt. that new policy to be adopted after the policy decision taken by the Government of India.

Shri Mal Ch. Pegu— How they will be able to compete with the private traders when the prices offered by them are more than the price fixed by the Government of India?

Shri Uttam Ch. Brahma (Minister)— Co-operative will see that the producers do not get less price than what has been fixed by the Govt.

Shri Gaurisankar Bhattacharya— Government's interest will be to see that the price is not less than what has been fixed or whether Government's interest will be to see that the price is lower than what has been fixed by the Govt.

Shri Uttam Ch. Brahma (Minister)— No Sir, Co-operative societies will enter the market when the price goes down and try to purchase the paddy so that the price of paddy does not go below the rate fixed by the Central Government.

Shri Mohitosh Purkayastha— May I know whether the Minister is aware of the fact that many traders have managed to become presidents of the Co-operative societies?

Shri Uttam Ch. Brahma (Minister)— That may be Sir.

**Re : Duration of stay of Officers in a particular place**

Shri Biren Ram Pnookan asked—

65. Will the Minister, Forests be pleased to state—

- (a) Whether it is a fact that an Officer can remain in one place for three years?
- (b) If so, how many gazetted Officer of the Forest Department including Soil Conservation were allowed to stay in one place for more than five years and under what rule?



Shri Girin Chandra Choudhury (Minister, Forest) replied

65. (a) There is no hard and fast rule that an officer can be kept in one place for three years. But generally officers are allowed to stay in one place for three years if circumstance compels in the interest of the deptt as for as deptt is concern.

(b) Does not arise. But many posts of soil conservation Deptt. are non-transferable.

শ্রী গিরিন চন্দ্রা চৌধুরী — মই সেইটোৰ উত্তৰ মন্ত্ৰী মহোদয়ৰ পৰা নাপালো যে কোন কোন প'চ বছৰৰ ওপৰত আছে। If so, how gazetted officers of the Forest Deptt. including Soil Conservation were allowed to stay in one place for more than five years and under what rule?

Shri Girindra Chandra (Minister)— Sir, his question was if so how many gazetted officers of the Forest Deptt. including Soil Conservation were allowed to stay in one place for more than five years. In reply to this question, I have stated that it does not arise'. But at the moment not a single officer is allowed to stay for more than 5 years. Sir, when the Hon'ble Member wanted to know how many officers were allowed to stay for more than five years, I may mention their names who stayed for more than five years. They are Shri D. P. Neog, since transferred after completion of 5 years Shri T. R. Mahanta since transferred after completion of 5 years, Shri K. K. Barua, since transferred after completion of 5 years and Shri R. M. Das, since transferred after completion of 5 years. As I have stated, at the moment no officer was staying for more than 5 years. Regarding the soil Conservation Deptt., I have already stated that some posts are not transferable such as, Shri P. C. Dutta who is holding the post of Joint Director and he is here for about 6 years 10 months. So is the case with Shri S. S. Alam, Executive Engineer



and Shri S. R Dutta, Soil Chemist as these posts are non-transferable.

শ্রীজালালউদ্দিন আহমদ— অধ্যক্ষ মহোদয়, এই অফিচৰ বিলাকক যে বদলি কৰা হয়— সেইবোৰ চৰকাৰৰ ইণ্টাৰেষ্টত বদলি কৰা হয় নে পাব্লিকৰ ইণ্টাৰেষ্টত বদলি কৰা হয় ?

মাননীয় অধ্যক্ষ— সেইটো পাব্লিক ইণ্টাৰেষ্টতহে কৰা হয় ।

শ্রীজালালউদ্দিন আহমদ— মন্ত্ৰীয়ে কৈছে যে অফিচৰ সকলক চৰকাৰৰ ইণ্টাৰেষ্টত বা বিভাগৰ ইণ্টাৰেষ্টত বদলি কৰা হয় ।

শ্রীগিৰীন্দ্র চৌধুরী (মন্ত্রী) — বিভাগৰ ইণ্টাৰেষ্টত বদলি কৰা হয় ।

#### Re : Soft wood

Dr. Robindra Kumar Goswami asked—

\*67. Will the Minister, Forests be pleased to state—

- (a) What is the estimated demand for soft wood all over the State from the Match industry of Assam?
- (b) Whether the Forest Department or Forest Mahals are able to meet this demand?
- (c) What is the source of good soft wood?
- (d) Whether new plantations have been raised by the Forest Department in keeping with the demand?
- (e) Whether it is a fact that the Bijni Match Splint Factory run by the Assam Small Industries Development Corporation (ASIDC) which required 3,500 cubic metres of Soft wood annually is now getting only 1,900 cubic metres from the forest Department?

Shri Girindra Chandra Choudhury (Minister, Forests) replied :

67. (a) 27,150 cubic metro-annually.

(b) The total demand cannot be met from the Government forests the annual supply being 13,000 cubic metre approximately.



(c) Sources of matchwood timbers are— the Reserve Forests, Unclassed State Forests and the trees growing in settled lands (Patta land and grant land) etc. of Assam. In addition, some soft wood are available from Arunachal and Bhutan State.

(d) Yes, A scheme for matchwood plantation under the development scheme (Economic plantations) has since been carried out from the first five years plan.

(e) The initial demand committed by the Department to supply to this unit was 1,000 C.M. and this has been met. The demand subsequently increased without any commitment from the Department and could not be completely met due to non-receipt of tender for some match wood coupes.

Dr. Robindra Kumar Goswami— Sir, what is the target fixed the State Govt. for per cubic metre in soft wood for Assam ?

Shri Girindra Chandra Choudhury (Minister)— Sir, it is 190 for Simul per C.M. and for others 180 per C.M. for Bijni Factory.

Dr. Robindra Kumar Goswami— Sir, is it a fact that Mahaldars have been exporting soft-wood to other States and realising profits ?

Shri Girindra Chandra Choudhury (Minister)— Sir, I not have any such information. But if the Hon'ble Member so desires, I can make and enquiry about it.

Dr. Robindra Kumar Goswami— Is it a fact that Assam Small Scale Industries Development Corporation wanted to start a Match Factory at Tinsukia but the Forest Deptt. intimated its inability to supply the soft-wood and as a result of that the whole project was shelved ?



Shri Girindra Chandra Choudhury (Minister)—Sir, this unit in Bijni is being run by this Assam Small Scale Industries Dev. Corporation itself and this factory for want of raw materials has not been able to make it a viable one. As a matter of fact, I have no information that they are again trying to start a factory at Tinsukia. If the Hon'ble Member so desires, I may make an enquiry about it.

শ্রীবীৰেন ৰাম ফুকন— অধ্যক্ষ মহোদয়, মই জানিব বিচাৰিছোঁ যে 'আপাৰ আসামত' চফট-উড' লাহে লাহে শেষ হৈ আহিছে— সেইটো প্লেন-টেচন কৰি পূৰাবলৈ চৰকাৰে কি কি ব্যৱস্থা কৰিছে? বৰ্তমানে চফট-উডৰ অভাবত আমাৰ গাঁৱৰপৰা মিল মালিকসকলে আম-কঠালৰ গছবিলাক কাটি নোহোৱা কৰিব ধৰিছে— কথাটো সঁচানে?

Shri Girindra Chandra Choudhury (Minister)—Sir, I have already explained..... that the soft-wood plantation scheme has been taken up by the Govt. and the target has been raised to 890 hectares as against 100 hectares annually and this has been taken up by the Economic Plantation Division and this afforestation is taken up in many subdivisions in Mangaldai, Golaghat, Dhemaji and Doomdooma etc., and the demand for soft-wood has been increasing day by day. But it is very difficult to meet the required demands and as such we have been trying to make good the extra extraction of the soft-wood for Plywood Factories by supplementing new plantation scheme that has already taken up.

Shri Atul Chandr Saikia—May I know from the hon'ble Forest Minister whether it is a fact that Simolu trees which are supposed to be more than 5 years that should be collected for match factory, but in actual practice simolu trees of less than 5 years are utilised for match factories?

Shri Girindra Ch. Choudhury (Minister)—Supply of simolu trees is made according to specification needed,



that is, it should be 3'6" in girth. That is the requirement. But if somebody gets the trees from Arunachal and Bhutan, those may be of lesser girth and we have no control over that.

Shri Atul Chandra Saikia— Is there no checking machinery to find out whether the trees are from Assam Forest reserves and whether the trees of less than 3'6" in girth are from outside Assam ? Is there no check post for this purpose ?

Shri Girindra Ch. Choudhury (Minister)— That should be. If there is any specific case I can enquire into the matter.

Shri Atul Chandra Saikia— Whether the Minister visited the Dhubri Match Factory ? If so, has he not found the simolu trees having less than 3'6" girth are floating in the Match Factory campus ?

Shri Girindra Ch. Choudhury (Minister) When I visit I will definitely enquire into it.

Shri Atul Chandra Saikia— Apart from Match Factory the plywood factories have been utilising simolu trees. Whether the plywood factories are also provided with the trees at the same rate or there is difference ?

Shri Girindra Chandra Choudhury (Minister)— Actually the plywood factories' demands are not for Simoly trees Their requirement is for Holok, Holong etc for tea chest and other implements. I have no information that they also use simolu trees. I shall enquiry if the use simolu trres also.

Shri Atul Chandra Saikia— Whether there is any difference in the rate between simolu tree supplied to the match factories and the plywood factories ?

Shri Girindra Ch. Choudhury (Minister)— There is. Simolu tree is less costly than other trees.



শ্রীসোনেশ্বৰ বৰা— অধ্যক্ষ মহোদয়, এনে এবিধ কাঠৰ উৎপাদন বঢ়াব পৰা হাবনে যে হাব দ্বাৰা আমাৰ ৰাজ্যখনৰ উদ্যোগীকৰণ কৰাত বহুত সহায় হ'ব। ইতিমধ্যে থকা মেচ-ফেক্টৰীত এতিয়াও কাঠখিনি যোগান ধৰিব পৰা নাই। এই পৰিপ্ৰেক্ষিতত অকল বিভাগীয় কাঠ খেতিত লাগি নাথাকি চৰকাৰে অসমৰ গাঁৱে-ভূঞা নিজৰ বাৰী-সমাবে খেতি কৰিও কাঠ বঢ়াব পৰা উপায় আছে। তেনে ব্যৱস্থাবে গাঁৱলীয়া মানুহক কাঠ খেতি কৰিবৰ কাৰণে চৰকাৰে সাহায্যমূলকভাবে বা উদ্যোগী কৰিবৰ কাৰণে কিবা ব্যৱস্থা কৰিবনে? যদি কৰে কেনেকৈ কৰিব?

শ্রীগিৰীন্দ্রচন্দ্ৰ চৌধুৰী (মন্ত্ৰী)— কৰিব বুলি সুধিব নালাগে। কৰাৰ কথা চিন্তা কৰিছে অকল ফৰেষ্ট বিভাগত আবদ্ধ নাথাকি কেনেকৈ বাইজে গছ লগাব পাৰি, অকল গছেই নহয় অন্যান্য সাহায্য দিয়াৰ কথাও বিবেচনাধীন হৈ আছে।

শ্রীনগেন বৰুৱা— মই জানিব বিচাৰিছোঁ যে আমাৰ গাঁৱত থকা শিমলু গছ বিলাক কাটিবলৈ যোৱাৰ আগতে শিল্প-উদ্যোগৰ এজেন্ট বিলাকে কাটি লৈ আহে। তাৰ আগতে ফৰেষ্ট বিভাগৰপৰা মাকিং হ'ব নালাগে নেকি? যদি হ'ব লাগে তেতিয়াহ'লে মাকিং নোহোৱাকৈ কেনেকৈ কাটে? আৰু গৃহস্থক পইচাপাতি দিয়াৰ ব্যৱস্থা আছে নেকি? যদি আছে বলপূৰ্বক ভাবে গছবিলাক কাটি কেনেকৈ ফেক্টৰীৰ মালিকৰ এজেন্টবিলাকে কাটি লৈ আহে?

শ্রীগিৰীন্দ্রচন্দ্ৰ চৌধুৰী (মন্ত্ৰী)— পট্টাৰ মাটিত যদি নিজৰ শিমলু গছ থাকে, তেতিয়া D. F. O. ই উপাদানলৈ লিখি দিলে সেই গছবিলাক কাটি আনিব পাৰে সামান্য পইচা দি। যদি ফেক্টৰীবিলাকে বেছি দাম দি কিনে তেন্তে সেইটো খবৰ মোৰ হাতত নাই।

Shri Santi Ranjan Dasgupta— Do the Government know that on either bank of river Kopili in Hamren Sub-Division and Lanka Mouza in the Nowgong District there are plenty of simolu trees and this plantation of simolu trees suffer every year due to flood and erosion of the river Kopili? If so, what steps have since been taken for protection of simolu plantation on the either bank of the river Kopili?

Shri Girindra Ch. Choudhury (Minister)— It is a fact that due to erosion trees are drifted and we have taken all precautions to see that erosion does not take place and the trees are protected.



শ্রীসোণেশ্বৰ বৰা— অধ্যক্ষ মহোদয়, মোৰ প্ৰশ্নৰ উত্তৰত মন্ত্ৰী মহোদয়ে কৈছে যে গাঁৱলীয়া মানুহক তেনে খেতি কৰিবৰ কাৰণে উৎসাহিত কৰাৰ আঁচনি এখন ল'ব। মাননীয় সদস্য শ্ৰীনগেন বৰুৱাৰ প্ৰশ্নোত্তৰত কৈছে যে ফেব্ৰুৱাৰীয়ে মহল এলেকাৰ পৰা গাঁৱৰ মানুহৰ বাবীৰপৰা শিমলু কাঠ কাটিছে কিন্তু পইচা দিব লাগে নে নালাগে নাজানে। এতিয়া আকৌ নতুনকৈ গাঁৱৰ মানুহে শিমলু গছৰ খেতি কৰিলে সেইটো খেতিত পইচা পাব নে নাপায় কওক ?

শ্ৰীগিৰীন্দ্ৰচন্দ্ৰ চৌধুৰী (মন্ত্ৰী) — সেইটো ব্যক্তিগত সম্পত্তি হলে সামান্য লেভী দিব লাগিব।

শ্ৰীসোণেশ্বৰ বৰা— কিনি নিয়াৰ বাবদ পইচা দিব নে নিদিয় ?

শ্ৰীগিৰীন্দ্ৰচন্দ্ৰ চৌধুৰী (মন্ত্ৰী) — চৰকাৰে কিনি নিব।

Re : P. S. and P. A. of Ministers

Shri Mal Chandra Pegu asked :

\*68. Will the Chief Minister be pleased to state :

- (a) Whether the Private Secretaries to the respective Ministers are to remain present in the Ministers' Chambers during the absence of the Minister if they do not accompany the Ministers on tour ?
- (b) If so, whether it is a fact that most of the Private Secretaries remain absent in the Minister's Chambers when the Ministers are on tour ?
- (c) If so, whether instructions would be given to the Private Secretaries of the Ministers to remain present in the Ministers' Chambers during the period when the Ministers are on tour ?
- (d) Whether Government is aware that the Private Secretaries and Personal Assistants of the Ministers do not disclose their designations while they hold phones but disclose their titles only ?
- (e) If so, whether instructions would be given to them to disclose their designations instead of their titles ?



Shri Sarat Chandra Sinha (Chief Minister) replied :

68. (a) —Yes.

(b) —No, this is not a fact. But some times they are deputed for other duties according to expediency.

(c) —Does not arise.

(d) —Only on one occasion the Honourable Member brought the matter to the notice of the Chief Minister.

(e) —There is standing instruction to that effect.

Shri Mal Chandra Pegu— When the standing instruction has been given ?

Shri Sarat Chandra Sinha (Chief Minister)— On receipt of the letter from the hon'ble member standing instruction was issued on 2/2/77.

Shri Mal Chandra Pegu— Whether the Chief Minister is aware they do not divulge designation but title only ?

Shri Sarat Ch. Sinha (Chief Minister)— Instruction is there, If there is any violation action can be taken if the hon'ble member brings it to the notice of Government.

Shri Mal Ch. Pegu— Whether most of the Private Secretaries and the private Secretary to P.W.D. Minister remain absent from office during the tour of the Ministers ?

Shri Sarat Ch. Sinha (Chief Minister)— I have already replied.

Shri Abdul Rahman Chaudhury— Whether all these complicities will be over with the doing away with the titles ?

M. Speaker— Not titles, surname.

**Re : Depredation of wild elephant in Lokhra Area**

Shri Biren Ram Phookan asked :

\*69. Will the Minister, Forests be pleased to state :



(a) Whether it is a fact that of late a herd of wild elephants appeared in an around Lokhra area in South Kamrup and the Elephants destroyed Ahu crops and dwelling houses of that area ?

(b) If so, whether any compensation for the damage done by the elephants has been given to the affected villagers ?

(c) If not, whether any arrangements have been made for driving out the wild elephants from that area ?

Dr. Surendra Nath Das (Minister of State, Forests replied :

69. (a) —Yes. Some elephants are seen in the area for a short period and were driven away.

(b) —Any petition of compensation will be looked into on its own merit - subject to enquiry and verification.

(c) —All Divisional Forest Officers are directed to scare away the elephants from the area whenever such elephants are reported to have damaged the crops and dwelling houses or other deprecations. Besides following arrangements are made—

[1] Chase and Capture method are ordered to be operated in North Kamrup Division and this operation was further extended to other areas of the state till 20.10.77.

[2] Notifications have been issued to open Mela Shikar with effect from 10.11.77.

[3] Elephant Control Licenses are renewed as recommended by Deputy Commissioner.

Such licence holders may be allowed to kill or destroy elephants which are causing depredation to the human life and properties and declared as such by Conservator of Forests or Divisional Forest Officer.



শ্রীবীৰেনবাম ফুকন—মন্ত্ৰী মহোদয়ে ‘এ’ৰ উত্তৰত কৈছে যে হাতীয়ে অত্যাচাৰ কৰিছিল হয়, কিন্তু মন্ত্ৰী মহোদয়ক সুধিব খোজো যে আজিৰ দিনলৈকে হাতীৰ অত্যাচাৰ চলি আছে, সেইটো মন্ত্ৰী মহোদয়ে জানেনে? তাৰ পাছত লক্ষা অঞ্চলত জনজাতীয় মানুহবিলাক অতি গৰীব—সেই সকলৰ ঘৰ-দুৱাৰ আহ খেতি একেবাৰে শেষ কৰি দিছে। ক্ষতিপূৰণ দিয়াৰ ব্যৱস্থা চৰকাৰে কৰিব নে?

ড: সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)—মোৰ হাতত তেনে খবৰ নাই। যদি হাতী আহে তেতিয়া খেদি দিয়াৰ ব্যৱস্থা আছে।

শ্রীজালালউদ্দিন আহমদ—ক্ষতিপূৰণ দিয়াৰ কথা কৈছে নেকি?

ড: সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)—ক্ষতি যদি বেছি হয় ক্ষতিপূৰণ দিয়াৰ ব্যৱস্থা আছে।

শ্রীহৰেন্দ্ৰনাথ তালুকদাৰ—এনেকুৱা ধৰণে বহুত ঠাইত হাতীয়ে উপদ্ৰৱ কৰি আছে।

ৰাজাপাৰাৰ পৰা দৰ্খাস্ত দিছে—চৰকাৰে তাৰ ব্যৱস্থা কৰিছে নে?

ড: সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)—সেইটো খবৰ মোৰ হাতত নাই।

শ্রীহৰেন্দ্ৰনাথ তালুকদাৰ—খবৰ আনিছে যে উত্তৰ কামৰূপত মেলা চিকাৰত হাতী ধৰিবলৈ কৈছে। ৰাজাবাবীত অনুসন্ধান কৰি ক্ষতিপূৰণ আদি দিয়াৰ ব্যৱস্থা ল’বনে?

ড: সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)—নিশ্চয় লোৱা হ’ব।

শ্রীমতী তৰুলতা বৰা—মন্ত্ৰী মহোদয়ৰপৰা এটা কথা জানিব পাৰোঁ নে যে অকল প্ৰগত অহাটোৰেই নহয় গোটেই অসমত তেনেকুৱা ধৰণৰ হাতীৰ উপদ্ৰৱ চলি আছে। খবৰ দিয়াৰ পিছত বিভাগে মানুহ পঠিয়াই মানে হাতী কেনিবা গুচি যায়। গতিকে মানুহখিনিক বৰুণাবেৰুণ দিব নোৱাৰে। বিভাগীয় মানুহ ৰাখি সেইবিলাক ঠাইত মানুহখিনিক বৰুণাবেৰুণ দিয়াৰ ব্যৱস্থা কৰিবনে?

ড: সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)—গোটেই ৰাজ্যতে তেনেকুৱা এটা অৱস্থা আছে। হাতী ক’ত ওলায় তাৰ খবৰ আগতীয়াকৈ নাপাওঁ।

শ্রীনগেন বৰুৱা—লাল্লা অঞ্চলত হাতীৰ উপদ্ৰৱত ৰাইজে ছয় মাহ ধৰি কষ্টভোগ কৰি আছে। সেই অঞ্চলৰ ৰাইজে হাতী খেদি দিয়াৰ কাৰণে ব্যৱস্থা ল’বলৈ চৰকাৰৰ ওচৰত আবেদন কৰিছে আৰু লগতে যিবিলাকৰ



ঘৰ-বাৰী, সা-সম্পত্তি নষ্ট কৰিছে তাৰ কাৰণে ক্ষতিপূৰণ দিবলৈ আবেদন কৰিছে। ছয় মাহ ধৰি কোনো সুবিধা কৰিব পৰা নাই— সচাঁনে?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— মই আগতেই কৈছোঁ এনেকুৱা দৰ্খাস্ত শ্ৰীদীপক ৰংগি আৰু অন্যান্য পাঁচজনৰপৰা পাইছোঁ যে— এবিঘা মাটিৰ গছ-গছনি নষ্ট হৈছে, ১৯ জোপা কল গছ ভাঙিছে আৰু ১১ জোপা তামুল ভাঙিছে, ৭ জোপা নতুনকৈ ৰোৱা বাঁহগছ ভাঙিছে। এই সম্পৰ্কত কি দিব পৰা যায়, চিন্তা কৰি থকা হৈছে।

শ্ৰীআতাউৰ ৰহমান— বৰপেটা মহকুমাৰ কাহিতোলা ফৰেষ্ট ৰিজাৰ্ভ ওচৰত অক্সিগোৰী, চোকোৰাং আদি অঞ্চলত হাতীয়ে উপদ্রৱ কৰাৰ কথা চৰকাৰক জনোৱা হৈছে। এই বিষয়ে চৰকাৰে প্ৰতিকাৰৰ ব্যৱস্থা লৈছে নে কি?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— তাত এটা হাতীয়ে অনাশ্ৰৱ কৰিছে আৰু তাত এটা টাইগাৰ প্ৰজেক্ট আছে। অন্য ঠাইত যি ব্যৱস্থা লোৱা হয়, সেই ঠাইত সেই ব্যৱস্থা লোৱাত অসুবিধা আছে।

শ্ৰীমতী প্ৰণীতা তালুকদাৰ— মাননীয় সদস্য শ্ৰীআতাউৰ ৰহমানে কোৱাৰ দৰে কাহিতোলা বনাঞ্চলত বছৰেক বছৰ ধৰি বহুতো বনৰীয়া হাতীয়ে গৰীৰ বাইজৰ খেতিবাতি নষ্ট কৰি পেলাইছে আৰু অনেক গৰু-মহ মাৰিছে। সেই খবৰটো চৰকাৰে তদন্ত কৰি কিবা ব্যৱস্থা কৰিবনে?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— অধ্যক্ষ মহোদয়, টাইগাৰ প্ৰজেক্ট থকা ঠাইত হাতী অন্য ঠাইত যেনেকৈ নিধন কৰা হয় তাত তেনেকৈ খেদি দিয়া হয়, সেই ব্যৱস্থাৰ চিন্তা কৰা হৈছে।

শ্ৰীবীৰেন বাম ফুকন— মই মন্ত্ৰীমহোদয়ক সুম্ভিৰ বিচাৰিছো যে তেখেতে যিটো হিছাব দিছে তাত মই সন্তুষ্ট নহওঁ। মই সেই অঞ্চলৰেই বিধান সভাৰ সদস্য, তেওঁলোকেই মোক ভোট দি পঠাইছে। মই এইটো আশা কৰিব পাৰোনেকি যে— সোনকালে এজন অফিচাৰ পঠিয়াই কিমান হাজাৰ টকাৰ ক্ষতি হৈছে তাৰ হিচাব আনিব। তদুপৰি মন্ত্ৰী ডাঙৰীয়াই কৈছে যে হাতী চিকাৰ নিৰ্দিষ্ট সময়ত দিয়া হয়— কিন্তু আজিৰ তাৰিখলৈহে হাতী চিকাৰ নিৰ্দিষ্ট সময়ত দিয়া হোৱা নাই। অক্টোবৰৰ এক তাৰিখেই হাতী চিকাৰ দিব লাগিছিল কিন্তু কিয় ইমান দেৰি হ'ল আৰু বাইজে কিয় জীয়াতু ভোগিব লগীয়া হ'ল?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— হাতী চিকাৰ আৰু ধৰাৰ এটা সময় আছে— সেই সময় মতেহে ব্যৱস্থা কৰি থকা হয়।



শ্রীবীৰেনৰাম ফুকন— মই জনাত ইংৰাজৰ দিনৰেপৰা ১ অক্টোবৰৰপৰা ১৫ মাৰ্চলৈ হাতী চিকাৰ চলি আহিছে। তাৰ আধা-আধি ব্যৱস্থা আজিও নোহোৱাৰ কাৰণ কি ?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— সন্মানিত সদস্য গৰাকীয়ে হাতী চিকাৰ খুউব জানে আৰু ফৰেষ্টৰ বিষয়েও জানে। তেখেতক অনাৰেবী সদস্য হিচাবে ৰাখি থোৱা হৈছে। তেখেতৰ নিৰ্দেশমতে বহুত কাম কৰোঁ আৰু কৰি থকাৰ ব্যৱস্থা কৰোঁ।

Shri Dulal Chandra Barua— Sir, the deprecations by elephant or elephants in various areas are still continuing. In view of the gravity of the situation, will the Government give special instructions to the D.F.O. or the officer concerned to take action so that the standing crops may not be damaged by the elephants ?

Dr. Surendra Nath Das (Minister)— Sure, Sir.

Shri Dulal Chandra Barua— Whether any special instructions have already been issued? If so, what were the instructions ?

Dr. Surendra Nath Das Minister)— If necessary we will issue special instructions.

মৌলানা আব্দুল জলিল চৌধুৰী— অধ্যক্ষ মহোদয়, আপনি হয়ত বলতে পাবেন যে এটা একটা নতুন প্ৰশ্ন এবং মন্ত্ৰী মহোদয় হয়ত তাৰ উত্তৰ দিবেন না। কিন্তু আমি এই সুযোগ গ্ৰহণ কৰে বলতে চাই যে হাতীৰ উপদ্ৰৱ নিবাৰণৰ জন্য যে ভাবে কাৰ্য্যক্ৰম গ্ৰহণ কৰা হয়েছে সেভাবে কাছাড়ে বানৱেৰ উপদ্ৰৱ থেকে শয্য ৰক্ষা কৰাৰ কোন ব্যৱস্থা নেয়াৰ পৰিকল্পনা সৰকাৰ গ্ৰহণ কৰবেন কি ?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— বান্দৰৰ সমস্যাটো অকল কাছাবতেই নহয় গোটেই অসমতেই এই সমস্যাটো আছে।

শ্রীহৰেন্দ্ৰনাথ তালুকদাৰ— হাতী ধৰাৰ কাৰণে পৰামৰ্শৰ কাৰণে কমিটি কৰি দিয়া হৈছে নে ব্যক্তিগত মানুহৰ পৰামৰ্শ অনুসৰি হাতী ধৰিবলৈ দিয়া হয় ?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— চৰকাৰে সকলোৰে লগত আলোচনা কৰি হাতী ধৰিবলৈ দিয়ে।



শ্রীহৰেন্দ্ৰনাথ তালুকদাৰ— কমিটিৰ পৰামৰ্শ মতে হাতী ধৰিবলৈ লয় নে ব্যক্তিগত মানুহৰ পৰামৰ্শ লৈ হাতী ধৰিবলৈ লয় নে অফিচাৰৰ এড্-ভাইচ মতে হাতী ধৰিবলৈ লয়।

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— বিভাগৰ ফালৰ পৰাই এইটো কৰা হয়। ব্যক্তিগত পৰামৰ্শ লোৱা নহয়। কমিটিৰ কথাটো মই ক'ব নোৱাৰোঁ।

শ্রীহৰেন্দ্ৰনাথ তালুকদাৰ— মন্ত্ৰীয়ে নিৰ্দেশ দিয়া বুলি কৈছে।

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— হাতী ধৰাৰ ক্ষেত্ৰত ফৰেষ্ট বিভাগে উপদেশ দিয়ে নিৰ্দেশ নিদিয়।

ডঃ কোষেশ্বৰ বৰা— হাতীয়ে উপদ্ৰৱ কৰিলে বিভাগীয় কতৃপক্ষই তাৰ ব্যৱস্থা ল'ব লাগে। আমাৰ বিশ্বনাথত যোৱা এক সপ্তাহ ধৰি হাতীয়ে ৩০ টা ঘৰ ভাঙিছে, ১২৩ বিঘা মাটিৰ ধান নষ্ট কৰিছে আৰু এজন ২৫ বছৰীয়া যুৱকক মাৰিছে। ইয়াৰ ব্যৱস্থা চৰকাৰে এতিয়ালৈকে কৰা নাই। ডি, এফ, ও, কালিলৈকে তদন্ত কৰিবলৈ যোৱা নাই। এখন গাভী সম্পূৰ্ণ ভাঙি শেষ কৰিছে মানুহবিলাকো অন্য গাঁৱত আশ্ৰয় লৈছে গৈ আৰু খাবলৈ নেপাই খুজি খাব লগীয়া হৈছে। ইয়াৰ ব্যৱস্থা চৰকাৰে অতি সোনকালে কৰিব নে?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— মাননীয় সদস্যই সিদিনা আপত্তি দিয়াৰ লগে লগেই তাৰ বিপৰ্ট কল কৰিছোঁ।

শ্রীদুলালচন্দ্ৰ বৰুৱা— মানুহ মাৰি শেষ কৰিব লাগিছে। যোৰহাটত মানুহ মাৰিছে, তেজপুৰত মানুহ মাৰিছে আৰু চৰকাৰে বিপৰ্ট বিচাৰি আছে। কিন্তু হাতীয়ে উৎপাত কৰাৰ খবৰ দিয়াৰ লগে লগেই তাৰ ব্যৱস্থা কৰা নহয়? মানুহ মাৰি শেষ কৰিব আৰু চৰকাৰে বিপৰ্ট কল কৰি থাকিব।

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— অধ্যক্ষ মহোদয়, প্ৰশ্নটোৰ দুটা দিশ আছে। মই আগতেই কৈছোঁ যে কেপচাৰ কৰা হয় বা তল দেখুৱাই খেদাই দিয়া হয়। তাৰ ভিতৰত মানুহ মাৰিলে বা শস্য নষ্ট কৰিলে তাৰ বিপৰ্ট আনি আৰ্থিক সাহায্য দিয়াৰ ব্যৱস্থা কৰা হয়।

শ্রীদুলালচন্দ্ৰ বৰুৱা— অনুদান দিয়া হ'ব। কিন্তু যিবিলাক অঞ্চলত হাতীয়ে উপদ্ৰৱ কৰিছে সেইবিলাক অঞ্চলত হাতীক বাধা দিবৰ কাৰণে কি ব্যৱস্থা কৰিছে?

ডঃ সুৰেন্দ্ৰনাথ দাস (মন্ত্ৰী)— ব্যৱস্থা কৰি থকা হৈছে। মই এই প্ৰশ্নটোৰ উত্তৰত আগতেই কৈছোঁ যে হাতীয়ে কোনোবা অঞ্চলত উপদ্ৰৱ কৰিলে আমাৰ



যি এলিফেণ্ট ফ্লুৱাড আছে তেওঁলোকে হাতী খেদি দিয়ে। তাৰ পিচত মেলা চিকাৰ কৰিবলৈ দিয়া হয়।

শ্ৰীজগদিশ দাস—হাতীয়ে শস্য অনিষ্ট কৰাৰ দৰে গড়েও শস্য অনিষ্ট কৰে। অনপতে মায়াং অঞ্চলত ৩০ টা মান গড়ে বহুতো ধান খাই নষ্ট কৰিলে। এইবিলাকৰ ব্যৱস্থা কি কৰিব?

শ্ৰীসোণেশ্বৰ বৰা—হাতীয়ে উপদ্রৱ কৰিলে ফৰেষ্ট বিভাগক বা এচ, ডি, ও,ক কোৱা হয়। ফৰেষ্ট বিভাগে ডি, এফ, ও,ক কয়, ডি, এফ. ও.ই চি. এফ.ক কয় আৰু চি. এফ.য়ে চি. চি. এফ.ক কয়। তাৰ পিচত মিনি-ষ্টাৰলৈ ফাইল আহে। এইদৰে ইঠাইৰপৰা সিঠাইলৈ ফাইল আহোতে আহোতে অন্য ফালে শস্য আদি খাই শেষ কৰে। গতিকে হাতীয়ে যেনেকৈ হৰ মুৰকৈ আহি শস্য নষ্ট কৰে সেইদৰে চৰকাৰেও অতি সোনকালে ব্যৱস্থা লোৱাৰ দিহা কৰিব নে?

ডঃ সুবেদ্রনাথ দাস (মন্ত্ৰী)—ডি. এফ. ও. সকলক নিৰ্দেশ দিয়া আছে যে কোনোবা খেতিয়ক বা ৰাইজে হাতীৰ দ্বাৰা উপদ্রিত হৈছে বুলি খবৰ পোৱাৰ লগে লগে তাৰ ব্যৱস্থা ল'ব লাগে। শ্ৰীৰবা ডাঙৰীয়াই কোৱাৰ দৰে ফাইল আহি দিছপুৰ আহি পাবহি নালাগে। যতেই হাতীৰ উপদ্রৱ হয় তাতেই ব্যৱস্থা ল'বলৈ নিৰ্দেশ দিয়া আছে। যদি মানুহ মাৰিলে বা অন্যান্য শস্য নষ্ট কৰিলে তাৰ ক্ষতিপূৰণৰ কাৰণে অনুসন্ধান কৰি ব্যৱস্থা লোৱা হয়। ততাকৈ হাতী খেদাৰ ব্যৱস্থা আছে।

শ্ৰীদুলালচন্দ্ৰ বৰুৱা—ব্যৱস্থা আছে যদি পালন নকৰে?

ডঃ সুবেদ্রনাথ দাস (মন্ত্ৰী)—পালন নকৰাৰ প্ৰশ্ন নাই। যদি কোনোৱাই নকৰে তেনেহলে তাৰ যথাযথ ব্যৱস্থা লোৱা হয়।

শ্ৰীজালালুদ্দিন আহমেদ—মানুহ মাৰিলে কিমান টকাৰ ক্ষতিপূৰণ দিয়াৰ ব্যৱস্থা আছে?

ডঃ সুবেদ্রনাথ দাস (মন্ত্ৰী)—মই এইটো ক'ব নোৱাৰোঁ।

শ্ৰীজালালুদ্দিন আহমেদ—কালিও মানুহ মাৰিছে বুলি শুনিছো।

ডঃ সুবেদ্র নাথ দাস (মন্ত্ৰী)—কি অৱস্থাত মৰিছে সেইটো নাজানো। হয়তো হাতী দেখি চক খাইয়ো মৰিব পাৰে।

ডঃ কোষেশ্বৰ বৰা—মই কথাটো স্পষ্টকৈ কৈছো। ২৩-১০-৭৭ তাৰিখে মানুহ মাৰিছে। ২৪-১০-৭৭ তাৰিখে ডি, এফ, ও,ক আবেদন কৰা হৈছে। কিন্তু কালিলৈকে কোনো মানুহ অনুসন্ধানৰ কাৰণে যোৱা নাই। যি



জন চিকাৰীয়ে হাতী লৈ হাতী মাৰিবলৈ গৈছিল তেওঁ নিজে উঠি যোৱা হাতী-টোকে মাৰিলে। ২৩ তাৰিখৰ পৰা ৬ তাৰিলৈকে ডি, চি, ও অনুসন্ধানৰ কাৰণে যোৱা নাই। ডি, চি, য়ে, এচ, ডি, ও,ক অনুসন্ধানৰ কাৰণে দিছে। কিন্তু ২৩ তাৰিখৰ পৰা আজিলৈকে অনুসন্ধান কৰা হোৱা নাই।

ভাঃ সুৰেন্দ্ৰ নাথ দাস (মন্ত্ৰী)— মাননীয় সদস্যৰ কথাত মই দুখিত। মই ফোন কৰি যাবতীয় ব্যৱস্থা লবলৈ কৈছিলো। যদি লোৱা নাই। এতিয়াও মই ব্যৱস্থা লবলৈ কৰা। আৰু ক্ষতিপূৰনো দিয়া হ'ব। এই সম্পৰ্কে ডি, চি,ক ৰিকোমেণ্ড কৰিবলৈ দিয়া হৈছে।

### Notice of Adjournment Motion

Shri Dulal Chandra Barua— Now I beg to move a Motion for consideration of this august House .....

Mr. Speaker— We are coming to the matter. Mr. Barua has given a notice for adjournment motion. I do not feel it proper to allow this Motion as it primarily relates to the service grievances.

Shri Dulal Chandra Barua— Your honour was also pleased to express your feeling about the inconveniences that are being faced by the hon. members. I wanted to discuss the extraordinary situation that has arisen in view of this strike.

Mr. Speaker — I will go by the rule. This observance of No Work Day on 5th, 6th and 7th has come up, as all know, for redress of service grievances. Therefore, as have decided on several occasions, Service grievances cannot be a subject matter of Adjournment Motion. Hence I disallow it. I would like the Chief Minister to make a statement on the whole matter at a later stage. And, after the statement is made by the Chief Minister, hon. members may give a notice for discussion on the statement.



Shri Dulal Chandra Barua—I wanted to discuss the situation which has paralysed the entire administrative machinery of the State. Due to this strike works in all the Govt. offices have been effected very badly. I wanted to discuss that situation and not the service grievances.

Mr. Speaker—I have given my ruling.

Shri Dulal Chandra Barua—In fact, I am not going to discuss the service grievances. I would like to discuss the extraordinary situation that has been created by the observance of No work Day throughout the entire State.

Mr. Speaker—Root of the matter is service grievances. I have already asked the Chief Minister to make a Statement and thereafter I will allow a motion on it.

Shri Dulal Chandra Barua—I want to discuss the situation arisen out of this strike. Even functioning of transaction of business of this House has been effected. there is no Reporters in the Speeches of the hon. members will go unrecorded.

### Resolution

Mr. Speaker—Now, item No : IA—Chief Minister.

\*Shri Sarat Chandra Singha (Chief Minister)—Sir, I beg to move : “Having been very much shocked at the crash landing of the air craft with the Prime Minister, Shri Morarji Desai and other distinguished persons on board near Jorhat on November 4, 1977.

This Assembly expresses its great relief, joy and happiness at the Prime Minister's providential escape unhurt and wishes him a long life.



This Assembly further conveys its great concern and sympathy to Shri Premkhandu Thungon, Chief Minister of Arunachal Pradesh, Shri Kanti Bhai Desai, Shri Narayan Desai and others who were travelling with the Prime Minister and sustained injuries at the accident, and wishes them speedy recovery and long life."

Shri Dulal Chandra Barua—Along with that another paragraph appreciating the services rendered by the villagers of Tekaligaon to the injured persons, should be added. Because these villagers upheld the prestige of the entire State.

Mr. Speaker— Yes, you can draft an amendment on it.

\*Shri Sarat Chandra Singha (Chief Minister)— Sir, the Prime Minister was to arrive at Jorhat on the 4th November, 1977 at 7.45 p.m. We were all waiting for him. When we arrived at the Airport we were told that the Prime Minister's plane would land five minutes earlier. As a matter of fact, the plane came to the airport at 7.40 p.m. but it did not land then. It overflew the airport. We thought the plane after making a circle or semi-circle over the airport, would land within five minutes. We were all waiting there. But when, five minutes passed, ten minutes passed, fifteen minutes passed and when it was half-an-hour that the plane did not land, we were very much perturbed, and then our moments became full of agonies. We were, as a matter of fact, passing agonising moments. Then we went to the Airport officials and we contacted.

Mr. Speaker— Did you hear any sound ?

\* Shri Sarat Ch. Sinha (Chief Minister)— No sound, Sir. First the plane came over the airport, and as a laymen,

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\* Speech not corrected



we thought that the plane was about to land but instead of landing, it flew over us. Then we did not see the plane ; we were simply waiting that it would come and land ; we were waiting, 5 minutes, 10 minutes and 20 minutes and then half an hour ; we were thanking what had happened to the plane and where it could go. So, we went to the airport officials, but they were also very much hesitant ; they only disclosed they have not been able to locate the plane and they said that they have lost contact. So this created worry in our minds and we were thinking of the measures to be taken. We immediately alerted all our police stations whether they have seen any plane anywhere within their particular area. We have also sent some search parties in different directions. We waited there 1-45 minutes sending the search parties and alerting the police stations and outposts. I think at about 2 hours we received one information that the plane has been located in Tekelagaon of Kongia Mouza, and the Prime Minister is saved ; that was a great relief, but we could not confirm that news carried by one villager. So we all rushed to that place of occurrence. The officers, Fire-brigade, ambulance, doctors — all went to that place of occurrence. Now, the road was not very good. It was a village road, narrow road ; some vehicles of the commandant went ahead and there was Fire-brigade and some other heavy army vehicles ; we were at the back. On the road, that Fire-brigade vehicle just slipped off the road and it blocked the road ; the heavier vehicles could not go ; somehow we could push the heavier vehicles to the other side of the road to some bye-lane and then could make the way and go. When we reached the place of occurrence (it is after 2 hours) there was gathering of people

\*Speech not corrected.



and it was a small road ; we were on one side of the road, and immediately the Prime Minister's car passed ; he was in the car and he passed and I saw him.

Mr. Speaker— At whose car he passed ?

Shri Sarat Ch. Sinha (Chief Minister)— We sent the car. A party came with that and airforce officers came with that car and are my car and that car passed and we saw the Prime Minister. But then immediately I could not take any turn because the car was in such a way on the road that it is not possible and so I wanted to proceed a little further, but then, there is the place of occurrence which is just in the midst of a field. Therefore we could not proceed. And I thought that the Prime Minister has been taken away and enquired about what was about the other injureds and then we could gather that the last injured person has been sent to the hospital. Then we came back to the airforce hospital because we were informed that the Prime Minister and all the injured persons will be taken to the airforce hospital ; we came to that hospital, but coming there we found that Prime Minister's car was not there. Then again we were all very much perturbed and were thinking here the Prime Minister could go because I saw him passing and then I came probably 10/20 minutes later. Therefore, the Prime Minister's car should have reached the airforce hospital earlier than we had arrived, but we reached earlier there ; the Prime Minister was not there. It was a village road ; it took some time ; we came in a different way and we could not meet on the way. The Prime Minister was very cheerful ; we greeted him ; all his medical examination was carried out ; he was unhurt. But latter we could learn that there was some abrasion on his lip and there was some bleeding on his nose and 'some pain above the chest. Later we



with the impact of the plane it went forward and then ultimately it stopped at a spot where there was a bamboo bush. It is not a big bamboo bush, a small bamboo bush. The bush was completely smashed and the plane stopped there with its nose or the cockpit whatever it is known by, it stuck the bamboo bush and was completely smashed. Sir, if you look at the plane you will find the right wing of the plane completely off, it is gone. It had gone when it first struck the top of the tree and the bamboo bush and the parts were strewn all over the areas. Two Pilots were also thrown probably somewhere there because they were found not in the cockpit but thrown somewhere when the plane struck the top of the tree. As we were later told by the passengers they had three jarrs, first, second and third and then stopped and it took just a split second to occur what had happened. If we look at the top of the tree it will be about 30 ft. above the ground and then the aircraft which was flying so high it came down and then it crawled to some distance and smashed against and struck against the bamboo bus. It took not much time and in a split of a second all this happened. Whatever might be the accident, never such accident happened, particularly with the high dignitaries position of the Prime Minister of India. We heard long ago—some years ago about another accident which happened with the former Prime Minister, Jawharlal Nehru. But this was very serious looking at the plane itself. We cannot express the shock that we may have because in this plane the Prime Minister was there; and then it happened and it really shocked so much that is really unbearable; and when were are the airport looking at our watches and enquiring about whether any information has been received from the search parties that we had sent—



this agonising moment still I remember. As a matter of fact, we subsequently could not look at each other who were there and thinking as to what had happened. But to our great relief, we received information that the Prime Minister was safe. We say that it is only a providential escape ; it is only through the mercy of God that he was safe ; and we wished and prayed to God that he would have long life to serve that Nation and to serve us. Sir, we were also discussing about the place of occurrence and the villagers. The Prime Minister was full of praise of the villagers, who nursed him nearly for 2 hours, because he was there in the house of Sri Indreswar Barua for 2 hours. And then about the villagers, he said, they are so sweet, so kind, so well-behaved and they did so much for them. He was really overwhelmed with emotion when he mentioned about the village people of Tekelagaon.

I again say that he asked me how do they know the use of Dettol and cotton and all these first-aid things. I replied, Sir, this is because they live in the urban areas and they have to develop some sense of sanitation. About the rural areas, everyone has a sense of sanitation. But those who live near the urban areas they know little more. I hope, others will have the same sense of sanitation and they also used all these things and they can give the first-aid things. So, we have decided that we should give letter of appreciation to Shri Indraswar Barua and Shri Lolit Barua and other villagers who have this operation. Besides, we want to give them some cash as an appreciation of service they rendered to the Prime Minister and to those who travelled with him. Then, Sir, about Pilot and crews (there were 5 crews), they were the cockpit ; all of them were killed ; they could not escape because the entire cockpit was completely smashed. They cannot



escape ; in the obituary reference I shall make mention of them later. With these few words, Sir, I would request the House to adopt this Resolution,

Shri Gaurishankar Bhattacharjee— I second the Resolution moved by the Chief Minister. But I beg to place the following part of the Resolution in the form of an amendment at the end of the motion of the Chief Minister.

Mr. Speaker— Has the hon. member leave of the House to move the amendment.

(Voices— yes, yes)

Shri Gaurishankar Bhattacharjee— This House express its high appreciation of the services rendered by the villagers of the Tekelagaon, Khongia, mouza to the passangers including the Prime Minister, who has travelled by the ill-fated plane.

Mr. Speaker— At the end ?

Shri Gaurishankar Bhattacharjee— Yes.

Dr. Robindra Kumar Goswami— Sir, I have a small submission. I beg to submit that as this is a Resolution of the House, therefore, names should be correct to the minutest details. Now I find that the name of the Chief Minister, Arunachal has been given as Prem Chand Thungan. I submit that it should be corrected as Prem Khandu Thungan.

\*Shri Dulal Ch. Barua— While supporting this Resolution moved by the Chief Minister and also supporting the amendment move by this side of the House I want to make a few observations, because all details about the accident has been given by the Chief Minister himself and I was also with the party ; because expecting the visit of the Prime Minister to Jorhat we had arranged one public

\*Speech not corrected



meeting with his consent ; we got his consent on Thursday, the 3rd November/77 at about 11 O'clock, and some how or there we made possible arrangement for the meeting. You will be surprised to hear that there was heavy rain as the weather was bad. Near about 20/25,000 people were waiting to receive their beloved leader the Prime Minister, Morarji Desai ; and we were about to proceed to Airport. When I have entered the residence of the Dy. Commissioner, there was a message sent from Dispur informing the D.C. that the Prime Minister, due to bad weather, will land either at Tezpur or at Calcutta. Then with heavy heart we went to the Airport because so many arrangements were made and if his plane is diverted elsewhere everything would be frustrated as we were all waiting for him. The hon. Chief Minister, Forest Minister and so many other people were waiting for the Prime Minister and it was raining heavily. Exactly at 7-38p.m. we had sighted the plane and it was about to land, but suddenly the plane overflew the airport and went away to north eastern side of the town. Of course, generally when a plane is to land, some sort of green signal is to be given. That I have not seen. Suddenly they cannot land ; they would give ground and come.

And therefore it was said that the plane would be landed within two minutes. But the two minutes did never come. We were waiting upto 9 or 9.30 and at that time some whisperings were going on there. Nobody could tell anything about it. The Airport authorities have said that they have lost contact with the plane and eventually we were at a loss what to do. Having no information been received the rescue party had gone out for a search, later on we came to know. In the meantime an information was received that the Prime Minister could not land at Jorhat



and going back elsewhere. The unprecedented crowd which assembled there to receive the Prime Minister without uttering a single word left the place in a peaceful manner which was highly commended upon by a police officer. At that time I have received a call from an unknown destination asking me what we were doing there— the plane has crash landed at Teklagaon village areas.

Mr. Speaker— What time it was?

Shri Dulal Ch. Barua— It was 10.05 or 10.15 like that. Now, the exact location of the place could not be given but we know the place of occurrence was Teklagaon. As we did not know the location of the village somehow or other we have reached the destination and found that 5 dead bodies were lying there. Then I came near the Prime Minister while he was taking rest. On enquiry the Prime Minister told me that he is alright and asked me to take care of Kanti and others who have got injuries. I stayed there the whole night. The officials and the villagers have rendered tremendous service to the injured persons. The next morning when I had gone to see the Prime Minister, I had found the Chief Minister along Shri Debeswar Sarmah, a veteran leader of the State was sitting beside him. When I said the God was very kind it seems, he immediately replied that God was always kind. At that time on seeing a big crowd the Prime Minister asked me 'what is that'? I told him that the crowd is an assembly of Janata workers how have assembled there to greet him who were asked to stay away for security measure. The Prime Minister promptly said that nobody other than the God could offer us security. I have noticed one thing Sir, that the right side of the plane was thoroughly damaged and everybody except the Prime Minister was injured. It was a miraculous



escape. The persons who were in the left side of the plane did not get any injury. It was a miraculous escape of the Prime Minister. There is strong will power in him and perhaps that has saved him. When I have asked what he really feels, he said, he did not feel anything, but said that it is the 'Almighty' who is keeping us all alive. He then said, Do you know why he is keeping us all safe? To give better service to the people. And therefore, please forget the accident". The Prime Minister was a little worried about his son who was his only son. Casually he remarked that the last time while visiting the Meghalaya he could not land at the proper place, but landed elsewhere. Similarly this also he has crash landed in a paddy field instead of its proper place. Probably the crews will be careful in future in taking me to this side of the country. On seeing me a little perturbed, as to the fact that the whole arrangement of the meeting at Jorhat been frustrated, he consoled me. The Prime Minister was to be driven to the Jorhat town straight from the Air Port where he would address a public meeting as this was his first visit to the place. The Prime Minister asked to forget about the accident and asked me to work more for the people. After seeing the Prime Minister I have gone to see the site of the accident. It is surprising the accident took place about a mile away from the runway. Perhaps the pilots have made a mistake about the length of the runway, since they are accustomed in using the airports like Palam and all. The place of occurrence was a muddy place, full of grass and soft vegetation mixed with water and similar other substance which made the crash landing soft and the fire which broke out was extinguished automatically and therefore accidentally the life of the Prime Minister was saved. The next day I have gone to see the other two or three persons Kanti Desai



and others. I also saw 5 dead bodies of the young officers. Their death occurred as the plane nose dived into the crashed.

শ্রীজ্ঞানকীনাথ সন্দিকৈ— মাননীয় অধ্যক্ষ মহোদয়, মাননীয় মুখ্যমন্ত্রী মহোদয়ে কৈছে যে সেইদিনা বতৰ বেয়া আছিল। আচলতে সেইদিনা বতৰ বেয়া আছিলনে নাই সেইদিনা ধাৰাষাৰে বৰষুণ হৈছিল? সেইদিনা প্রধান মন্ত্ৰীৰ প্লেনখন সেই ফালৰপৰা ঘূৰি আহোতে টাৱাৰ বেজক সুধাত যাত্ৰীক বিজুতি বুলি কৈছিল নে কৈছিল সেই কথা উনিবলৈ ইচ্ছা হয়।

শ্ৰীশৰতচন্দ্ৰ সিংহ (মুখ্যমন্ত্ৰী)— এই গোটেই কথাটো অনুসন্ধানৰ কাৰণে এটা কমিটি কৰি দিয়া হৈছে। গতিকে কমিটিয়ে এই গোটেই কথাবিলাক অনুসন্ধান কৰিব।

Shri Dulal Ch. Barua — Sir, I want to add that the services given by Shri Indreswar Barua and the villagers had actually brought prestige to the entire people of the State. The Chief Minister has suggested some sort of reward taken to them in recognition of their service. But they desire that there should be some sort of a project for drinking water as a memory of the incident as they do not have any facilities for drinking water in their village, This may be considered.

শ্ৰীনগেন বৰুৱা— অধ্যক্ষ মহোদয়, মই এটা কথা ক'ব বিচাৰিছো। কথাটো হৈছে এই যে মুখ্যমন্ত্ৰীয়ে কৈছে যে যি সকলৰ শস্য নষ্ট কৰিছে সেইসকলক কেচ আৰু চাৰটিফিকেট দিব। যি ঠাইত প্লেনখন পৰিছিল সেই ঠাইৰ শস্য নষ্ট হৈছে। এই সম্পৰ্কত এতিয়ালৈকে একো কৰা হোৱা নাই। দ্বিতীয়তে যি ঠাইত প্রধান মন্ত্ৰীৰ প্লেনখন পৰিছিল সেই ঠাইত প্লেন পৰি শস্য নষ্ট হোৱাৰ উপৰিও সেই ঠাইখন চাবলৈ যোৱা ৰাইজৰ গচকতো সেই ঠাইৰ খেতি নষ্ট হৈছে। এই গোটেইবিলাক এচেচট কৰি কেচ বিনিৰ্ফ দিয়াৰ ব্যৱস্থা কৰিব লাগে।

আৰু এটা কথা কোৱা হৈছে যে ৰাস্তাটো বেয়া। ৰাস্তাটো বেয়া বুলি ফৰেষ্ট মিনিষ্টাৰেও কৈছে। এই ৰাস্তাটো বৃষ্টিৰ দিনৰে ৰাস্তা। এই ৰাস্তাটো দেভেলোপ কৰিবৰ কাৰণে কেইবাবাৰো চেষ্টা কৰা হৈছিল। এতিয়ালৈকে দেভেলোপ কৰা হোৱা নাই। গতিকে সোনকালে এই ৰাস্তাটো



দেভেলোপ কৰিব লাগে। লগতে সেউ ঠাইৰ আটাইবিলাক গৱলীয়া বাস্তাই বেয়া। সেই কাৰণে সেইকেইটা বাস্তাও দেভেলোপ কৰাৰ ব্যৱস্থা সোনকালে কৰিবলৈ অনুৰোধ কৰিলো।

শ্ৰীশৰতচন্দ্ৰ সিংহ (মুখ্যমন্ত্ৰী)— খেতিবাতি নষ্ট কৰাৰ সম্পৰ্কত সোনকালেই ব্যৱস্থা কৰা হ'ব।

M. Speaker— I now put the main resolution. I will put the amendment at the end.

The resolution is Having been very much shocked at the crash landing of the air craft with the Prime Minister, Shri Morarji Desai and other distinguished persons on board near Jorhat on November, 4, 1977.

This Assembly expresses its great relief, joy and happiness at the Prime Minister's providential escape unhurt and wishes him a long life.

This Assembly further conveys its great concern and sympathy to Shri Prem Khandu Thungon, Chief Minister of Arunachal Pradesh, Shri Kanti Bhai Desai, Shri Narayan Desai and others who were travelling with the Prime Minister and sustained injuries at the accident and wishes them speedy recovery and long life.

This Assembly expresses its high appreciation of the services rendered by the villagers of Takelagaon to the passengers, including the Prime Minister who had travelled by the ill-fated plane.

(after a pause)

The resolution is adopted.

Now I come to the next items obituary.



### Obituary Reference

Shri Sarat Chandra Sinha (Chief Minister)— Sir, we mourn the death of Wing Commander C.J.D. Lima, Wing Commander Jogindra Singh, Squardon Leader V.V.S. Shankar, Squardon Leader Sri Cyriac and Lieutenant O.P. Arora.

Sir, they are young officers, young crew of the Air Force. These Brilliant officers sacrificed their lives, as the Prime Minister observed, to save his life. The circumstances in which they had to sacrifice their lives is a subject matter which will be enquired into by the competent authority. But then, we will always remember that these Brilliant young officers of the Air Force decided to sacrifice their lives to save the lives of the Prime Minister and other distinguished leaders. So we mourn their death and we convey our condolence to the members of the bereaved families and also to the Air Force.

They have taken the dead bodies and as it appeared in to-days news paper the dead bodies have been received.

Shri Gaurisanker Bhattacharya— We associate ourselves with the condolence resolution.

শ্রীকেহোৰাম হাজৰিকা— আমাৰ তৰফৰ পৰা এই সকলৰ মৃত্যুত শোক প্ৰকাশ কৰিছো আৰু শোকসন্তপ্ত পৰিয়াললৈ সমবেদনা জনাইছো।

Shri Dulal Chanpra Barua— Sir, I may be permitted to associate myself with the feelings expressed by the Chief Minister on the unexpected incident causing death of five brilliant officers of the Air Force who sacrificed their lives to save the life of the Prime Minister and save the country from imminent danger and crisis. This sort of sacrifice is unprecedented in the history of the country and it will be also rare in the near future. I convey my deepest condolence to the departed souls and pray to almighty for the



peace of their soul and convey my sympathy to the members of the bereaved families—their wives, children and relations and also to the Air Force.

Mr. Speaker— I associate myself with the feelings and sentiments expressed by the Leader of the House, opposition and other Hon'ble Members of the House in condoling the sad demise of five crewmen, namely, Wing Commander C.J.D. Lima, Chief Pilot, (2) Wing Commander Joginder Singh, (3) Squardon Leader V.V.S. Shankar, (4) Squardon Leader Shri Cysriac and (5) Lieutent O.P. Arora who were crewmen of the ill-fated plane which carried the Prime Minister.

In order to save the valuable lives, they made this crash-landing by risking their lives for a greater cause. It appears that the crewmen did a brave job by risking their lives.

I fully associate with the feelings and express my condolence to the members of the bereaved family.

Now, we stand for half a minute to observe the silence.  
(Half a minute silence was observed.)

Now, Item No. 2.

### Calling Attention Notice

Shri Jalal Uddin Ahmed— Sir, I beg to call the attention of the Hon'ble Minister of Supply under rule 54 of the Rules and Procedure and Conduct of Business in Assam Legislative Assembly to the News Item appearing in 'Dainik Asom' dt. 11th October, 1977, under the Caption. **ভেজান মিঠাতেলৰ অবাধ প্রচলন**



\*শ্রীশৰৎ চন্দ্ৰ সিংহ (মুখ্যমন্ত্রী)— অধ্যক্ষ মহোদয়, ভেজাল মিঠাতেলৰ অবাধ প্রচলন শীৰ্ষক বাতৰিটো পৰিবেশন কৰা হৈছে, তালৈ চৰকাৰৰ দৃষ্টি আকৰ্ষিত হৈছে। আমাৰ ৰাজ্যখনত সম্প্ৰতি ঠায়ে ঠায়ে ভেজাল তেল চলাবৰ কাৰণে ৰেপাৰী সকলে যত্ন কৰি থকা কথাটো একেবাৰে অসত্য নহয়। আমাৰ বিভাগীয় বিষয়া সকলে এই সম্পৰ্কত চোকা দৃষ্টি ৰাখিছে। আৰু বিভিন্ন জিলাত তদন্ত চলাই আছে। গুৱাহাটীত এই সম্পৰ্কত তদন্ত কৰিছে স্বাস্থ্য বিভাগে আৰু সেই তদন্তৰ ফলস্বৰূপে তালৈ কেইটা কেচ তৰা হৈছে। এই কেচ বিনাক এতিয়া আদালতত বিচাৰাধীন হৈ আছে। এই সম্পৰ্কত এটা বিৱৰ্তি মই দাঙি ধৰিব খুজিছো।

এই বাতৰিটোত অভিযোগ কৰা হৈছে যে কেন্দ্ৰীয় চৰকাৰে মিঠাতেলৰ দাম লিটাৰত ১০ টকা কৰিবলৈ নিৰ্দেশ দিয়াৰ পিচত গুৱাহাটীত ব্যাপকভাবে ভেজাল তেলৰ প্রচলন হয় আৰু এই ভেজাল তেলৰ অতি সামান্য মাত্ৰা মিঠাতেল থাকে, বাকীখিনি ৰেপচিদ্ তেল বা আন পদাৰ্থ মিহলোৱা হয়।

এই সন্দৰ্ভত স্বাস্থ্য বিভাগৰ জৰিয়তে জনা যায় যে বজাৰত ভেজাল তেল থকাৰ সন্দেহ নহোৱা নহয়। তেওঁলোকে এই ভেজাল তেল ধৰা পেলাবৰ বাবে ব্যাপকভাবে নমুনা সংগ্ৰহ কৰিছে আৰু ভেজাল বুলি সন্দেহ কৰা ভালেমান খোৱাতেলৰ টিন জব্দ কৰিছে। গুৱাহাটীত এনে ধৰণৰ ৮টা ঘটনা ধৰা পৰিছে আৰু ১০০ তাতকৈও অধিক টিন জব্দ কৰা হৈছে। এই সম্পৰ্কে আদালতত মোকদ্দমাৰোৰ আদালতৰ বিচাৰাধীন হৈ আছে।

এইখিনিতে কৰ পাৰি যে, এনে ভেজাল কৰা ঘটনা কামৰূপ জিলাত ১২ টা, দৰং জিলাত ৬ টা, শিৱসাগৰ জিলাত ৮ টা, ডিব্ৰুগড় জিলাত ৮ টা, গোৱালপাৰা জিলাত ২ টা, নগাওঁ জিলাত ১ টা আৰু কাছাৰ জিলাত ১টা ধৰা পৰিছে। বৰ্তমান এই আটাইবোৰ মোকদ্দমা আদালতৰ বিবেচনাধীন হৈ আছে।

মিঠাতেল আৰু ৰেপ্চিদ্ তেলৰ ভেজাল বন্ধ কৰিবৰ বাবে লোৱা ওপৰোক্ত আইনগত ব্যৱস্থাৰ উপৰিও স্বাস্থ্য বিভাগে একডবা অপৰিশোধিত ৰেপ্চিদ্ তেল জব্দ কৰি এই তেল চালানকাৰীজনক তেল পৰিশোধনৰ বাবে অন্যৰাজ্যলৈ নিবলৈ বাধ্য কৰোৱা হৈছে। ভেজাল তেল বিক্ৰী বন্ধ কৰিবৰ বাবে চৰকাৰে আৱশ্যকীয় ব্যৱস্থা লৈছে। চৰকাৰৰ স্বাস্থ্য বিভাগে ব্যাপক ভাবে মিঠাতেলৰ নমুনা সংগ্ৰহ কৰিছে আৰু এই নমুনাবোৰৰ ৰাসায়নিক বিশ্লেষণ কৰি থকা হৈছে।

\*Speech not corrected



এইখিনিতে কব পাৰি যে অসম চৰকাৰে অপৰিশোধিত ৰেপ্‌চিড তেলৰ বিক্ৰি নিষিদ্ধ কৰা আছে। কিয়নো এনে অপৰিশোধিত তেল Solvent extracted হয় নে নহয় জনা নাযায় আৰু এনে অপৰিশোধিত ৰেপ্‌চিড তেল কোন ব্যৱসায়ীয়ে বৰ্তমান অসমলৈ আনিছে বুলি চৰকাৰে নেজানে।

বৰ্তমান চৰকাৰে ভেজাল তেলৰ প্ৰচলন বন্ধ কৰিবলৈ সকলোপিনে চোকা দৃষ্টি ৰাখি যাবতীয়া ব্যৱস্থা লৈছে আৰু এনে অসৎ ব্যৱসায়ীক ধৰা পেলাবলৈ উপায়ুক্ত আৰু মহকুমাধিপতিসকললৈ নিৰ্দেশ দিয়া হৈছে।

### Matter Under Rule 301

\*শ্ৰী আবুল হুচেইন মীৰ— অধ্যক্ষ মহোদয়, মই আজি সদনত ধিং কাগজ কল প্ৰকল্পটোৰ কথা দুবাৰ কবলৈ আগ বাঢ়িছো। এই কাগজ প্ৰকল্পটোৰ বাবে ১৯৭৩ চনতে আসাম ইণ্ডাষ্ট্ৰিয়েল ডেভেলপমেণ্ট কৰ্পোৰেচনে কেন্দ্ৰীয় চৰকাৰৰপৰা লাইছেঞ্চ পাইছিল। তাৰ পাছত ধিওত ২৪৫ বিঘা মাটি ১ লাখ ৩৫ হেজাৰত কিনি তাত ৩৫ হেজাৰ টকা দি মাটি পৰীক্ষাও কৰা হয়। এটা কোম্পানীয়ে আসাম ইণ্ডাষ্ট্ৰিয়েল পেপাৰ লিমিটেড নাম দি এই প্ৰকল্পটো কৰা হয় আৰু পাঁচজনকলৈ এটা বোৰ্ড অৱ ডিৰেক্টৰ তৈয়াৰ কৰি ৰেজিষ্টাৰ কৰি চৰকাৰে পাবলিক চেষ্টবত পৰিচালনা কৰিবলৈ এই বোৰ্ডক দায়িত্ব দিয়া হৈছিল। তাৰ পাছত প্ৰথমবাৰৰ কাৰণে ৯ হেজাৰ টকাৰ চিমেণ্ট, ২২ টা ব্ৰেগন ধানবাদৰ পৰা ২৩ হেজাৰ টকা ভাৰা দি তিনিশ টকা মাহিলী ভাৰা কৰি ভাণ্ডাৰীলাল নামৰ গোদামত সাত মাহৰ কাৰণে ৰাখিছিল। তাতে দুইশ মেট্ৰিকটন ব'দও নি ৰখা হল। সাত মাহ ৰখাৰ পাছত সেই বিলাক ব'দ চাৰগোলা পেপাৰ মিললৈ লৈ যোৱা হয়। তাৰ পাছত আসাম ইণ্ডাষ্ট্ৰিয়েল ডেভেলপমেণ্ট কৰ্পোৰেচনে সেই সকলক কাৰিকৰী শিক্ষাৰ কাৰণে বেলেগ বেলেগ কেডাৰত বিভাগে বিভিন্ন সময়ত টেণ্ডাৰ কল কৰিছিল। প্ৰশিক্ষণ দিয়াৰ কাৰণে বহু হেজাৰ দৰ্খাস্ত লৈছিল। পাছত গৈ পৰীক্ষাত চিলেকশ্যনেই নহল— তেওঁলোকে তেতিয়া কলে যে— টেণ্ডাৰ কম পাইছো, গতিকে আকৌ একাৰ টেণ্ডাৰ কল কৰিব লাগিব। পিচৰ বিজ্ঞাপনৰ পৰা ৰাইজক নিৰাশ কৰি ব'দবিলাক কলৈ গল। তাৰ পাছত ৰাইজে আৰু হেৰা দিয়াত চৰকাৰে আকৌ নতুনকৈ এই প্ৰজেক্টটো অধ্যয়ন কৰিবলৈ দিয়ে। দেৰাদুন ফৰেষ্ট ৰিচাৰ্চ বিভাগে তিনিটা প্ৰকল্প ভাৰতত কৰিবৰ কাৰণে এটা



আঁচনি দিলে। সেইটো বিহাৰ ইণ্ডাষ্ট্ৰিয়েল ডেভেলপমেণ্ট কর্পোৰেচনে কাৰ্য্য-  
কৰী কৰিবলৈ আগবাঢ়ি গৈছে, অন্ধ্ৰটো কাৰ্য্যকৰী কৰিবলৈ আগবাঢ়িছে,  
কিন্তু অসমত এই ইণ্ডাষ্ট্ৰিৰ ক্ষেত্ৰত এতিয়ালৈকে সিমান আগবাঢ়িব পৰা  
নাই। যোৱা মে' আৰু জুলাই মাহত দৈনিক অসম পেপাৰত ওলাইছে যে-  
এই প্ৰকল্পটো অন্য ঠাইলৈ নিবলৈ ষড়যন্ত্ৰ চলিছে— এই কথাটোৱে চাঞ্চল্যৰ  
সৃষ্টি কৰিছে। আপোনালোকে জানে যে ধিং অঞ্চলত ইণ্ডাষ্ট্ৰি হ'ব— কাৰণ  
তাত চাৰি লাখ বেল মৰাপাট উৎপন্ন হয় আৰু কেন্দ্ৰীয় চৰকাৰৰ মৰাপাট  
নিগমে সেই ঠাইটো চিলেক্ট কৰিছে। যোৱা চাৰি বছৰ ধৰি এনেকৈ মৰাপাট  
উৎপন্ন হোৱা ঠাই কৃষি উৎপন্নৰ ওপৰত নিৰ্ভৰ কৰি এই ঠাইটো চিলেক্ট কৰা  
হৈছে। এই প্ৰকল্পটোত প্ৰকাৰভেদে বা পৰোক্ষ বা প্ৰত্যক্ষ ভাবে আমাৰ লাখ  
লাখ বনুৱাই সহায় পালেহেতেন। এই প্ৰকল্পটো অতি লাগতিয়াল, কাৰণ  
আমি জানো যে মৰাপাটৰ পৰা বস্তা হয়, কাপোৰ হয় আৰু মৰাপাট ঠাৰিৰ  
পৰা কাগজ হয়— যেনেকৈ পেট্ৰ'লৰ পৰা পাউদাৰ, কাৰ্বন আদি তৈয়াৰ কৰি  
শতকৰা ১০০ ভাগ লাভ কৰিব পাৰি। তেনেকৈ আমাৰ চৰকাৰে এই প্ৰকল্পটো  
এতিয়ালৈকে কিয় কৰা নাই আমি বুজিব পৰা নাই। অসমৰ অৰ্থনৈতিক  
ক্ষেত্ৰত আমি এটা দিশ চালেই নহয়— আমি ২৪ টা ভাৰতৰ বিভিন্ন ঠাই  
ফুৰি দেখা পাইছো যে— বিহাৰে ইণ্ডাষ্ট্ৰিৰ ক্ষেত্ৰত সিমান আগবাঢ়িছে খেতিব  
ক্ষেত্ৰতো আগবাঢ়িব ধৰিছে।

মাননীয় চেয়াৰমেন— মাননীয় সদস্যই দৃষ্টি আকৰ্ষণ কৰিব।

শ্ৰীআবুল হচেইন মাৰ— এইটো ধাৰা ৩০১ ৰ আলোচনাত এড্‌মিট্ কৰা  
হৈছিল, গতিকে কেৱল দৃষ্টি আকৰ্ষণ কৰিলেই কথাবিলাক নুবুজিব—  
সেইকাৰণে দুবাৰ কবলৈ দিব।

এতিয়া এই প্ৰকল্পটো খেতিয়কৰ বাবে আঞ্চলিক ভিত্তিত অতি লাগতিয়াল  
আছিল। আজি অসমৰ সকলো ক্ষেত্ৰতে এইটো অতি প্ৰয়োজনীয়। এতিয়া  
ইণ্ডাষ্ট্ৰিয়েল ডেভেলপমেণ্ট কর্পোৰেচনে আজি চাৰি বছৰ ধৰি এতিয়ালৈকে এই  
প্ৰকল্পটো কাৰ্য্যকৰী কৰিব নোৱাৰিলে, আৰু এটা দুখৰ কথা হল যে এতিয়া  
পাবলিক ইনভেষ্টমেণ্ট বোৰ্ড গঠন কৰা হল— কিন্তু সেই বোৰ্ডত তেনে বিশেষজ্ঞ  
লোক নাই। মই বাৰে বাৰে প্ৰশ্ন কৰা স্বত্বেও নেচনেল ইণ্ডাষ্ট্ৰিয়েল ডেভে-  
লপমেণ্ট কর্পোৰেচন অৱ ইণ্ডিয়াই এতিয়াহে কাৰ্য্যকৰী কৰিবলৈ লৈছে।  
তেওঁলোকে ফিজিবিলাটি আৰু বজাৰ সম্বন্ধে তথ্য দিয়া স্বত্বেও তাৰ টেকনিকেল  
ভিউৰ ওপৰত মতামত দিবলৈ সাত বাৰ পচপঙ কৰিছে।

এই কথাটো লৈয়ে আজি ধিংৰ লৰাবিলাকে অনশন কৰিছে। কিন্তু  
এতিয়ালৈকে এই বিভাগৰ পৰা এইটো সেই ঠাইতে কৰা হ'ব বুলি কোৱা



হোৱা নাই। পিচত সেই ঠাইতে কৰা হব বুলি মুখ্য মন্ত্ৰীয়ে প্ৰেছ নোট দিয়াত চাঞ্চল্যৰ শাম কাটিছে। কিন্তু ই বৰ নেহেম গতিত আগবাঢ়িছে। এইদৰে ৭ বাৰ মিটিং পচগন্দ কৰাতো বৰ ভুল হৈছে। এজন নাহিলেই কোৰাম নাই। আৰু কেতিয়াবা সদস্যই স্লিপ দি পঠিয়াই দিয়ে। এইদৰে পাবলিক ইনভেষ্টমেন্ট বৰ্ডৰ টাৰ্মো শেষ হব। পাবলিক ইনভেষ্টমেন্ট বৰ্ডে কাম হাতত লোৱাৰ পিচত ১১ লাখ টকা খৰচ কৰা হ'ল। আনকি চাইত চিলেকচনতে আৰু তাৰ পিচত পুনৰাই পাবলিক ইনভেষ্টমেন্ট বৰ্ডে আৰু ৫০ হাজাৰ টকা খৰচ কৰিলে। আনকি এই সম্পৰ্কত নগাওঁত এগজিৰিচন আদিও দেখুৱা হ'ল। আৰু বাইজে বুজি পালে যে, যিহেতু এই প্ৰকল্পটো হ'ব। এইদৰে বাইজৰ মাজত এইটো চাঞ্চল্য হিচাবে দেখা দিছে। গতিকে মই এইটো আমাৰ সকলো সদস্যৰে দৃষ্টি আকৰ্ষণ কৰিলো। আৰু চৰকাৰৰো দৃষ্টি আকৰ্ষণ কৰিলো। ইমান লাখ টকা খৰচ কৰাৰ পিচতো কিয় এইটো কাৰ্য্যকৰী কৰা নহ'ল। টেকনিকেল এক্সপাৰ্টৰ ৰিপোৰ্ট চালে দেখা যাব যে, আমাৰ যি পৰিমাণে কেচা মাল আছে সেই পৰিমাণে আমি আগবাঢ়িব পৰা নাই। আজি হাৰিয়ানা আৰু অন্যান্য প্ৰদেশ বিলাক যিদৰে আগবাঢ়ি গৈছে সেই পৰিমাণে আমাৰ ৰাজ্য আগবাঢ়ি যাব পৰা নাই। গতিকে এই গোটেই কথাবিলাক চিন্তা কৰি চৰকাৰে এটা সিদ্ধান্ত অতি সোনকালে ল'ব লাগে। আৰু এইটো ইয়াতে হ'ব বুলি আমাক আশ্বাস দিব লাগে। গতিকে আপোনাৰ জৰিয়তে মই এই-খিনিকে অনুৰোধ জনাই মোৰ বক্তব্য সামৰিলো।

Shri Sarat Chandra Sinha, (Chief Minister)— Mr. Chairman, Sir, the Assam Industrial Development Corporation considered a proposal for setting up of a Cardboard Project in 1973. Based on the availability of raw materials Assam Industrial Development Corporation tentatively selected the following three areas in Assam as suitable sites for the location of this plant— 1) Near Dhing in Nowgong District, 2) Near Barpeta Road in Kamrup District, 3) Near Malegarh in Goalpara district.

The Assam Industrial Development Corporation appointed in 1973 M/s Atkinson Pvt. Ltd. as the Technical consultant to prepare technoeconomic feasibility report of the project. The Consultants selected the site in Dhing in



Nowgong district for the establishment of the project. The Assam Industrial Development Corporation purchased land measuring 235 B 16 L at the cost of Rs. 1,22,580/- for the Cardboard project. At that stage the Assam Industrial Development Corporation has some doubts about the market demand for cardboard and conducted a fresh market of cardboard in Assam was very much limited. On the other hand, the demand of crepe paper and its allied products and their marketability aspects were more than encouraging. Thereafter the Board of Assam Industrial Development Corporation took a decision in a meeting held on 30.3.76 to go ahead with the establishment of the paper mill for manufacturing of crepe paper at Dhing. In view of the change in the product pattern the Assam Industrial Development Corporation commissioned NIDC to prepare a report on the crepe paper project. NIDC submitted their report in February, 1976. The feasibility report of NIDC concluded that the 6,000 tonnes per annum paper project at Dhing based on white jute for manufacturing crepe paper will be viable. The process proposed to be used in the project is of non-functional type based on technical know how recently developed by Forest Research Institute, Dheradun. Meanwhile, Government of Assam reconstituted the public Investment Board in September, 1976 stipulating that all projects involving an investment of 25 lakhs or more are required to be cleared by the Public Investment Board before their implementation. As the total investment envisaged for this project exceed Rs. 3 crores, the proposal was sent before the Public Investment Board. The Assam But when these emergency powers, extraordinary powers which strikes at the root of the liberty of the citizens have compliance not only of the Constitutional law but also of the procedural law. This legislature after all also



Industrial Development Corporation made quantitative assessment of the local market for the product and also commissioned NEITCO (North Eastern Industrial Technical Consultancy Organisation) to do the market survey. The survey showed that the local demand represents only 25 to 28% of the installed capacity. This has been considered satisfactory on the assumption that the product will be able to secure at least 2% of the All India market. The revised cost of the project is estimated at Rs. 4 crores. Even at this cost the project will be viable. As the Central Government has announced exemption of Excise duty in case of Dhing Paper Mill though the project is commissioned like any attractive proposition the Industries Department has recommended it on larger socio-economic consideration as the project will be located in an industrially backward district and is expected to give a spurt to the growth of local small scale unit besides providing employment. While the different aspects of the project were being examined by the Govt. there were public misgivings that the project would be shifted from Dhing to Jogighopa or Silghat on economic ground. In order to allay the misgivings a press note was issued and Chief Minister held discussions with the representative of the students and youths and leading members of the public. He assured then that after completion of the necessary preliminary work for setting up the project the Paper Project will be implemented at Dhing.

Shri Promode Ch. Gogoi— Sir, when the Government is expected to take a final decision on this matter.

Shri Sarat Ch. Sinha (Chief Minister)— Very, soon, Sir, Probably, within this month

শ্রী আবুল হচেইন মৌব— চাব, মই এটা স্পষ্টীকৰণ বিচাৰিছো। পি, আই, বিবনখন মিটিং পচন্দ কৰা হৈছে। গতিকে মুখ্য মন্ত্ৰীয়ে এই সম্পৰ্কে তদবীৰ কৰিব লাগে।



শ্রীশবত চন্দ্ৰ সিংহ(মুখ্য মন্ত্রী)— এই বিষয়ে সিদ্ধান্ত নলেই যেতিয়া এই কথা আৰু অবতারণা নকৰাই ভাল।

## Laying of Statement and Introduction of Bills

Mr. Speaker— Now, item No. 4.

Shri Md. Idris (Minister)— Sir, I beg to lay a statement under Rule 69 (1) of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly explaining the circumstances which had necessitated immediate legislation by ordinance viz., The Assam Contingency Fund (Amendment) Ordinance, 1977 (Assam Ordinance IV of 1977).

Mr. Speaker— Item No. 5.

Shri Md. Idris (Minister)— Sir I beg leave to introduce the Assam Contingency Fund (Amendment) Bill, 1977.

Mr. Speaker— Has the hon. Minister leave of the House to introduce the Bill?

(voices— Yes, Yes ..)

Mr. Speaker— There is a message. Under provision of Art. 307(1) of the Constitution of India, I, Shri Lallan Prasad Singh, the Governor of Assam recommend the introduction in the Assam Legislative Assembly the Assam Contingency Fund (Amendment) Bill, 1977.

Sd/- Lallan Prasad Singh.

Shri Md. Idris (Minister)— Sir, I introduce the Bill. (Secretary, Assam Legislative Assembly read out the title of the Bill).

Mr. Speaker— Item No. 6.

Shri Hiteswar Saikia (Minister)— Sir, I beg to lay a statement under Rule 69 (1) of the Rules of Procedure &



Conduct of Business in Assam Legislative Assembly explaining the circumstances which had necessitated immediate legislation by ordinance viz., The Assam Secondary Education (Provincialisation) Ordinance, 1977 Assam Ordinance V of 1977).

Mr. Speaker— Item No. 7.

Shri Hiteswar Saikia (Minister)— Sir, I beg leave to introduce the Assam Secondary Education (Provincialisation) Bill, 1977.

Mr. Speaker— Has the hon. Minister leave of the House to introduce the Bill ?

(voices— yes, yes ..)

Mr. Speaker— There is a message— Under provision of Art. 307(1) of the Constitution of India, I, Shri Lallan Prasad Singh, the Governor of Assam recommend the introduction in Assam Legislative Assembly the Assam Secondary Education (Provincialisation) Bill, 1977.

Sd/- Lallan Prasad Singh.

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

Mr. Speaker— Item No. 8.

Dr. Bhumidhar Barman (Minister)— Sir, I beg leave to introduce the Assam (Temporary Settled Arcas) Tenancy (Amendment) Bill, 1977.

Mr. Speaker— Has the hon. Minister leave of the House to introduce the Bill ?

(voices— yes, yes...)

Dr. Bhumidhar Barman (Minister) - Sir, I introduce the Bill. (Secretary, Assam Legislative Assembly read out the title of the Bill.)



Mr. Speaker— Item No. 9. There is a message from the Governor— Under provision of Art. 307(3) of the Constitution of India, I Shri Lallan Prasad Singh, Governor of Assam recommend that The Assam Sales Tax (Amendment) Bill, 1977 be taken into consideration by the Assam Legislative Assembly.

Sd/- Lallan Prasad Singh.

Shri Md. Idris (Minister)— Sir, I beg to move that The Assam Sales Tax (Amendment) Bill, 1977 be taken into consideration.

Mr. Speaker— The motion moved is— that the Assam Sales Tax (Amendment) Bill 1977 be taken into consideration.

.....(The motion was passed).....

Mr. Speaker— There is no amendment. You move (c).

Shri Md. Idris (Minister)— Sir, I beg to move that The Assam Sales Tax (Amendment) Bill, 1977 be passed.

Mr. Speaker— The motion moved is The Assam Sales Tax (Amendment) Bill, 1977 be passed.

.....(The motion was passed).....

Mr. Speaker— Item No. 10. There is a message from the Governor : Under provision of Art. 307(3) of the constitution of India, I, Shri Lallan Prasad Singh, Governor of Assam recommend that The Assam Finance (Sales Tax) (Amendment) Bill, 1977 be taken into consideration by the Assam Legislative Assembly.

Sd/ Lallan Prasad Singh.

Shri Md. Idris (Minister)— Sir I beg to move that The Finance (Assam Sales Tax) (Amendment) Bill, 1977 be taken into consideration.

Mr. Speaker— The motion moved is— The Assam Finance (Sales Tax) (Amendment) Bill, 1977 be taken into



consideration. There are no amendments. You move (c).

Shri Md. Idris (Minister) — Sir, I beg to move that The Assam Finance (Sales Tax) (Amendment) Bill, 1977 be passed.

Mr. Speaker— No discussion. The motion moved is that The Assam Finance (Sales Tax) (Amendment) Bill 1977 be passed.

.....(The motion was passed).....

Mr. Speaker— There is a message : Under provision of Art. 307 (3) of the Constitution of India, I, Shri Lallan Prasad Singh, Governor of Assam recommend that The Assam Purchase Tax (Amendment) Bill, 1977 be taken into consideration by the Assam Legislative Assembly.

Sd/ Lallan Prasad Singh.

Shri Md. Idris (Minister)— Sir, I beg to move that the Assam Purchase Tax (Amendment) Bill, 1977 be taken into consideration.

Mr. Speaker— The motion moved is— that the Assam Purchase Tax (Amendment) Bill, 1977 be taken into consideration.

.....(The motion was passed).....

There are no amendment. Now, item (c).

Shri Md. Idris (Minister)— Sir, I beg to move that the Assam Purchase Tax (Amendment) Bill, 1977 be passed.

Mr. Speaker— The motion is that the Assam Purchase Tax (Amendment) Bill, 1977 be passed.

.....(The motion was passed)

Mr. Speaker— There is a message : Under provision of Art. 307(3) of the Constitution of India, I, Shri Lallan Prasad Singh, Governor of Assam recommend that the Assam (Sales of petroleum and petroleum products, inclu-



ding Motor Spirit and Lubricants) Taxation (Amendment) Bill, 1977 be taken into consideration by the Assam Legislative Assembly.

Sd/ Lallan Prasad Singh.

Shri Md. Idris (Minister) Sir, I beg to move that the Assam (Sales of petroleum and petroleum and petroleum products, including Motor Spirit and Lubricants) Taxation (Amendment) Bill, 1977 be taken into consideration.

Mr. Speaker— The motion moved is that the Assam (Sales of petroleum and petroleum products, including Motor Spirits and Lubricants) Taxation (Amendment) Bill, 1977 be taken into consideration.

... (The motion was passed) ....

Mr. Speaker— There is no amendment. Now item 'c'.

Shri Md. Idris (Minister) — Sir, I beg to move that the Assam (Sales of petroleum and petroleum products, including Motor Spirits and Lubricants) Taxation Amendment (Bill) 1977 be passed.

Mr. Speaker— The motion moves is that the Assam (Sales of petroleum and petroleum products, including Motor Spirit and Lubricants) Taxation (Amendment) Bill, 1977 be passed.

.....(The motion was passed) .....

### Government Bill

Shri Sarat Ch. Singha (Chief Minister)— Sir, I beg to move that the Assam Public Premises (Eviction of Unauthorised Occupants) (Amendments) Bill, 1977 be taken into consideration.



\* Shri Gaurishankar Bhattacharjee — Sir, I rise on a point of order when the Bill would be taken into consideration, because the necessary-constitutional provision has not been adhered to. Sir, I have risen on this point of order under Rule 300 of the Rules of Procedure and Conduct of Business in the Assam Legislative Assembly, and I raise this objection on constitutional ground. Sir, this Bill by inserting a new clause seeks to bar the jurisdiction of court. I beg to refer to clause-2 of the Bill. In the principal Act, after Sec-15, the following new section-15(a) with the marginal head shall be inserted. The marginal head debars the jurisdiction of the court, namely, no civil court shall have the jurisdiction to entertain any suit or proceedings in respect of eviction of any person who is in unauthorised occupation of any public premises or recovery of the arrear of rent is payable under sub-section-1 of Sec. 7 or the damages payable under Subsection-2 of that Section, or costs awarded to the Govt. of Assam under Subsection 5 of Section-9 or any portion of such rent, damages or costs. And in the statement of objects and reasons it has been stated that the amendment is necessary to bar the jurisdiction of the civil court for effective implementation of the provision of the Act without interference by the court.

Mr. Speaker— You will take same time. So, the House stands adjourned till 2-30 p. m.

Shri Gaurisankar Bhattacharjee — The point of order is moved under Rule 300 of the Rules of Procedure and Conduct of business of this House. If the question involved would not have been a matter of procedure, if it would not have been a substantive matter, I would not have raised this Point of Order. Because in that case the matter would



have been agitated in the Court of law about the validity of the legislation it is to be passed, as presented in the present form. But because this is a matter of procedure and this House, and as a matter of fact you Sir, is to give the ruling also as to whether the presentation of the Bill has been in conformity with legislative procedure, in conformity with the Constitution of India. Sir, though this a matter of procedure this is of grave importance because it relates to the Centre State relationship. As enunciated and described in Part II of the Constitution of India, I beg specifically to refer to Art. 246 of the Constitution. This Art. divides the legislative spheres of our country into 3 lists. The Union List, State List and Concurrent List and these have been enumerated in Schedule 7 of the constitution. Now, list I pertains to the Union list II pertains to the State List and list III of the 7th Schedule made under Art 246 of the Constitution of India relates to the concurrent list. Now, the present Bill is an amendment bill. In this Bill the specific purpose is the question of Court's jurisdiction or administration by Courts. And by this amendment the jurisdiction or courts is sought to be barred when the Govt. goes to evict persons whom they consider to be unauthorised occupants from the public premise and when they realise what they call 'damages to areas of rent'. Now, those people occupying premises should occupy these lawfully and there is no question as to that they should be reasonable and law abiding. That those who make breach of law should be punished with regard to that also there is no quarrel. But no citizen in a free country should be given punishment without a trial in an appropriate court of law.

In the last emergency it was considered necessary to deprive some courts of the usual or legitimate jurisdiction.



or atleast supposed to have a great responsibility. The people have given us a trust which we are to discharge honestly and diligently and therefore, if we propose to arm the Govt. with some extraordinary powers whereby the Govt. can evade the jurisdiction of the court there should be an unassailable reason for that. Therefore, arriving at that conclusion we should follow the procedure very seriously, properly and diligently. Now, it appears that those who are behind the framing of the present amendment they probably forgot it, it may be that it has escaped their notice that there has been a lot of change with regard to the jurisdiction of the Courts and also of the powers of the legislature after the 42nd Amendment of the Constitution of India. By the 42nd Amendment of the Constitution this subject found place in the State List. But after 1976 this subject has been shifted from the State List to the Concurrent list. You will see Sir, in the concurrent list there are subjects, Entry I, Criminal Law, Entry No. 2, Criminal Procedure, Entry 14, Preventive Detention and then I am coming to Entry No. 11 (a), Administration of Justice, Constitution and Organisation of all Courts except the Supreme Court and High Court. The entry No. 13 Civil Procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.

Now, so far as this bill is concerned it covers the question of jurisdiction of Civil Courts. We may easily leave aside entry No. 1 and 11 which relates to Criminal Procedure as we are primarily concerned with entries 11 (a) and 13 and most specifically entry No. 46. Jurisdiction and powers of all courts except Supreme Court and High Court and included in this. So Sir, these matters in this list are administration of justice, constitutional organisation of codes, Civil Procedure including all matters for the code



of Civil Procedure limitation, arbitration etc. and by this amendment the very jurisdiction of Civil Court as finds place in entry No.46, that is sought to be barred. Now there are Central Acts with amendments with regard to public premises, eviction of unauthorised occupants. It not been shown that this proposed bill does not conflict with the existing Central Legislation in this matter or that there does not exist any law which has been passed by Parliament. Who is capable of giving that certificate? It is the Ministry of Law of the Government of India which can certify that there does not exist any such law in the Statute Book, that it is very very important and it is to be religiously followed is know to the Government which is known even to us. There is a very clear standing direction from the Home Department that so far as any item in any matter coming in the concurrent list is concerned the Law Department of any State should get the clearance from the Central Government and should get the sanction that it is a fit matter to be presented before the State Legislature. Not that they give the prior assent; it is not necessary that prior assent to be given. What is necessary is that it should give the sanction that is a matter not only covered by any Central Law, but it is a matter which is fit to be considered by the State Legislature. If they sanction or give that certificate then only the this Legislation can or should come otherwise it becomes infringement on the procedure as laid down in the Rules of Procedure of our House and the Constitution itself. As I said at the very outset that this is a matter of procedure as explained in Article 255 of the Consitution of India. If this House commits procedural error then only on that account the courts will throw put the legislation if the authority, whose consent is indispensable,



sanction even subsequently. Consent it must have. If this legislature in its wisdom decides to flout that authority of the Central Government and decides to flout that procedure which is being followed up till now, if it decides to ignore the underlying spirit of the different articles of the Consitution, in other words, if it decides to declare a procedural war against the Centre, that is a different matter. If in spite of that the Centre gives assent to the bill thereafter a citizen like me will not be in a position establish in the court that the law is to be thrown out because it has not taken prior sanction from the Union Government for introducing in the Legislature. This makes our position all the more important and sensitive. If the Consitution gives that authority then we should see that the Constitutional provisions and the underlying spirit of the Constitution are followed by us very diligently and properly. I beg, therefore, to submit that in view of the fact that here on a matter the vital interest of the common people and in most cases they will Government servant—99.9% in whose case this question will come immediately after their retirement, either compulsorily or otherwise who finds it difficult to vacate their quarters, their premises and cannot move out immediately, in spite of their serving the Government for decades, they will be simply thrown out and they will be punished, penalised, all these things. There may be others as well. As the matter stands now, this will immediately be directed against the lower middle class people, particularly those who are serving in the Government or semi-Government or Public Sector organisations. I hope, the hon'ble members have properly appreciated the underlying meaning of this amendment bill as to why the Govt. living in the oxygen tent for a few days more are in such a hurry to have the amendment? Why



Government thinks in the absence of this extra-ordinary power heaven should fall on their head and smash them ? I do not know what is the reason for such a move, for this sort of hurry on the part of the Government living beyond the proper limit of time gusping under the oxygen tent. But I hope, the legislators who have this tremendous responsibility will bear it in mind that this matter will not be taken casually by the people. This is why even though the matter is of procedural nature it is such a procedure on which hinges the future of many people. And we know, when Government servants get retired what becomes of their position ; they do not get their pension paper, immediately their salaries are reduced, they are thrown out from the quarters and what not. So if at that time such a measure is to be taken why should not the measure be at least subjected to the scrutiny in the court of law whetaer it has been done bonafide, whether it has been done well with proper and good reasons. Why should we bar the Court of Law ? We know, we have had the bitterest experience of the last, nearabout, 20 months of emergency when we saw that by avoiding Courts of Law and barring the jurisdiction of Courts of Law what havoc was created in the country and thousands and lakhs of people were harassed and prosecuted, are beyond description. All of us have the memories of this in our mind. All those had been benifited because of the emergency. including the Members of House got their life extended by one year. But these matters have been forgotten by the people and after that emergency has been withdrawn if, by the back-door, we introduce these emergency measures by some sort of amendment bills like this, then people will accuse us. Because it will go against the interest of law abiding common citizen. Therefore, before agreeing



to consider this, I pray that this Hon'ble House will consider it with full sense of responsibility. You are representing the House, Sir. Sir, you will please consider whether it will actually infringe or not, the part of the Constitution of India, particularly the Article 246, in view of the present entries at 11 (a), 13 and above all 46 in 7th Schedule of the Consitution of India. I, therefore, seek your ruling in the matter and in support of my point of order I have made the submission.

\*Shri Sarat Chandra Sinha (Chief Minister)— We have appreciated the point of view raised by Shri Gourisankar Bhattacharjee, Leader of the Opposition. Sir, there is on procedural war between the State and the Centre. The procedure has been followed and there has not been any violation of the procedural aspect. Sir, it is true that subject matter of this amendment is in the concurrent list. The Hon'ble Member of the House, Shri Gourisankar Bhattacharjee, has pointed out entry 13 other matters that have been enumerated in the concurrent list. With respect to the legislation on the subject in the concurrent list, the procedure has been clearly laid down under article 254, where it has been stated that where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by parliament or an existing law with respect to that matter, then the law so made by the Legislature of such State small, if it has been reserved for the consideration of the President and has assent, prevail in that State : Sir, after this bill is passed, this will certainly go to the President for his assent. At that time of there is no Central law on the feather or if the Govt. of India does not want it then at that stage the President assent may withheld his assent. We cannot pass an Act which may contra-



dict the Central Act. Now, the Hon'ble Member, Shri Gourisankar Bhattacharjee, has precisely raised the point whether this House has the competency to pass this Bill. Sir, this House is competent enough to pass this bill because after all this bill will have to be sent to the Centre and the President will have to consider it and the President will certainly consider it. Sir, that being the situation, possibly, I do not find any objection to consider this bill. So far as the legislative competency is concerned, if it was raised at the stage of introduction of the bill it would have been welcomed. Sir, article 71, the provision provides that when a motion is placed that the bill be passed into a legislation etc., the legislative competency of the House is not to be called in question. The Hon'ble Members should have raised the objection at the time of introduction of the bill but it has not been done so at that time. I think no objection should be raised at this stage of consideration. Whatever objection he might have, he should have raised them at the time of introduction. Besides, he has rightly pointed out whether on this matter there is a Central Act. We have consulted the Government of India whether this will contradict any of the provisions of the Central Act, and after consultation we have brought this amendment. Sir, this is what the formal communication from the Govt. of India. From a perusal of the above-mentioned document, it is seen that the Assam Public Premises (Eviction of Unauthorised occupants) Ordinance 1971 and Assam Public Premises Eviction Act 1971 are more or less in the same line with the Central Act. The Assam Public Premises Eviction of unauthorised occupants Act 1958 and the rules framed under the ordinance are also similar, based on the Assam Public Premises Eviction Act 1958 under the Central Act. There is, however,



one omission. Sir, I would request you to mark this portion. There is one omission in both the document mentioned-above in as much as they do not contain any provision barring the jurisdiction of the civil court as is provided for in the Bill. The said section is reproduced below for ready reference. Sir, this is a reproduction from the Central Act— Any Civil Court shall have jurisdiction to entertain suit or proceedings in respect of eviction of any person who is in unauthorised occupation of any public premises or recover the arrear rent payable under sub-section 1 of Section 7 or the damages payable under sub-section 2 of that Section or cost awarded to the Central Government under Sub-section 4 (a) of Section 9 or any portion of such rent, damage or cost. Sir, as a matter of fact, the amendment that we have proposed is just the reproduction of what is provided in the Central Act and this amending Bill has been brought just at the instance of the Central Government (Govt. of India). Therefore, this is perfectly in order and the House should take consideration of the Bill.

\*Shri Gaurishankar Bhattacharjee — Sir, I have one point to make with regard to one, I should say, obiter dictum (not very important), remark of the Chief Minister; I would not have mentioned it but this should not go unchallenged lest it creates an impression that we have conceded to it. The Chief Minister has said that we cannot raise the point of order at this stage; that is not the legal position. As per Rul 300, sub-rule 2 this can be raised even at the consideration stage, the point of order may be raised in relation to the business before the House at the moment provided that the Speaker may permit a member to raise a point of order through the interval



between the termination of one item of business and the commencement of another if it relates to maintenance of ordering or arranging of business before the House. So, this matter can be voiced because it was not said that the Govt. had prior consultation with the Centre or had prior consent or sanction of the Centre to introduce this Bill. The only appropriate stage as before the next point was taken, that is to say, before it is considered, because as soon as the Bill was introduced, the explanation or the explanation which the Chief Minister has just now said, this ought to have been made known to the House at that time. I do not want to waste any single second or of a second of this, but all these matters that they were correspondences and that they had all this clearance all these things were not known to us.

If he would have had said that they had prior consent, sanction or consultation with the Central Govt. 'Baas', because this is a very vital matter, so I raised it; I only say that the Chief Minister's interpretation with regard to timing of the point of order is not correct. Of course, he is correct; generally we cannot oppose the Bill at the time of introduction, generally; perhaps because of his being too busy he has no sufficient time to give enough attention to the rule; that rule states that generally at the introduction stage, the members do not object to the introduction of the Govt. Bills, but if it raised the question of competence, that is to say, the authority of the legislature to pass the Bill, even at the introduction stage, such a point of order can be raised; this is the additional power and the reserved power of the House. It is not that thereby the power of the House is confined to that introduction stage, not that. At any rate, I am glad that the Chief Minister has made known to the House that this matter



has been brought in consultation with the Central Govt. and I hope that there would be atleast no Centre-State conflict, whether this will harrass the people or not ; that is a matter which will be seen at the time of execution. So, I do not want to press the point of order.

Shri Dulal Ch. Barua— Simply by consulting with the Govt. of India does not serve the purpose. So far as we know, they are to obtain the approval of the Govt. of India.

Mr. Speaker— Mr. Bhattacharjee, you have withdrawn the point of order ?

Shri Gaurishankar Bhattacharjee — Yes.

Shri Dulal Ch. Barua— Whether in the matter of such Bill, Govt. of India's prior approval is necessary. I think, prior approval is necessary ; not the question of simply consulting, but prior approval is necessary.

Mr. Speaker— It is not Mr. Bhattacharjee's point.

Shri Dulal Ch. Barua— Sir, I am raising this point.

Shri Sarat Ch. Sinha (Chief Minister) — Regarding this point, as a matter of fact, this Bill has been introduced at the instance of the Central Govt.

Mr. Speaker— Alright, then you have to move it ; have you moved it ?

Shri Sarat Ch. Sinha (Chief Minister)— Yes, I have moved it.

Shri Badan Ch. Talukdar — Mr. Speaker, Sir, this Bill is brought to bar the jurisdiction of the civil court against some action regarding the eviction of some persons from government premises. Sir, our country is based on the



rule of law and we have the bitter experience of giving good-bye to the rule of law. During the last 19 months of emergency, it is apparent and it is well-known to everybody how high-handedness can go to what extent. Even on flimsy grounds, the persons who are authorised to implement this Act, their actions were very much illegal and arbitrary and sometimes it amounts to personal vendatta; and sometimes the officers or authority who were authorised acted on the advice of some higher-ups; who are these higher-ups? it is well-known; to present it has come to light. So, I oppose the amending Bill, because there should not be any fear for the intervention of the court. So, the Government is very much afraid of the intervention of the court, because the Govt. acts not legally and that is why this Government is afraid that the persons affected may go to the court to seek redress in the court of law, and that is why this legislation will deprive the people and they will be required to seek redress in the court of law which is a natural right or the fundamental right of its citizens and that is why I oppose this amendment Bill.

Shri Sarat Ch. Sinha (Chief Minister)— Sir, the Hon'ble Member has apprehension that this will not be properly used while exercising or implementing the provisions of this Act. Sir, this amendment has been necessary to meet such a situation which, in course of day administration, have found extremely difficult. The Hon'ble Member, Shri Gaurishankar Bhattacharjee has pointed out that this might affect the persons or the officers who will retire and immediately this will be applied and they will be affected. Sir, the Government cannot be so unkind to its officers who have served it but then if the retired officers become unreasonable and they do not vacate then certainly



Government should have certain powers to see that the Government's property is freed. It is only with this intention that this amendment has been brought. There is no intention to harass any person much less the Government servants. Now, Hon'ble Member Shri Talukdar has also similarly apprehended that this will be applied to cause harrassment to the people. The provisions of the Act are applied not to cause harrassment to the people but to preserve certain right, semetimes certain property and it will be applied only to protect the intersst of the Government and the interest of the Government property. Sir, I think, Mr. Talukdars apprehension is not correct and while implementing this Act all these points that have been raised will certainly be considered by the Implementing Authority at the administrative level.

Mr. Speaker— The motion is that the Assam Public Premises Eviction of Unauthorised Occupations Bill, 1977 be taken into consideration.

The Motion was adopted.)

Now, (b). There is an amendment. It stands in the name of Shri Gaurishankar Bhattacharjee.

\*Shri Gaurishankar Bhattacharjee— Sir, I beg to move that under the proposed section is (A) of Clause (2) of the Bill in line 3, in between the words 'of' and 'eviction', the words 'legal' shall be inserted an in line 4, in between the words 'is' and 'any', the words 'prove, shall be inserted.

Sir, the Hon'ble Chief Minister has just now said that we should have no apprehension that while executing the extraordinary power the executive authority would be harsh or would have mala fide, That he has said. That is a very pious wish. We have seen how even written laws



is sometimes distorted and now taking advantage of some extraordinary powers given to the executive Government bring in dictatorship through emergency and all this we have seen. So, after this bitterest experience only recently it is not so easy to be consoled by this verbal assurance.

Secondly, we have seen that the Government has not much of respect for the rules and even existing rules. In this Bill you will find, Sir, there is no financial memorandum and there is no memorandum of subordinate legislation. Any Bill which comes should invariably, according to the Rules and Procedure of this House, have financial memorandum and the memorandum on Subordinate Legislation. This Bill not contain those though rules require that this should be there. It may be argued that these are not put there because there is no financial involvement as a result of this amendment that the Government think that for, well putting in a force for eviction no financial involvement will be there, they will be working honorary or they may think that they will frame no rules and exactly because of that my friend, Shri Talukdar has said that it has got a lot of legality, they will not be guided even by any rules with regard to the expenses that would be incurred in executing this or as to how this Bill would be affected. If they would have had those pious intentions, two lines could easily have been put there—no financial involvement—so that would be the financial memorandum and that it does not required any rules to be framed and that would be the memorandum on Subordinate Legislation. Even if you do not propose to do so you have to say so in the House. You cannot keep silent about the matter; that is, to speak the least, I do not say ignorance of the rules of the House, that is just ignoring the rules of the House.

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\* Speech not corrected.



That is the attitude towards the legislature which this Government shows. Then, another thing I would like to point out. Here an extract has been given annexed along with this Bill and in that extract is with regard to section 16. That extract says that no suit prosecution or rather legal proceedings shall lie against the State Government or the Appellate Authority or the Estate Officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any Rules or orders made thereunder.

Now, here in the previous rule there is at least one clause is there that it may be done in 'good faith'. Not arbitrarily, not vindictively and not in bad faith. At least that provision was there. At least the State Officer, or the appellate authority or the Govt. had this caution, that it should be done in 'good faith'. But now compare this the happenings during the emergency. You will find that doing things in 'good faith' have disappeared with the introduction of emergency. Now, there is no necessity of 'good faith'. The Chief Minister individually may be a good man or a bad man or that he is having his best wishes, we are not concerned with that. We are concerned with the law. It was meant to be done in good faith that could have been done in good faith. Even by Section 15 the officers could have been protected where those clauses are in existence. I don't know why these are not seen here. That only shows that that want to give the existing officers extraordinary powers. After all we know, and I hope the honorable members will not take it otherwise as I am not calling them elephants or birds. When an elephant is to be caught, a domesticated elephant is engaged for the work. My friend Shri Phookan is not here, who does not himself claim to be an expert in elephant catching—



but we know that he is the master of it. Similarly, it is well trained domesticated dog which is used to drive away other dogs. It is trained domesticated bird which is used to trap other birds. It is always the Executive Officers in service who are used against their ex-colleagues. Go to anybody after retirement you will find the position is almost as it will be ours after a few days. The shoes are very important and so long we use these, but when these become unusable we throw these away. The Banarsi Pan, sweet and scented are good to the people who are accustomed to take it, but once it has fallen on the ground we do not pick it up. The same will be our lot as well after a few days. But then we may again go to the people seeking their votes saying that some omissions and commissions might have been committed inadvertently while doing good to the people. But these poor Govt. servants after they retire, become helpless and there is no safeguard for them. The A.G. will not send the pension papers in time for which their pensions will be held up. The marriageable daughters are there, college going girls are there and again he is faced with a problem of getting an alternative accommodation elsewhere—3 or 4 weeks time given to them to vacate the government quarters is quite insufficient to find out an alternative shelter. If one government employee, while in service used to help to raise the prices of oil, means a rubbing a lot, might have been given some extension. But if he was a straight forward man who would not purchase windowscreens at exorbitant prices to honour an honoured guest for a night then he might be given a treatment which is not given even to our worst enemies. Therefore, we are to see that when an action is taken, it should not be taken whimsically. I would say that if you want to evict anybody, please do it legally. Do it in process of law. If you do any thing legally, it is alright



You may impose fine any other punishment, provided he is proved to be recalcitrant. Therefore, imposition of fine or any other thing of the similar nature should be done, only when it is proved that the activities of the man are to the detriment of the Govt. Therefore Sir, I want to move that this little protection should be there for the man who has just retired. Whatever is done by the Govt. should be legal and on punishment should be inflicted on him unless it is proved appropriate by the authority.

Coming to the provision, we find that according to the Act, he has stayed there with a few days extra. For example, supposing I am a Govt. servant and my father is quite an old man. Then, I was given only one month's time and before 3 days of that one month's time my father become seriously ill. Than again I am not finding any other place to move. Under the circumstances I have no other alternative than to stay for sometime more. I submit an application and ask the Govt. to allow me to stay on for some more days. If I was not very harsh, then probably Govt. may allow me to stay. Then, if in the meantime, on the very last day my father died, I have to move the Govt. again, and I shall have to submit the application to Govt. with a request to allow me to stay for a further period of some days. Then, the Govt. may say that what can we do as there is no such provision. So, sir, after all if there be some authority to consider it, then Govt. Servants will get the justice. There is an appellate authority for other purposes. For this also, there may be some appellate authority. Therefore, sir, my submission is that whenever anything is done, it should be done legally and any punishment should be given legally with proper investigation and prove and there should not be any extraneous circumstances in between. With these words, sir,



and with this end in view I have moved this amendment.

\* Shri Badan Chandra Talukdar— Sir, I support the amendment moved by leader Hon'ble Member Shri Gaurishankar Bhattacharyya. This amendment, if it is accepted, will remove some of the lacunae. Sir, we have already stated that there may be some extraordinary circumstances and the overzealous officers who will be entrusted to implement this Act may become overpowerful and try to implement the Act illegally. In this connection, sir, I would like to draw the attention of the Hon'ble Chief Minister regarding a recent happening in Calcutta. In Calcutta, there is a Theater-house known as Pratap Theatre. This theatre-house was sold by the Calcutta Corporation and when it was sold out at that time there were two artists in its campus. Some troubles started when it was sold out and these two artists had to be removed to the Hospital. These affected persons move the High Court and got the stay order from the Hon'ble High Court. So, sir, such thing may also happen here in Assam. Therefore, sir, we should be very careful in doing so. Before doing so, we shall be very careful so that such illegal thing cannot be happened here or the persons who will be affected will not be harassed like that of Calcutta Artists. Sir, this amendment is for legal eviction. The eviction is not opposed by us. What we want is that this should be done legally. So, sir, would request the Hon'ble Chief Minister to accept the amendment moved by Shri Bhattacharyya. If we accept it, it will not hamper the implementation of the amendment bill. Rather it will help and remove the lacuma. Moreover, sir, Mr. Bhattacharyya has mentioned some effects of the bill. Then, sir, in the proposed amendment, we find that in this new Section 15

\*Speech not corrected



(A) (Subsection 5 of Section 9 of the original Act), no extract was given and instead of that the extract of Sc-15 was given which is not relevant. But the most relevant section is Sc. 9 which is mentioned in this Bill. Like other financial statements or delegated legislation use extract should have been given in this bill. This is my submission sir.

\* Shri Balabhadra Das— Sir, it is well-know to us all that the executive becomes more powerful in an extraordinary conditions or in any emergent situation that the Legislator or Judiciary and by this Bill Government is trying to make the executive powerful than the Judiciary as the Government has given them powers during the last emergency. We have seen how the executive has functioned during the last 19 months of emergency period. Sir, during the period of emergency, the executive has completely shut down the judicial scrutiny of all matters. How the executive has functioned during the period of emergency is known to all. Sir, I have given a list of names of such executive personnal who have committed innumerable offences in different matters. I need not like to mention those matters here. But, Sir, I am confined that by this Bill Government is trying to make or impose another emergency. It is with this intention, judicial scrutiny is avoided. Sir: when I left Congress, I had to face innumerable difficulties. I was given pressure with the help of Shri Mahendra Mohan Choudhury to rejoin the Congress. When I did not concede to their request I was put under difficulties. Not only that, sir, my relatives were also put under difficulties with tne help of the executive. Sir, I have mentioned all these in details during the last Budget Session of the Assembly. The former Prime Minister Smti. Indira Gandhi



imposed the emergency and she wanted to prove that during the emergency she did the miracle for the down-trodden people of our country and for that she tried to utilise the machinery of C.B.I. also. That is why this time she was not arrested by the Police. She was arrested by the C.B.I. her own enemy. Therefore, sir, we must have a judicial scrutiny in all matters. There should be some legal scrutiny over every executive action. With these words, sir, I conclude my speech.

\* Shri Shanti Ranjan Dasgupta— Sir, I support the amendment moved by the hon. member, Shri Bhattacharyya. Here, Sir, the Chief Minister has already said or rather raised a pious wish that the officers who will be entrusted with the job of evicting the people will never harass the people and they will discharge their duties most honestly and faithfully, and that will cause no difficulty. That is the main purport of the Chief Minister's speech. In the year, 1974 there was a railway strike all throughout India. I come from the Lumding constituency. At that time the emergency was not there and those officers, the IVth grade service holders and IIrd grade service holders were living in small railway cottages; the upper division clerks of Superintendents they were also in cottages and at that time I had seen that with my own eyes that thousands of people not only the persons who were serving the Railways, their families, their wives children old parents and even the pregnant ladies had been thrown out of their cottages, and the police had taken possession of those small cottages. This happened in my own constituency at the time of railway strike. Small children and others were taken out and they had to live under the sky all throughout the day and night; they had no place; so it is very easy to make legislation and it is very

\* Speech not corrected



difficult to control the officers entrusted for that purpose, not to misuse their power, not to badly use the power. In the august House it can be said that we had not thing to give oppression to any one ; that may be the pious wish of the Chief Minister. But from our experience we cannot agree with the Chief Minister that there will be no excesses and no misuse of power. So, on this point we cannot agree with the Chief Minister. Then, Sir, suppose, anybody who will be evicted defies the orders, then what will be position ; in that case the Government will have to engage the police and the magistrate and others staff and there will be some expenditure. From where that expenditure will be mke ? There is financial memorandum, and the Bill we shall be considering just next, we can see that even though there is no financial involvement, there financial memorandum, there is delegatory legislation and all these things, but here there is nothing ; according to Rules and procedures and according to Constitution, the Government cannot place Bill in this House without properly explaining the financial position, and these are the requirements of law. I do not know why the Government, in this case, have totally ignored all these procedural matters. Therefore, I submit that at least the word 'legal' should be incorporated in this amendment so that the people get a chance, otherwise, the Government has no power in their hands to use Public Premises Act against persons lime me or more higher and powerful persons, but it will go against the common people ; that will go against 11rrd grade, 11th grade staff, Upperdivision clerks, peonns and other staff of the government. Therefore, we cannot agree to this amendment and therefore we resist it.



• Shri Sarat Chandra Sinha (Chief Minister)— Mr. Speaker, Sir, if I accept the amendment and read the clause, how does it read? 'No civil court shall have jurisdiction to entertain any suit or proceedings in respect of legal eviction of any person who is proved to be in unauthorised occupation'. Now, Sir, 'the legal eviction and proved to be in unauthorised occupation' means against the court of law. That legal eviction is legal would have to be proved; that a person is in unauthorised occupation will have to be proved. So, Sir, these two amendments or these amendments are contradictory to the principles of this provision of laws see 15 (a); the provision is that no civil court shall have jurisdiction. Now, if I accept this amendment, then, again we shall have to go to the civil court, to the court which has not been contemplated by this amendment. Sir, the word 'eviction' that has been used here, this eviction is certainly not illegal eviction; this is an eviction which is legally to be evicted. Why? Because here is unauthorised occupation; for occupation one must have the authority and if he has no authority then he is to be treated as unauthorised occupant. Who are unauthorised occupants? That has also been described below (1) Unauthorised means who has no authority to occupy the premises; (2) who has not paid the rent where arrears are due or the damages, the cost of damages to be payable. All these things indicate how unauthorised status of the occupants can be determined, and this can be determined from the provisions that have been incorporated here. So, Sir, these provisions themselves are complete and these give enough protection to the occupants of the premises. So, if this amendment is accepted, then the very purpose of this amendment would be lost, as these amendments are contradictory to the



main provisions that have been proposed. Therefore, it is not possible, in the interest of the amendment itself, to accept the amendment that has been proposed by the hon. member, Shri Bhattacheryya. Sir, with respect to the financial memorandum, financial memorandum has given in the original Bill which has been an Act now.

The rule making power has also been provided in the original Act. As soon as this amendment is accepted, then this amendment becomes part of the main Act and then it becomes that it will be under cover of the rule that the rule making has been provided in the main Act. So far as the financial memorandum is concerned as in the original Act, no financial involvement is necessary here also.

The procedure is that on court will have any jurisdiction and this is only merely a procedural matter, that has been provided in the original Act is there. So far as this amendment is concerned, this is merely procedural, and for this procedural thing, no financial involvement is necessary.

\* Shri Gaurishankar Bhattacheryya— Sir, on a point of order, I want to say that the interpretation with regard to the financial memorandum and memorandum on subordinate legislation given by the Chief minister is not in the accordance with the rule of this House. The Rule do not say that if it be an amending Bill, it does not require any memoreandum on subordinate legislation or any memorandum on financial memorandum with regard to financial matters and also with regard to subordinate legislation. If there is non-no involvement— atleast that is to be said. But something is to be said on both the points. So, that is a wrong interpretation of the Rule of the House.



\* Shri Shanti Ranjan Das Gupta— Sir, I quote Art-207 of the old Constitution; possibly in the new Constitution, it would be a different number. Art-207 clause 3 states— 'a Bill which if enacted and brought into operation would involve expenditure from the Consolidated Fund of the State shall have to be passed by a House of the Legislature unless the Governor has recommended to that House consideration of the Bill.'

This Article of the Constitution is very clear. Sir, this is an old Constitution (not new) and you can go through the financial matters of art-207 clause 3.

Mr. Speaker— That point is— if there is financial involvement, the Governor's permission is required. You have to show that the financial involvement is there.

\* Shri Shanti Ranjan Das Gupta— When they will entrust persons to evict encroachers, naturally, that would cost extra expenditure.

Mr. Speaker— But without expenditure, they can be evicted.

Shri Shanti Ranjan Das Gupta— Even though it will not require any extra expenditure, that should also be written and placed before the House. I am reading out you have the next Bill or the previous Bill also.

Mr. Speaker— The next Bill is not coming now.

\* Shri Shanti Ranjan Das Gupta— Here, the Government has written financial memorandum, as this Bill seeks to enhance the appellate jurisdiction of the District Judge and to raise the pecuniary jurisdiction of Munsiff by amending relevant provisions of the Bengal, Agra and Assam Civil Court Act. The Bill being acted and brought



into operation would not involve any additional expenditure from the Consolidated Fund of the State. The previous Bill which was enacted before it, the same thing has been written. Therefore, something is to be written whether this will involve extra expenditure or it will not involve extra expenditure.

\*Shri Gaurishankar Bhattacharyya— This is with regard to the Rules of this House. One is rule-64; this is with regard the Financial memorandum, the statement of objects and reasons and the financial memorandum accompanying it. There is a whole chapter with regard to subordinate legislation on 82 onwards.

Mr. Speaker— Rule 66 and 67 deem to have covered your point.

\* Shri Gaurishankar Bhattacheryya— Yes. 'A Bill involving expenditure shall invite particular attention to the clauses involving expenditure and shall also give estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. Clauses of provisions in Bills involving expenditure from public funds shall be printed in thick type or italics provided that where clause in a Bill involving expenditure is not printed in thick type or in italics the Speaker may permit etc. '(Rule-66); Rule 67 states' A Bill involving proposals for the delegation of legislative power shall further be accompanied by memorandum explaining such proposals and drawing attention to their scope and stating also whether they are or normal or exceptional character.' With respect to this Bill nowhere it is said that if it is an amending Bill this would not be applicable. That is the point we have said. Any Bill if it involves financial expenditure, for this, financial memorandum is necessary and when it



involves subordinate legislation, a subordinate legislation memorandum is necessary. Where it is an amending Bill or where it is a fresh Bill, that is to say, completely new Bill, it does not make any distinction between the two. This thing is very clear. There might be Bill are by and there might be an amendment where by the apparatus has increased, personnel have increased and staff has increased. Therefore, some more financial expenditure may be done. Even a Bill is an amending Bill....

There may be one where no expenditure might come and it may be said here there is no expenditure involved; that is all; that is very simple. Whether the Bill is an original Bill, even in some original Bill there may not be any financial expenditure involved, so the question is not whether it is original Bill or amending Bill, the question is whether there involves any financial expenditure on the consolidated fund of the State as a result of the Bill. It, it does that is to be explained how; if it does not it is to be said it does not. With regard to many Bills or financial Bills that is a different thing altogether. I am not speaking from that point of view.

Shri Sarat Chandra Sinha, (Chief minister)— Here 'involving expenditure' does not refer to a Bill which does not involve expenditure. Here it is a Bill involving expenditure shall be accompanied by a financial memorandum; this is a Bill where no involvement of expenditure is there.

Shri Gourisankar Bhattacharyya— As the Chief Minister said to the point that when the word Bill is used it does not mean a Bill except the amending Bills.

Shri Sarat Chandra Sinha, (Chief Minister)— That is true. but here is the Bill involves...



Shri Gourisankar Bhattacharyya— That is a different thing. But when Bill is mentioned here it includes original as well as amending Bill, because the original Bill also may not involve financial expenditure.

Shri Sarat Chandra Sinha, (Chief Minister)— It has been stated, Sir, the financial memorandum in the original Bill it does not involve financial expenditure.

Shri Gourisankar Bhattacharyya— That is alright.

Shri Badan Chandra Talukdar— Whether any extra expenditure is involved or not, how a member can know whether any extra expenditure is required or not.

Mr. Speaker— Rule 66 A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. Now the Bill before us is an amending Bill ; they are going to amend rule 15 (a), insert rule 15 (a) and we find there will be no financial involvement. Same thing with Rule 67. Therefore I rule out the point of order.

Now I put the motion. There is one amendment in clause 2 of the Bill in the name of Shri Bhattacharyya.  
(The amendment is lost).

Now I put clause 2 does form part of the Bill.  
(Clause 2 forms part of the Bill).

Now, I put clause 1, preamble, enacting formula and title of the Bill.

(Clause 1, preamble, enacting formula and title of the Bill form part of the Bill).

Now, item (c).



Shri Sarat Chandra Sinha, (Chief Minister)— Sir, I beg to move that the Assam Public Premises Eviction of Unauthorised Occupants Amendment Bill be passed.

\* শ্রীসোণেশ্বৰ বৰা— অধ্যক্ষ মহোদয়, বিলখন গৃহীত হোৱাৰ কাৰণে মই বিৰোধীতা কৰিছো আৰু কবিবলৈ গৈ মই দেখিছো যে মুখ্য মন্ত্ৰীয়ে কোৱাৰ দৰে অকল অৱশ্যৰ পোৱা চাকৰিয়াল সকলক উলিয়াই দিয়াই নহয় এই বিলখন পাছ হোৱাৰ পিচত আমাৰ আৰু বহুতো সমস্যা উদ্ভৱ হব। সেই সমস্যাবিলাক উদ্ভৱ হোৱাৰ পৰিপ্ৰেক্ষিতত ৰাজ্যখনত এক চাঞ্চল্যৰ সৃষ্টি হোৱাৰ সম্ভাৱনা আছে। আজি অকল চৰকাৰী ঘৰত সোমাই থকা মানুহ এজনক উলিয়াই দিয়াটোৱেই নহয় চৰকাৰী ঘৰ একোটাৰ, তাৰ কম্পাউণ্ডত, বাৰীখনত থকা ঘৰ বা তাত তেনেকুৱা ধৰণৰ দখল কৰা সেই সমস্যাও ইয়াত আহি পৰিব। গোটেই অসমৰ সকলো কাচাৰী ঘৰৰ সন্মুখত, কাচাৰী ঘৰৰ পথাৰত কিছুমান দোকান ঘৰ বহুৱা দেখা যায়। অস্থায়ী, স্থায়ী চালি আদি দি কিছুমান দোকান পোহাৰ মেলি থোৱা দেখা যায়। ঠিক তেনেকৈ গড়কাপ্তানি, একজিকিউটিভ ইঞ্জিনিয়াৰ এইবিলাক অফিছ কম্পাউণ্ডৰ মুখে মুখে তেনেকুৱা ঘৰ দুৱাৰ আছে। ট্ৰেন্সপৰ্ট অফিচ বিলাকৰ সন্মুখত সেইবিভাগবিলাকৰ একো একোজন মুখধাৰাই তেনেকুৱা দোকান বহুৱাই বা কোনোৱা কোনোৱা এনেকুৱা কিছুমান মানুহ আছে যিবিলাকৰ অন্যান্য কোনো সংস্থাপনৰ ব্যৱস্থা নাই তেনে অৱস্থাৰ পৰিপ্ৰেক্ষিতত তেনেকুৱা দা-দোকান দি চলিব লগীয়া হয় আৰু তেনেকুৱা অনেক দোকানৰ পৰা টাউন নগৰ, মিউনিচিপেলিটি কতৃপক্ষই বহুৰ বহুৰ ধৰি টেক্স আদায় কৰি থকা দেখা যায়। ঘূৰি পকি চালে দেখা যায় সেই টেক্স তোলা কতৃপক্ষই বহু সময়ত সেইবিলাক দা-দোকান বহুৱাই থোৱা দেখা যায়। ঠিক তেনেকুৱা আন বহুতো পৰিস্থিতি আছে সেই পৰিস্থিতিৰ কথা এই বিলখনত আহিব। আমাৰ নিজৰ দেশত, নিজৰ ৰাজ্যত নিজৰ চৰকাৰে এইসকল প্ৰজাক সংস্থাপন দিয়াটো আমাৰ চৰকাৰৰ কৰ্তব্য। যেতিয়া চৰকাৰৰ ফালৰপৰা তেনেধৰণৰ মানুহবিলাকৰ সংস্থাপিত হোৱাৰ কোনো উপাই নাথাকে তেনেকুৱা সমস্যা পৰি তেনেকুৱা বহুত মানুহে সংস্থাপনৰ উপায় বিচাৰি সেই ধৰণেৰে দখল কৰিব লগীয়া হয়। পুখুৰীৰ পাৰত, কৰবাৰ ৰাস্তা এটাৰ মূৰত দোকান এখন খুলি ললে সংস্থাপনৰ ব্যৱস্থা এটা নহয়। এনে কিছুমান কেন্দ্ৰ ঠাই আছে যিবিলাক ঠাইত তেনে ধৰণেৰে দোকান খুলিলে সংস্থাপিত হবৰ এটা ব্যৱস্থা ওলাই। গতিকে আজি চৰকাৰৰ কৰ্তব্য নহবনে কি যে সেইসকল মানুহ যি সকলে আমাৰ খিলজীয়া মানুহ, নিজ



দেশৰ প্ৰজা, খাচ মানুহ সেইসকল মানুহৰ সংস্থাপনৰ দায়িত্ব চৰকাৰে নলয়, সমাজে নলয়, আইনে সমৰ্থন নকৰে সেই সকল মানুহে তেনে অৱস্থাত উপায়ন্তৰ হীন ভাবে চোৰ কৰিবলৈ নগৈ, ডকাইতি কৰিবলৈ নগৈ তেওঁলোকে নিজৰ মূৰৰ ঘাম মাটিত পেলাই নিজ পৰিশ্ৰমতে দুপইচা কমাই পা-পৰি-মাল চলাবৰ ব্যৱস্থা কৰে সেই দায়িত্ব চৰকাৰে দিব নোৱাৰে তেনে ক্ষেত্ৰত এই সংশোধনী বিলখনত সেইসকল মানুহৰ সংস্থাপনৰ দায়িত্ব কেনেধৰণে কৰিব এইবিলাক কথাৰ কোনো ইঙ্গিত দিয়া নাই।

খাবলৈ নোপোৱা জনে বেআইনী কৰে আৰু বেচি খোৱাজেনেও বে-আইনী কৰে। দুখীয়া মানুহে মদ খালে ধৰাপৰে আৰু মদাহী হয়, ধনী মানুহে মদ খাই ধৰা নপৰে আৰু মদাহী নহয়।

অধ্যক্ষ মহোদয়, বেআইনী কত আছে? মানুহে খোৱা পিন্ধাৰ কাৰণে তেনেধৰণৰ দখল বেদখল কৰিবলগীয়া হয়। সেই দখলী বেদখলী সকলক উচ্ছেদ কৰক তাত আগতি নাই। কিন্তু তেওঁলোকক উচ্ছেদ কৰাৰ আগতে তেওঁলোকৰ সংস্থাপনৰ দায়িত্ব চৰকাৰে লোৱাৰ পিছত বা সংস্থাপিত কৰাৰ পিছত সেই ঠাই মুকলি কৰি দিয়ক। সৌন্দৰ্য্য বৃদ্ধিৰ কাৰণে, কৰবাত গোলাপ ফুল কৰাৰ কাৰণে জেগা মুকলি কৰিব আৰু কোনোবাই খাবলৈ নাপাব এনেকুৱা দেশ থাকিব নোৱাৰে। গাত কাপোৰ নপৰিব, টিকাত লেংটি নপৰিব অথচ সৌন্দৰ্য্য বৃদ্ধিৰ কাৰণে, ভোগ বিলাসৰ কাৰণে দেশ খনৰ চৰকাৰী মাটি দখল কাৰৰ কোনো অধিকাৰ নাই। যোৰহাটৰ নিচিনা ঠাইত ডি. চি. বাংলো, পুষ্টিচ ইন্সপেক্টৰ বাংলো, স্কুল ইন্সপেক্টৰ বাংলোৰ কম্পাউণ্ডত বহুত পৰিমাণৰ মাটি ৰখা হৈছে। সেই সকলৰ ভোগ-বিলাসৰ কাৰণে বাৰিখনৰ জেওবাখন দিয়াৰ কাৰণে মাটি ধৰিব পৰা আৰম্ভ কৰি যিবিলাক খৰচ দিছে সেইবিলাক ৰাইজৰ পুজিৰ ঘৰৰ পৰা দিয়া হৈছে সেটোটা অন্যান্য হৈছে। এজন মানুহে চুক এটাত থাকি দোকান এখন খুলি পৰিমাণৰ ভৰণ-পোষণ দিছে তেওঁৰ দায়িত্ব চৰকাৰে লোৱা নাই। এতিয়া সেইজনে ফাচ লাগি মৰিব নে ব্ৰহ্মপুত্ৰত জাপ দি মৰিব। ব্ৰহ্মপুত্ৰত জাপ মৰাৰ আগতে গুৰুত দোকান দি কিবা উপায়েৰে জীয়াই থাকিবলৈ পথ বিচাৰি লৈছে সেইজনে চুৰ কৰিবলৈ যোৱা নাই, ডকাইতি কৰিবলৈ যোৱা নাই, তেওঁ ঘোচ দিবলৈ যোৱা নাই পৰিশ্ৰম কৰি ভগবানে দিয়া দেশত ভগৱানে সৃষ্টি কৰা মাটিত ভগৱানৰ প্ৰাণী হিচাবে জীয়াই থাকিবলৈ অধিকাৰ নাই নে কি? এই বিলখনত সংস্থাপনৰ কোনো ব্যৱস্থা দিয়াৰ কথা ইয়াত ইঙ্গিত নাই। এইটো কথা ঠিক যে—হাতী চোৰ আজি বাটত ছেলাই বেঙেনা চোৰক বান্ধি ফিলাই। যদি হাতী চোৰ আৰু বেঙেনা চোৰ যদি সমান কৰিবলৈ ধৰা পাবলৈহেতেন তেন্তে বেলেগ কথা। আমি



সকলোৱে দেখিছো ৰাজগড় আলি, ডুঙাগড় আলিৰ কাষত চৰকাৰী মাটিত চৰকাৰৰ ধ্বংস লৈ চৰকাৰী বিষয়াই ঘৰ সাজিছে। আকৌ সেই ঘৰকে চৰকাৰক ভাৰা দি চৰকাৰী অফিচ কৰিছে। এই বহুবিলাক কথাই বিধান সভাৰ মজিয়াত আলোচনা হৈছে। সেইবিলাক চৰকাৰে উচ্ছেদ কৰিবলগা নাই মোৰ দৈয়াং বিজাৰ্ভত, মোৰ কাকী বিজাৰ্ভত, লক্ষীজান গহপুৰ বিজাৰ্ভত এমুঠি ভাতৰ কাৰণে দখল কৰি থকা মানুহ খিনিক উচ্ছেদ কৰিবলৈ চৰকাৰৰ পুলিচ আছে, মিলিটেৰী আছে, বন্দুক আছে, হাতী আছে। এই বিলাক মানুহৰ কাৰণে চৰকাৰে একো কৰা নাই। পৰিশ্রম কৰি থোৱা মানুহক বৰুণা-বেৰুণ দিব পৰা নাই। এই সকলো ব্যৱস্থা বিলখনত থাকিব লাগিছিল। এই বিলখনত তেনে শুদ্ধ ইঙ্গিত নথকাৰ কাৰণে এই বিলখনত গৃহীত হোৱাৰ বিৰোধীতা কৰিছো।

\*Shri Dulal Chandra Barua : Sir, I oppose the principle of this Bill and while opposing this Bill I would like to make certain observations. The first point on which I want to oppose this Bill is that the consultation or discussion that has been made with the Government of India in respect of framing this Bill, the circumstances were quite different. That was not under the present regime; it was done under the regime of Smti. Indira Gandhi and during the emergency. Now the picture have completely changed; we want to restore the Judiciary in the proper place and we want to bring back civil liberty. The object of the Bill that has been given in the explanatory not of the bill is to make the Executive free from Judiciary and by doing so the Bill is aiming to curtail the civil and Constitutional rights of the people of the State and we object this thing in principle. Here the plea may be from the Government side that the government is a continuous process and once a matter is consulted or discussed with the Govt. of India it has been made final and no further clarification or anything is to be obtained from that end by considering the facts of the circumstances. But I feel that this matter if brought to the notice of the prement Govt. of India they will never allow

\* Speech not corrected



this Government to pass such a kind of anti-people Bill as it will go against the very interest of the people, against the Civil and Constitutional rights of the people. Therefore, as we were saying that we will try to restore the prestige and position of the Judiciary we will give civil liberty, we will bring back the democracy, the lost democracy, we have done it and so under the present circumstances we can, in no way, approve or pass such kind of anti-people Bill which will go against the common people. Now during the emergency though we were inside the Jail, we have not seen the operation which has taken place in various place but what we find after we came back from Jail? We have been told that everything have been cleaned by this Government and all the people who were unauthorised occupant of Government land inside the town have been evicted but who are those people who have been evicted? They are the down trodden masses for whom there is no means of livelihood. These are the people who were some how living by selling pen, bidi etc raising a small but by the road side and these people have been evicted capitalists, they will remain untouched. Sir, in Jorhat town itself I have found that a major portion of the P.W.D. road, of the National Highway are still under the occupation of the big merchants — they were not touched. They could not be touched and even at Gautati also the something happend. Who are these people who are evicted; They are the poor people who have got no means of livelihood, who had been carrying on certain small business in the road side, they were evicted; they were drive out. No alternative arrangement has been made for their rehabilitation and they are now practically dieing of starvation on step has been taken for them. Now if we give power through this Act then it will be given power to the bureaucracy. They will be free in dealing with the people and we have got the saddest experience about the functions of the bureaucrats during the last 30 years who



will never work for the betterment of the people. That you also know, Sir. Nobody is working for the betterment of the people. They are concerned how to get super-time scale ; they are concerned how to get more posts of Commissioners. They are not concerned with others. No interests are being taken for the betterment of the people. What has been said in the explanatory notes ? No suit, prosecution or legal proceedings shall lie against the State Government or Appellate officers or State Officers in respect of anything which is in good faith done or intended to do. This sort of thing if we allow how then the grievances of the people will be redressed ? I do not understand, I do not even find any logic behind this. Here in the Bill it is said that the courts shall have jurisdiction to entertain any suit or proceedings in respect of eviction of any person who is in unauthorised occupation of any public premise or recovery of the area of the rent payable under sub section 1 of section 7 or damages payable under sub section 2 of that section or cost awarded to Government of Assam under sub section 5 of the section 9 or any portion of that rent, damages of cost.

Sir, this Government, having an expert Law Department, at the time of framing of rules they must have consulted the Law Department and approval or endorsement of the Law Department obtained. I have been told that for this purpose 2 post have been created in the Law Department. We have no objection but I do not find any reason why this Government is going to undermine the very existence or ignoring the very existence of the Judiciary through this provision of this Act. Do they want to say that the Judiciary is not necessary ? Do the want say that the Judiciary is redundant in the present structure of the administration. If that is so I do not have anything to say but one things is that the Judiciary is in existence. Of



course, during the emergency this Congress regime thought and considered the Executive to be the supreme and so many debates and so many discussions have taken place on this score but a dictatorial attitude has been pursued by the Government in the Centre, like a fascist regime.

Even Hitler shouted such slogan of democracy and socialism. Sir, by the slogan given by the congress for the last 30 years, particularly during the emergency they wanted to save the democracy. But we know what is what. We know how a vicious regime developed during the emergency. Now in order to do away with the existence of the judiciary this short of provision has been sought to be made. But we cannot agree to that. Here we must say that out motto should be that the all organs, judiciary, legislative and executive must have proper existence under provisions of the Constitution. We have not the right to flout the existence of the judiciary, there must be mutual respect. The basic question is that we should respect the right and privilege of the common masses and the people guaranteed by the Consitution of India. In no way the fundamental right of the people can be taken away. If the existence of the Judiciary is undermined then it will mean undermining the Constitution. Indian Consitution is not a mere paper; it is dealing with the very existence of the economic and social structure of the country. Therefore, Sir, by considering all these aspects I would request the Chief Minister who is sponsoring this Bill to take action for getting the approval of the Government of India and only after that a comprehensive bill may be placed before the House for consideration. At the present stage the bill will affect the peasants. Those landless people who are now occupying small land in the VGR & PGRs will be affected. Government premises may be extended (Voices from the Treasury benches) Did you think if you leave the power



to the bureaucrats they will move like wild elephants every where and nobody can control them? Because there is no provision in the Bill. It depend in what way the term is explained. Government premises does not mean the land in the town only. It does not mean the residence of the Chief Minister only and other Ministers. My whole contention is; I do not consider it wise the way in which, in a democratic structure the Government is going to make a powerful executive by giving a green signal to do there job according to their wishes. Sir, in a democratic country like India when Constitutional provision is there different organs have to function indepedently. Democratic right of the people has to be protected through the judiciary and I do not understand why the Government is going to make such provision by giving such power to the executive by ignoring the very existence of the judiciary. Therefore, as I have said, the discussion was made with the Govt. of India when the country was under emergency. But no discussion has taken place with the present Govt. in the Centre. Sir, as you know, the present Central Government have been pursuing a different policy, we have got different plan and programme. Therefore, before taking a decision on this matter the clearance from the Government of India must be taken and before that the bill should not be allowed to be passed by this House.

Shri Balabhadra Das— Sir, from the very bill it is seen that this is an Assam Act XXVI of 1976. So Sir, this is a bill placed by the present Government of she State on a decision arrived at in pursuance of the emergency legislation of the Government of India. Emergency has harmed the people of India and in the ballot of March, 1977 has proved it. Sir, I am not going to say about the utility or misuse of the emergency. It is for the people to say. The people did not accept emergency



and the ballot of March, 1977 has made it clear. We, the legislators are to respect the wishes of the people. This Government should not think that it is a parallel Government of the Government of India and a Government equal to the Central Government. This Government is a part of the Government of India. But it has been noticed during the regime of this Government, when the Central Government made rules regarding free movement of paddy, in this House the Supply Minister categorically stated that they are maintaining the statusquo and prohibiting people from taking paddy and also contemplated issuing licence. This is a Government which is pursuing the black legislation of the emergency days and when there is a clear provision and direction from the Home Department of the Government of India that the prior approval of the Government of India is necessary, how in such a case the Chief Minister can say that there was a correspondence of the State Government. Then, Sir, he ought to have stated this fact before the House that there was a correspondence with the then Government of India which had imposed the emergency in the country. The Chief Minister should have pointed out this fact or he should have pointed out that this was not approved by the Government of India now in power. From this it is clear to us that the prior approval of the Government of India was not sought for bringing any such legislation. Sir, one can easily understand that this Government is now trying to maintain the emergency in some form or other and that is why they are now trying to shut down the judiciary as they did during the emergency by ignoring and condemning the judiciary. Sir, this Government has stated before this House on several occasions that whenever such matter goes to the Court, it is delayed in the court.



Sir, whenever any such matter is brought to the notice of the Chief Minister, the reply is that it is pending in the court. But, Sir, most of the cases are pending because of the latches of the Government. The cases are pending in the court for want of proper cooperation from the Government side. In this connection, Sir, I can cite an instance when an officer is removed from the service. The matter went to the court. When the date was fixed, Government party did not appear and as a result of that an *ex parte* decree was passed. Then the matter went to the Sub-Judge court and then to the High Court. There also Government party did not cooperate and as a result of that the case was delayed and later on the Government officer got the decree in his favour. But his decree is yet to be implemented by the Government. This is the position, Sir. In this way most of the cases in the court are delayed and when we ask the Government why this is pending, Government will come up with a reply that it is pending in the court as if it is the responsibility of the Court. It is not the fact. It is lack of cooperation from the Government non-submission of materials in time, most of the cases are delayed in the court Sir, this Government is ignoring the judiciary Sir, judiciary is given proper place in our constitution. If all powers are concentrated in the hands of executive, then a dictatorial law will prevail. Therefore, Sir, we have a special responsibility and each one of us as a member of the legislature has to see these aspects of the thing since we have been given certain responsibilities by the people. At the time of execution of any law passed by this House we must see that no excess is committed by executors and there should be provisions so that an aggrieved person may seek redress



in the court of law or in any tribunal as may be set up by the Government. There are instances of misuse of powers by the authority and such instances were brought to the notice of this August House on many occasions. The Constitution makes it obligatory that an aggrieved person should have a scope to get his grievances redressed in the Court of law. It has been seen during the emergency when the liberty of the citizens were curtailed and their mouths shut the people suffered mentally and physically. Such instances are very bad as it tortures a man in many ways. So, I appeal that the Chief Minister to withdraw this Bill.

\* শ্রীকবীৰ চন্দ্ৰ ৰায় প্ৰধানী :— অধ্যক্ষ মহোদয়, এই এভিকচন অৱ আন অকুপেণ্ট বিলখনৰ মই বিৰোধীতা কৰিছো আৰু ইয়াৰ তিনিটা কথাৰ ওপৰত মই কব বিচাৰিছো। এটা হৈছে আন অথৰাইজদ অকুপেণ্ট। এই আন অথৰাইজদ অকুপেণ্ট ইয়াক দুটা ভাগত ভগাব পাৰি। বিলাসিতাৰ কাৰণে বা চহকী হবৰ কাৰণে কোনোবাই আন অথৰাইজদলি অকুপায় কৰে আৰু আন এটা হৈছে কোনোবাই জীয়াই থাকিবৰ কাৰণে চৰকাৰী মাটি দখল কৰে। জীয়াই থকাৰ কাৰণে যদি কৰিলেহেতেন তেন্তে তাত কোনো আপত্তি নাথাকিলেহেতেন। জীয়াই থকাৰ কাৰণে যদি কোনোবাই অকনমান মাটি দখল কৰি আছে এনে কথা যদি এই বিলখনৰ বাহিৰত থাকিলেহেতেন তেন্তে মানবতাৰ ফালৰপৰা ইয়াক মানি লব পাৰিলেহেতেন। আমি সকলোৰে বোধকৰো এই কথাটো জানো যে পি, ডবলিউ, ডি বাস্তাৰ আশে পাশে বহুত ঠাইত কোনো কোনো মানুহে চাহৰ দোকান, পানৰ দোকান দি জীয়াই থকাৰ ব্যৱস্থা কৰে। এই মানুহখিনিৰ ব্যৱস্থা যদি চৰকাৰে নলয় তেন্তে তেওঁলোকৰ জীয়াই থকাৰ ভাৱ কোনে লব? —কেনেকৈ তেওঁলোক চলিব? তেওঁলোক নিকপায় হৈ জীয়াই থকাৰ উপায় উদ্ভাবন কৰিবৰ অৰ্থে ঠায়ে ঠায়ে দোকান আদি দি জীয়াই থকাৰ ব্যৱস্থা কৰে। এনে কথা আমাৰ চকুৰ আগতে দেখিছো যে পুলিচে লাঠি, বন্দুক আদি লৈ সেই দোকান পোহাৰ বিলাক ভাঙি দিয়ে যেন তেওঁলোক আন দেশৰ মানুহহে। দুখীয়া মানুহে এইদৰে বেদখল কৰিলে উঠাই দিয়াৰ ব্যৱস্থা কৰে কিন্তু ধনী মানুহ ইয়াৰপৰা বাদপৰি যায়। সকলোৰে বাবে যদি এই আইন হলেহেতেন তেন্তে এই আইন কেতিয়াবাই কাৰ্য্যকৰী হলেহেতেন। চৰকাৰৰ সকলো কৰ্মচাৰীয়ে



ইলেগেল কৰে। এনে ধৰণৰ আইন কৰি যদি বিচাৰৰ ওচৰ চাপিব নোৱাৰে তেতিয়াহলে চৰকাৰে সকলো কৰিব পাৰিব। যিকোনো মানুহ এজন বিচাৰৰ কাৰণে কোৰ্টলৈ যাব পাৰে। বিচাৰৰ কাৰণে যাব পৰা গণতান্ত্ৰিক অধিকাৰ আছে। কিন্তু এই বিলখনত সেই অধিকাৰ দিয়া হোৱা নাই। আজি চৰকাৰী চাকৰিয়ালসকলে ধৰ্মঘট কৰিছে, চৰকাৰৰ মতে ইলেগেল। তেওঁলোকেও বিচাৰৰ কাৰণে যাব নোৱাৰে। মুখ্যমন্ত্ৰী ডাঙৰীয়াই তেওঁলোকক মিচা আইনত সোমোৱাই থব পাৰিব। বিচাৰ হ'ব নোৱাৰে। লিগেল ইলিগেল দুইটা কথা আছে। কিছুমান মানুহে মাটি নাপায় শ্ৰীপ্ৰধানী ডাঙৰীয়াই কোৱাৰ দৰে জীয়াই থকাৰ একো উপায় নাপাই ইলিগেল কৰিছে। সেই বিলাক লিগেল হৈ যাব পাৰিব। মাটি বেদখল কৰাতো আজিলৈকে চৰকাৰে লিগেল বুলি ধৰা নাই। মাটি যদি কোনোবাই বেদখল কৰে তেনেহলে তাক চৰকাৰে ইলিগেল বুলি ধৰি লয়। কিন্তু এই ইলিগেলতো লিগেল বুলি আজিলৈকে চৰকাৰে ধৰিও লোৱা নাই আৰু লিগেল কৰাৰো কোনো ব্যৱস্থা কৰা নাই। এতিয়া আমাৰ কথা হৈছে যিবিলাক চৰকাৰে ইলিগেল বুলি ধৰি লৈছে সেই বিলাক চৰকাৰে লিগেল বুলি মানি ল'ব লাগে। কাৰণ বহুত সময়ত দেখা গৈছে যে ইলিগেল বিলাকো লিগেল হৈছে আৰু লিগেল বিলাকো ইলিগেল হৈ আহিছে। গতিকে এতিয়া যিবিলাক ইলিগেল হৈছে বুলি কৈছে সেই বিলাক লিগেল বুলি মানি ল'ব লাগে। কাৰণ কাকো স্থায়ী ভাৱে মাটিৰ সুবিধা দিয়া হোৱা নাই। এই বিলাক কাৰণতে মই এই বিলখনৰ বিৰোধিতা কৰিছো।

ডাঃ কোষেশ্বৰ বৰা:— মাননীয় অধ্যক্ষ মহোদয়, মই এই বিলখনৰ সন্দৰ্ভত কেইটামান কথা কবলৈ উঠিছো। এই বিলখনৰ জৰিয়তে গণতান্ত্ৰিক পদ্ধতিৰে জনসাধাৰণক বিচাৰৰ সুবিধা দিয়াৰ বিপৰীতে বিচাৰৰপৰা বঞ্চিত কৰাৰহে ব্যৱস্থা কৰা হৈছে। ইয়াত দেখা যায় এইটো আচলতে সংশোধনী নহয়। চৰকাৰে যিটো পাবলিক প্ৰেমিচেচ বুলি কৈছে এই বিলাকত নীতি নিয়ম বখা নাই। জৰুৰী অৱস্থাৰ সময়ত নেচনেল হাইওৱে বা গড়কাপ্তানী ৰাস্তাৰ কাষত যি পৰিমাণৰ মাটি নিয়মমতে ৰাখিব লাগে সেই পৰিমাণে মাটি বখা নাই। অন্যায় কৰি অনিয়ম কৰি ৰাখিছে। একে লাইনতে দেখা যায় যত ১০ ফুট ৰাখিব লাগে তাত ১৪ ফুট ৰাখিছে। যিবিলাক ধনী মানুহ যিবিলাক শক্তিশালী মানুহ, যাৰ ধন আছে, যিবিলাক ডাঙৰ ডাঙৰ মহাজন সেই সকলৰ মাটি ৪৫ ফুটমানকৈহে ৰাখিছে। আনহাতে যিবিলাক দুখীয়া মানুহ, যাৰ ধন নাই সেই বিলাকৰ মাটি ৪০ ফুটলৈকে ৰাখিছে। এনেকুৱাকৈ চৰকাৰে যিটো নিয়মত মাটি ৰাখিব লাগে সেই নিয়ম মতে



মাটি বখা নাই। আচলতে দেখা গৈছে যে যিবিলাকে টকা পইচা দিব পাৰে সেই বিলাকৰ মাটি নেচনেল হাইওৱেই হওক বা গড়কাপ্তানী বিভাগৰ বাস্তাই হওক তেওঁলোকৰ মাটি কম ৰাখিছে আৰু যি সকলে টকা পইচা দিব নোৱাৰে তেওঁলোকৰ মাটি বেচিকৈ ৰাখিছে। আমাৰ বৰগাওঁত যেতিয়া এতিকচন হৈছিল এচ, ডি, অণ্ড এতিকচন কৰিবলৈ গৈছিল। তাত দেখা পালো যিবিলাক ধনী মানুহৰ মাটি বাস্তালৈকে আছিল সেই বিলাকত এতিকচন কৰা নাছিল কিন্তু যিবিলাক দুখীয়া মানুহ তেওঁলোকৰ মাটি ৪০ ফুটলৈকে এতিকচন কৰিলে। এই বিলাক কাৰণতে যিবিলাক বেদখল হৈছে বাস্তাব কাষে কাষে চৰকাৰৰ ভাল নীতি নোহোৱাৰ কাৰণেই এই বিলাক বেদখল হবলৈ সুবিধা পাইছে। চৰকাৰৰ ৰাজহ বিভাগৰ বিষয়াই মানুহৰপৰা টকা পইচা লৈ মানুহ বহুৱাই আহিছে। এই বেভিনিও বিভাগৰ মানুহেই টকা পইচা লৈ মানুহক বেদখল কৰিবলৈ কৈছে। আৰু তাৰ পিচতে এতিকচনৰ নিৰ্দেশ পাই মানুহ বিলাকক উচ্ছেদ কৰিছে। এই ধৰণেৰেই চৰকাৰে গণতান্ত্ৰিক ভাৱে সকলোকে সমান চকুৰে নোচোৱাৰ কাৰণেই এই বিলাক খেলিমেলি হবলৈ পাইছে। জৰুৰী অৱস্থাৰ সময়ত যিবিলাক আচলতে উচ্ছেদ হব লাগে সেই বিলাক উচ্ছেদ হোৱা নাই আৰু যিবিলাক উচ্ছেদ হব নালাগিছিল সেই বিলাককহে বেছিকৈ উচ্ছেদ কৰিলে। এই বিলাকৰ জৰিয়তে যিটো দেখা যায়, জৰুৰী অৱস্থাৰ সময়ত.....

মাননীয় অধ্যক্ষঃ— আজি শেষ নহবনেকি ?

শ্ৰী নগেন বৰুৱা : মই কবলৈ আছোৱেই

মাননীয় অধ্যক্ষ : মই ৰেচট্টিকচন কৰা হলে আপোনালোকৰ বক্তব্য ইমান দীঘলীয়া হব নোৱাৰিলেহেতেন এইটো আলোচনাত ডিটেইল কব নোৱাৰে। মই ৰেচট্টিকচন নকৰাৰ কাৰণেই স্কপ বেচি পাইছে।

শ্ৰীৰত্ন চন্দ্ৰ সিংহ (মুখ্যমন্ত্ৰী) : বিলখন আছিল পাবলিক প্ৰেমিচেচৰ সম্পৰ্কত ইয়াত পি ডাবলিউ ডি, নেচনেল হাইওৱে এই সকলো বিলাক কথাকেই অৱ-তাৰণা কৰা হৈছে।

মাননীয় অধ্যক্ষ : এই বিলাক কথা আগতেই কব নোৱাৰে। পাচিং শ্বেটজতহে কব পাৰে।

শ্ৰীনগেন বৰুৱা : আজি আৰু নহ'ব।

মঃ ইন্দ্ৰিছ (মন্ত্ৰী) : ১০ মিনিট মানতে শেষ কৰি দিলে ভাল হয়।



Mr. Speaker : The House stand adjourned till 10 a.m. tomorrow.

### Adjournment

The House rose at 5 P.M. and stood adjourned till 10 AM on Tuesday, the 8th November, 1977.

**P. D. Barua**

Secretary,

Assam Legislative Assembly

Dispur

The 7th November 1977



