

**ASSAM LEGISLATIVE ASSEMBLY**

**(EIGHTH ASSEMBLY)**

**DECISION FROM THE CHAIR**

**(January 9, 1986 to November 26, 1990)**

**1992**

**ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT  
DISPUR**

ARMY CHIEF OF STAFF

(MILITARY ASSEMBLY)

OFFICE OF THE CHIEF OF STAFF  
WASHINGTON, D. C.

1952  
MILITARY ASSEMBLY  
DISTRIBUTION

## PREFACE

*This brochure contains some important Decisions, Rulings and observations from the Chair in the Eighth Assembly of the Assam Legislative Assembly covering the period from January, 1986 to 26th November, 1990.*

*It includes Decisions, Rulings and Observations pronounced by the Speaker of the Assam Legislative Assembly.*

*It is earnestly hoped that this publication will be of valuable use and immense help to the Hon'ble members of the Assam Legislative Assembly and also generate interest to the political thinkers, students, scholars and public in general.*

Dispur  
The 20th February, 1992.

S.N. Deka,  
Secretary,  
Assam Legislative Assembly.



# PREFACE

This volume contains some important Decisions, Findings and observations from the Chair in the Eight Assembly of the Asian Lawsters Assembly covering the period from January 1956 to 20th November, 1959.

It includes Decisions, Findings and Observations pronounced by the Speaker of the Asian Lawsters Assembly.

It is earnestly hoped that this publication will be of valuable use and interest help to the members of the Asian Lawsters Assembly and also persons interested in the political thought and activities of the Asian Lawsters Assembly.

The 10th February, 1961  
Secretary  
Asian Lawsters Assembly  
S. M. Bora

# CONTENTS

## PART-I

### A. ADJOURNMENT MOTION-

1. Indiscriminate Demolition of Shops, Buildings and Houses of Hojai, Guwahati and Silchar. 1-2
2. Regarding Police firing at Silchar Rly. Station on 5th April, 1986. 3
3. In connection with Police firing in Barak Valley during the visit of the Chief Minister on 21st July, 1986. 4-5
4. In connection with murder of Shri Kalipada Sen, an eminent Lawyer and President of the United Minorities Front on 17th September, 1986. 6-8
5. In connection with the incident that took place in Moumari Chapari in Darrang District. 9-11
6. In connection with the situation arisen out of (a) systematic killings of Leaders of particular political parties. (b) Police firing at Lailangpara and (c) Devastating floods in the State. 12-16
7. Relating to gang-rape perpetrated on the Tribal Women at Bhumka: alleged provision of protective umbrella of innocence and non-guilt and also serious situation created in Longka Town and other parts of Hojai Civil Sub-division. 17-21

- |                                                                                                                       |       |
|-----------------------------------------------------------------------------------------------------------------------|-------|
| 8. In connection with shooting by terrorist causing injuries to Shri Ramesh Phukan, Ex-M.L.A. at Nowgaon.             | 22-24 |
| 9. Relating to killing of working persons and Wounding three others at village Sufrang under Udalguri Police Station. | 25    |
| 10. In connection with the murder of Shri Giridhari Harlalka, Ex-Chairman of the Guwahati Chambers of Commerce.       | 26-28 |
| 10. (a) Relating to devastating flood of 1988.                                                                        | 29-30 |
| 11. Relating to Law and order situation of the State.                                                                 | 31-32 |

**B. COMPLAINT OF BREACH OF PRIVILEGE-**

- |                                                                                                                                                                 |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. Complaint of breach of privilege against Shri Surendra Nath Medhi, Minister of Law, Assam for publishing an article in the Assam Tribune on July 24, 1986.   | 33-37 |
| 2. Notice of breach of Privilege against the Editor, Staff Reporter, proprietor and publisher of "Asom Bani" for publishing a News item dated 27th March, 1987. | 38    |
| 2.(a) Relating to the constitution of House Committee for inquiry into the potato seed scandal.                                                                 | 39-40 |
| 3. Notice of Breach of Privilege against Minister for making in-correct statement, during the reply to a question.                                              | 41    |

4. Complaint of Breach of Privilege against Shri Lakhi Prasad Lahkar criticising speech and observation made by Shri Bharat Chandra Narah in the floor of the House. 42-43
5. Complaint of Breach of Privilege against the Home Minister for statement made by him in the floor of the House on 18th March, 1988. 44-46
6. Complaint of Breach of Privilege against "Agradoot" for publishing a false, fabricated and distorted statement in its issue dated 20th March, 1988. 47-48
7. Complaint of Breach of Privilege against the Editor, publisher and correspondent to the News item of the statement relating to the News item corruption charges against Mohanta. 49-50
8. Complaint of Breach of Privilege against the "Naton Dainik" for publishing the expunged statement made in the House by Shri Atul Bora, Minister, P.W.D. 51-52
9. Complaint of Breach of Privilege against the Chief Minister of Assam for alleged false statement made by him on the floor of the House. 53-55
10. Complaint of Breach of Privilege against the Chief Minister, Assam, Chief Secretary, Assam, Commissioner and Secretary of Finance Department, Assam and Treasury Officer, Dispur, regarding stoppage of drawal of Salary bills etc. by M.L.A.'s. 56-59

- |                                                                                                                                                                                                                                               |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 11. Complaint of Breach of Privilege against the Chief Minister of Assam, for a letter dated 19.5.89 written by him to the Hon'ble Speaker, Assam Legislative Assembly and others.                                                            | 60-62 |
| 12. In connection with the picketing by AASU in front of the Assam State printing and publishing corporation, for each failure to supply books free of cost as a result of which the education in all the schools of Assam have been stopped. | 63-64 |
| 13. Complaint of Breach of Privilege against the Chief Minister, Minister of Law, Commissioner and Secretary, Co-operation Department and the Managing Director of Statfed.                                                                   | 65-66 |
| 14. Complaint of Breach of Privilege against "Agradoot" for certain publication in its editorial dated 18th March, 1990.                                                                                                                      | 67-70 |

### **C. POINT OF ORDER.**

- |                                                                                                                |       |
|----------------------------------------------------------------------------------------------------------------|-------|
| 1. Regarding Unstarred Question.                                                                               | 71    |
| 2. Regarding a letter written by the Chief Minister and Leader of the House to the Hon'ble speaker and others: | 72-73 |

### **D. SUSPENSION OF RULES OF THE HOUSE-**

- |                                                                                                                                |       |
|--------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. Notice given for suspension of the Rules from the rules of procedure and conduct of Business in Assam Legislative Assembly. | 74-75 |
|--------------------------------------------------------------------------------------------------------------------------------|-------|



## **E. NON-FURNISHING OF REPLIES TO ASSEMBLY QUESTION-**

1. Regarding complaint against Non-furnishing of replies to the Assamby Question by the Concern Departments. 76-77

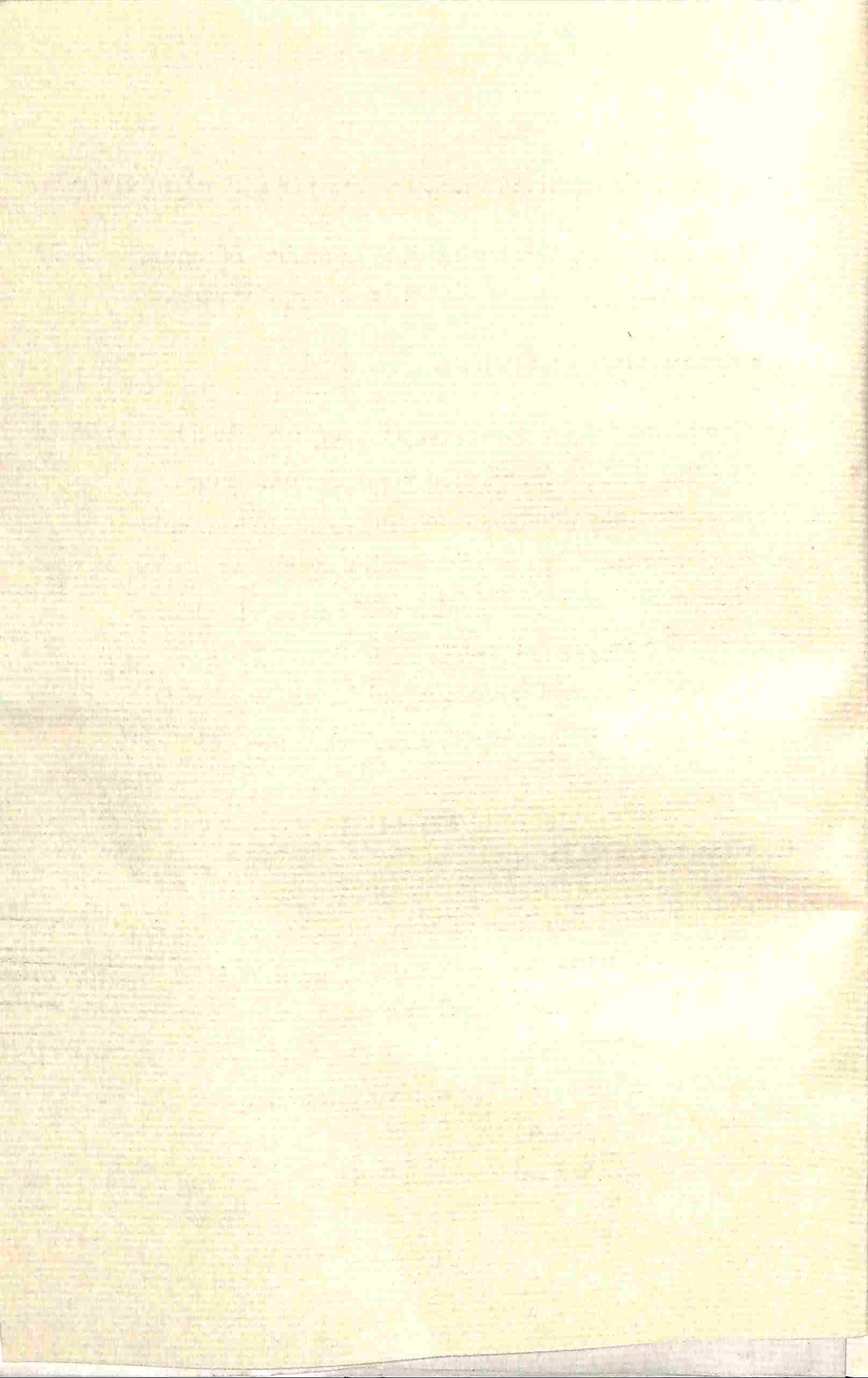
## **F. COMPLAINT PETITION-**

1. Complaint petition dated 30th January, 1989 filed by Hon'ble Shri Santiranjan Dugupta and fourteen other Hon'ble Members belonging to united Minorities fronts, Assam Legislative Assembly against six Independent Hon'ble Member of the Assam Legislative Assembly on ground of defection. 78-86
2. Complaint petition (a) Shri Abdul Jabbar (b) Shri Santiranjan Dugupta and seven other Members. 87-94

## **PART-II**

### **G. MISCELLANEOUS-**

1. Complaint on the matter of Starred Question on Statfed. 95-100
2. Complaint on the matter of Starred Question on Municipal Administration Derpartment. 101-104
3. Complaint on the matter of Starred Question on selection of candidates for admission into three Medical Colleges, Assam. 105-110
4. Matter relating to Zero Hours on rice deal by Statfed. 111-118.



## A. ADJOURNMENT MOTION

### 1. INDISCRIMINATE DEMOLITION OF SHOPS, BUILDINGS AND HOUSES OF HOJAI, GUWAHATI AND SILCHAR.

On 12th March, 1986 Shri Santi Ranjan Dasgupta moved an Adjournment Motion to discuss the matter arising out of indiscriminate demolition of shops, buildings, houses and looting of property at Hojai, Udmari Village in Jamunamukh constituency in Nowgong, Guwahati and Silchar by the Government officials. He also contended that there was no need for widening the road for which demolition operations was carried on. Shri Shahidul Islam also spoke in support of the Motion. The Speaker after hearing the contention of the members, rules the motion out of order:

The full text of the ruling is as follows:-

“I have heard the contention of the Hon’ble members Shri Santi Ranjan Dasgupta and Shri Shahidul Islam. The subject matter of the adjournment motion, no doubt is very important but cannot be admitted because the Hon’ble members will get opportunity to discuss the matter in the general discussion on the Budget which will begin from to-morrow. In this connection I would like to refer to what has been stated by Kaul and Shakdhar in *Practice and Procedure of Parliament*. I quote “A matter even of very recent occurrence is not ‘urgent’ if an opportunity for its discussion will arise in the ordinary course of business within a reasonably short time”, Hon’ble Speaker Mavalankar also observed that, I quote again “If Hon’ble members have a fairly good chance of raising the question on a debate, it will not be permitted as an adjournment motion”. Accordingly, I disallow the adjournment motion. However, as the matter involved public importance I would like to request the

Hon'ble Chief Minister to inform the House if he proposes any action on the matter."

## 2) REGARDING POLICE FIRING AT SILCHAR RAILWAY STATION ON FIFTH APRIL, 1986

On 7th April, 1986, Shri Ardhendu Kumar Dey raised an Adjournment Motion to discuss the matter arising out of the firing on peaceful picketers by the Central Reserve Police Force at Silchar on 5th April, 1990. Shri Golok Rajbangshi, Leader of the Opposition in Assam Legislative Assembly also spoke in support of the Motion. There was a discussion on the admissibility or otherwise of the Motion. The Speaker after hearing the Members of both sides ruled the Motion out of order.

The ruling reads as follows:-

“I have heard the points raised by Hon’ble member Shri Ardhendu Kumar Dey about the admissibility of the Adjournment Motion given notice of by him on police firing that took place at Silchar Railway Station on the 5th April, 1986 on the peaceful picketers by the C.R.P.F. personnel in which 15 persons were injured. The primary object of an Adjournment Motion is to draw the attention of the Government to a matter of urgent public importance so that the business included in the list of business for the day can be interrupted. The notice given by Shri Ardhendu Kumar Dey is relating to police firing at Silchar. Police firing is normally not considered as a fit subject justifying interruption of the listed business of the House. In this connection I refer to page 422 of the *Practice and Procedure of Parliament* by Kaul & Shakhdar wherein such incident was not considered as a fit subject for Adjournment Motion. It has also been mentioned at page 455 that whenever the subject matter relates to action taken by the authorities in due administration of Law, it is not a fit subject for the Adjournment Motion.

I therefore, disallow the Adjournment Motion. However I request the Hon’ble Home Minister to make a statement on the matter for information of the House.”



**3) IN CONNECTION WITH POLICE FIRING IN BARAK VALLEY DURING THE VISIT OF THE CHIEF MINISTER ON 21ST JULY, 1986.**

On 4th August, 1986 Sarbashri Heman Das and Altaf Hossain Mazumdar raised an Adjournment motion in connection with the Police firing in Barak Valley coinciding the occasion of the visit of the Chief Minister on 21st July, 1986 to Barak Valley. Shri Ardhendu Kumar Dey participated in the discussion and spoke in support of admissibility of the Motion while Zoi Nath Sarma spoke against the Motion.

After hearing both the sides the Hon'ble Speaker disallowed the Adjournment Motion as it did not fulfil the requirements of rules.

The full text of the ruling announced on 4th August, 1986, is as follows:-

“I have heard the points raised by the Hon.ble Member and the Hon.ble Home Minister about the admissibility of the Adjournment Motion. I quite agree that the matter is a definite one as contended by the Hon.ble Member and it has also public importance but I feel that the Hon.ble Member could have raised this issue through other devices namely questions, Short Notice Questions etc. as there was enough time for raising such an issue after the incident had taken place. When such opportunities are available to the Members there appears to be no need to upset the day's business to take up the question of an Adjournment Motion. It is not as if debates will brook no delay. As already mentioned firing took place some days ago, i.e. on 21st July, 1986 and any delay for a few hours or days in discussing the subject will not interfere with the fair debates of the question.

The Hon.ble Home Minister also has just now informed the House that cases have already been registered investigation, proceeding and cases are pending it has been general practice to treat police firing

not as a fit subject for an Adjournment Motion. In *Practice and Procedure of Parliament* by M.N. Kaul and S.L. Shakhder it has been held that a matter is not a fit subject for an Adjournment Motion "if it relates to action taken by authority in due administration of Law" (Page 433). In page 473 of the *Practice and Procedure of Indian Parliament* by S.S. More stated that "it must not be a matter of ordinary administration of Law. (a) What is administration of Law is a matter of interpretation. Motions have been disallowed because the matters raised by them involved no more than the ordinary administration of Law. Before 1920, the ordinary administration of law meant in the earliest cases was rather the administration of justice ... The following matters have been held to be matters of administration of law and as such not fit for moving an adjournment motion in the Central Legislature; firing by Police, use of lathi or tear gas, arrest of leaders of strike etc. by the police for the maintenance of peace and tranquility.

Therefore, it is an well understood limitation on the right to move an Adjournment Motion that the subject matter must involve more than ordinary administration of law. In the present case what has been gathered from the Hon.ble Home Minister that firing had to be resorted to maintain the law and order involved, an Adjournment motion will not be admissible. Since the other opportunities are available to members to raise the issue in the House and since police firing is not a fit subject for an Adjournment Motion, I disallow the Motion. However, considering the importance of the matter, I would, request the Hon.ble Chief Minister to make a statement as early as possible."

**4) IN CONNECTION WITH MURDER OF SHRI KALIPADA SEN, AN EMINENT LAWYER AND PRESIDENT OF THE UNITED MINORITIES FRONT ON 17TH SEPTEMBER, 1986.**

On 10th December, 1986, Shri Ardhendu Kumar Dey raised an Adjournment Motion to discuss the matter in connection with the murder of Shri Kalipada Sen, a leading Advocate and President of the United Minorities Front Party on 17th September, 1986. Sarbashri Binai Khungur Basumatari, Golok Rajbangshi, Hemen Das, Altaf Hossain Mazumdar and Sarat Chandra Sinha participated in the discussion and spoke in support of the Adjournment Motion. Shri Bhriгу Kumar Phukan, Minister, Home spoke about the Adjournment Motion.

After hearing the argument from both the sides on the admissibility or otherwise of the Motion, the Speaker disallowed the Adjournment Motion as out of order in his ruling pronounced on 11.12.86.

The full text of the ruling announced on 11th Dec, 1986 is as follows:-

“The Hon.ble Members may kindly recall that I received an adjournment Motion given notice of by the Hon.Member Shri Ardhendu Kumar Dey to discuss a matter of urgent public importance of recent occurrence regarding the murder of Shri Kalipada Sen who was an eminent Lawyer and President of the United Minorities Front and I allowed the Hon.Member Shri Dey to move the motion yesterday. I have listened to the arguments put forward by the Hon.Member Sarbasree Ardhendu Kumar Dey, Hon.Leader of the Opposition, Golok Rajbangshi, Hon.Member Hemen Das, Sarat Chandra Sinha and B.K. Basumatari who spoke in favour of the admissibility of the Adjournment Motion. I have also heard the submissions of the Hon.Home Minister in this regard.

The Hon.Member while speaking on the Adjournment Motion

pointed out that several political murders took place in the State during the last several months and this is certainly an act of terrorism. I am sure, no sensible person can approve such action of terrorism. That these are heinous crimes, nobody can dispute. At the same time, it must be admitted that these are actions which are dealt with under normal course of administration. Therefore, this can be viewed as a matter coming within the purview of law and order. Hon. Members have pointed out continuing during the 1st 6 months and even before and it is really a fact and according to *Practice and Procedure of Parliament* by Kaul and Shukdher I quote "A matter which has been continuing for some time cannot be raised through an Adjournment Motion." In the same book at page 422, it has also been held that an Adjournment Motion on a matter which can be raised under any other procedural device viz. calling attention notice, questions, short notice questions, short duration discussions etc. cannot be raised through an Adjournment Motion.

The motion is no doubt very definite and also one of importance, but I have my own doubt as regards the urgency of the matter. Shri Kalipada Sen was murdered on 17th September, 1986 that is more than about 2 months ago and as such this matter could have been raised in the house through any of the devices I have just mentioned. I am of the definite view that any delay of a day or two in discussing the subject will not interfere with the fair debate of the motion nor will it result in worsening of the existing situation. We have also heard from the submission of the Hon. Home Minister that several cases have been registered by the police. The subject matter of the Adjournment Motion and the charges of the cases registered by the police are so intimately connected that the subject matter of the Adjournment Motion may be expected to form a part of the evidence in the case. But I do not rest my decision only on this ground.

In view of the reason I have just mentioned, I regret to state that the motion is not in order and I accordingly disallow the same. However,

as I have said that no sensible person can support killing of anybody and since I view the incidents of killing as one of extreme gravity and seriousness I request the Hon. Chief Minister or the Hon. Home Minister to make a full statement during the sitting of the House on the matter."



**5) IN CONNECTION WITH THE INCIDENT THAT TOOK PLACE IN MOUMARI CHAPARI IN DARRANG DISTRICT.**

On 3rd March, 1987, Shri A F Golam Osmani gave a notice of an Adjournment motion to discuss about the forced occupation of land, looting and arson at Chawlkhowa and Moumari Chapari in the Darrang District. Sarbasree Silvius Condpan, Hemen Das, Binai Khungur Basumatari, Altaf Hossain Mazumdar and Abdul Jabbar participated and spoke in support of the Motion. Shri Zoi Nath Sarma, Shri Pradip Gogoi, Minister of State, Parliamentary Affairs and Shri Bhriku Kumar Phukan, Minister, Home emphatically refuted the Adjournment Motion and spoke about its inadmissibility. The Speaker on hearing the grounds for admissibility or otherwise disallowed the Adjournment Motion.

The entire text of the ruling announced on 4th March, 1987 reads as follows:-

“I have heard the submissions of Sarbashree A.F. Golam Osmani Silvius Condpan, Hemen Das and Binai Khungur Basumatari who spoke about the admissibility of the Adjournment Motions. I have also heard the submissions of the Hon. Minister of State, Parliamentary Affairs and Shri Zoi Nath Sarma who opposed the Adjournment Motion. I have also heard the Hon. Home Minister about the background of the incident that occurred in the Moumari Chapari under Darrang District and which has been referred in the Adjournment Motion.

The Hon. Member are aware that admission of an Adjournment Motion so as to interrupt the appointed order of business of the House is subject to well understood rules and conventions. The Hon. Minister of State, Parliamentary Affairs had rightly pointed out yesterday that an Adjournment Motion to be admissible must have urgent public importance and must be raised at the earliest opportunity.

To support his contention he has referred to page 422 of the *Practice and Procedure of Parliament* I quote-

“A matter is ‘urgent’ only if it is of very recent occurrence and must be raised at the first available opportunity. Matters arising during the period when the House is not in Session should be raised on the first day the house meets. A matter which has been continuing for sometime cannot be raised through an Adjournment Motion.”

I quite agree with the submission of the Hon. Minister of State, Parliamentary Affairs that an urgent matter of public importance should be raised at the earliest opportunity. I am of definite view that ‘urgent’ as provided in the rule has always been interpreted to mean that the matter must be raised at the earliest opportunity and if it is not so raised, it fails in urgency. Since the House met for the first time after the incident on 2nd March, 1987, the notice of Adjournment Motion should have been given on 2nd March, 1987 instead of 3rd March. Again in a matter which has been continuing for sometime cannot be raised through an Adjournment Motion and the process of eviction as referred to by the Hon. Member, Shri Hemen Das in his notice being a continuous matter cannot be raised through an Adjournment Motion. Because allotment and occupation of land including eviction are regulated in accordance with the relevant provisions of law and rules framed thereunder. In other words, the subject matter of the Motion comes within the purview of the ordinary administration of law.

He has also referred to another passage in the same page and said that - “A matter even of very recent occurrence is not urgent if an opportunity for its discussion will arise in the ordinary course of business within a reasonably short time and said that since the Hon. Members would get adequate opportunity to raise and discuss the matter referred to in the notice of Adjournment Motion during the debate on the Governor’s Address and even in the general dis-

cussion on the Budget, apart from raising the matter through other procedural devices like calling attention notices, short notice questions, etc. such matter cannot be raised through an Adjournment Motion.”

I quite agree with the Hon.Minister of State, Parliamentary Affairs that the notices of Adjournment Motion should have been given at the earliest opportunity, viz on 2nd March, 1987. Again, since other opportunities are also available to the Hon.Members to raise and discuss this matter during the debates on the Motion of Thanks on the Governor’s Address which has started since the day when the matter was raised in the House. I regret to state that the notices of Adjournment Motion are not in order and I accordingly disallow the same.”

**6) IN CONNECTION WITH THE SITUATION ARISEN OUT OF (i) SYSTEMATIC KILLINGS OF LEADERS OF PARTICULAR POLITICAL PARTIES (ii) POLICE FIRING AT LAILANGPARA AND (iii) DEVASTATING FLOODS IN THE STATE.**

On 5th October, 1987, notices of three Adjournment Motions relating to three separate subjects were tabled by the Hon.Members, viz. (i) Shri Altaf Hossain Mazumdar gave a notice of Adjournment to discuss the situation arising out of systematic killing of the leaders of a particular political party.

(ii) Shri Binai Khungur Basumatari gave a notice of Adjournment to discuss the matter of police firing at Lailangpara under Dalgaon police station in Darrang District in the afternoon of 9th September, 1987.

(iii) Shri Dewan Joynal Abedin gave a notice Adjournment to discuss the very serious matter of repeated waves of devastating floods in the State which have caused untold suffering to lakhs of people and the manner in which the Government conducted rescue and relief operations in the aforesaid areas.

Those matters were allowed to raise in the house for discussion on 7th October, 1987 in which Sarbashri Altaf Hossain Mazumdar, Charan Narzary, A.F. Golam Osmani, Santi Ranjan Dasgupta and Hemen Das participated and spoke in support of admissibility of the motion. Shri Zoi Nath Sarma, Shri Bhriku Kumar Phukan, Minister, Home, Shri Surendra Nath Medhi, Minister, Law and Shri Pradip Gogoi, Minister of State, Parliamentary Affairs vehemently opposed the motion and spoke about its inadmissibility.

After hearing both the sides the Speaker rules the Adjournment Motion as out of order as per rule 57(IV) as well as the subject matter being not fit subject for Adjournment Motion. The full Text of the ruling announced on 9th October, 1987 is as follows:-

“Hon.Members may kindly recall that on 5th October, 1987, I informed the House that three Hon.Members had given notices of adjournment Motions on three different subjects and that I would allow the matters to be raised on 7th October, 1987. I am sure that all Hon.Members are aware that the Speaker has to decide admissibility of Adjournment Motion in accordance with the provision of the rule of Procedure and Conduct of Business in Assam Legislative Assembly. Since the incident of murder, police firing and flood on which three adjournment Motions were brought took place quite some time back, it was expected that Hon.Members might have given notices of questions, resolutions, etc. on the aforesaid subjects and there was no time for the Speaker to verify all the records within the course of half an hour before the commencement of the session. Besides, according to the prevailing Parliamentary Practice and Procedure the Speaker is empowered to postpone consideration of a notice of an Adjournment Motion as pointed out by me on 5th October, 1987, vide pages 423 of Practice and Procedure of Parliament by Kaul and Shakhdar. I may mention here that the subject matters of the Adjournment Motion were different and if the incidents had taken place immediately preceding the Session, I would have allowed the Members to raise them on same day. Hon.Member Shri Altaf Hossain Mazumdar had read out certain portions from the same book which related to giving notice Adjournment Motion at the earliest opportunity and by giving notices on the first day requirement of the rule was complied with. But giving consent to raise the matter requires consideration for various conditions for which I had to postpone my consent for allowing the matters to be raised.

In this connection, I would like to bring to the notice of the House that Hon.Member, Shri Altaf Hossain Mazumdar who has given notice of an Adjournment Motion had given notice of a question on the very subject and the question was admitted as original unstarred Questions which reads as follows “will the Minister, Home be



pleased to State:-

(a) The number of persons murdered from 1st January, 1986 in Assam for political or similar reasons and those murdered by extremists (with names address and respective case Nos), and the names of the persons arrested casewise with address and the agency investigating the cases?

(b) Has any of these cases charge sheeted?

Since the question had been admitted it will come before the House on 13th October, 1987. Similarly, resolutions have been admitted on continuing floods in Assam and will come up before the house from 9th October, 1987 onwards. The notices of these resolutions have been given by Hon.Members, Sarbasree Zoi Nath Sarma, Deba Kumar Bora, Bharat Chandra Narah, Ramendra Dey.

Again I may also point out that a notice of question was received by the Assembly Secretariat on police firing at Lailangpara under Dalgaoon Police Station in Darrang District in the afternoon of 9th September, 1987 given by Hon.Member Shri Abdul Jabbar. This question will come up for discussion on 13th October, 1987 in the starred list of questions. Hon.Member Shri Binai Khungur Basumatari has also given the notice of the Adjournment Motion on the same subject.

Rule 57(IV) of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly lays down that the Adjournment Motion shall not anticipate a matter which has been previously appointed for consideration and the questions and resolutions have already been admitted and appointed for consideration.

There is no doubt that several murders have taken place in Assam and Police firing also took place in Darrang District. I am however very much distressed to note that the Hon.Member Shri Altaf Hossain Mazumdar has termed the murders as "a systematic killing of the leaders of a particular opposition party i.e. (Congress) in order

to stifle democratic opposition and to silence the voice of dissent." I am sure no sensible person will support such heinous crime. The Hon.Hoome Minister in his statement made on the floor of the house has stated that about one hundred persons were arrested in connection with various murders. It shows that the Government have taken steps to bring the culprits to book but the Adjournment Motion has been drafted in such a manner which unfortunately casted a reflection as if Govt. has made a systematic plan to silence the voice of dissent. Every one knows that extremist activities have become very common not only in India but in many parts of the world and this has been condemned everywhere in various forums. Great anxiety has been expressed throughout the Commonwealth Countries as to how terrorism can be contained. We the Member of this highest democratic and authoritative forum of our state should be and must be cautious enough in placing such matters in the floor of the House so that the law and order enforcing machinery of the Govt. will not loose its moral in combating terrorism in our State. So far as the police firing is concerned, it is indeed a tragic incident and the Hon.Minister, Home has said that the police resorted to firing to bring the law and order situation under control. He has said that cases have been registered and investigation have been proceeding relating to murders and police firing.

So far as flood is concerned I need not elaborate the human sufferings and loss of lives. It is, however a continuing matter. I have heard the Hon.Members of the Adjournment Motion, other Hon.Members and the Hon.Minister of State, Parliamentary Affairs. The Hon.Minister of State, Parliamentary Affairs has referred to the observation of the then Hon.Speaker, Lok Sabha who said that an Adjournment Motion will be admissible if the question proposed to be raised had arisen suddenly and created emergent situation, necessitating the Adjournment of the House to take up the consideration of urgent matter. I am sure the murders and the police firing

have not created such an emergency throughout the State. The Hon. Minister of State, Parliamentary Affairs has also referred to page 422 of the *Practice and Procedure of Parliament* wherein it has been stated that I quote:-

“A matter which can be raised under any other procedural devices viz. calling attention notices, questions, short notice questions, half an hour discussion, short duration discussion etc. cannot be raised through an Adjournment Motion.” I quite agree with the observation of the Hon. Minister of State, Parliamentary Affairs in this regard. I have already mentioned that questions have been admitted on the subject of murders and police firing and resolutions have also been admitted on flood situation in Assam. Hon. Members will get simple opportunity to ventilate their grievances when these matters come up before the House.

I therefore, hold the Adjournment Motions as out of orders as per rule 57(IV) as well as the subject matter being not fit subject for Adjournment Motion.”

**(7) RELATING TO GANG-RAPE PERPETRATED ON THE TRIBAL WOMEN AT BHUMKA: ALLEGED PROVISION OF PROTECTIVE UMBRELLA OF INNOCENCE AND NON-GUILT AND ALSO SERIOUS SITUATION CREATED IN LANKA TOWN AND OTHER PARTS OF HOJAI CIVIL SUB-DIVISION.**

On 17th March, 1988, four notices of Adjournment Motion from Sarbashri Altaf Hossain Mazumdar, D. Ardhendu Kumar Dey, Binai Khungur Basumatari and Sarat Chandra Sinha were tabled to discuss regarding gang-rape perpetrated on the tribal women at Bhumka village in the District of Kokrajhar and to discuss another matter regarding the alleged provision of protective umbrella of innocence and non-guilt against the heinous and serious allegation of gang-rape and to discuss the serious situation created in the Lanka Town and other parts of Hojai Civil-Sub-Division due to uncalled for police firing in the night of 26th October, 1987. Sarbashri Charan Narzery, Zoi Nath Sarma, Hemen Das, Santi Ranjan Dasgupta, Swarup Upadhyaya, Deba Kumar Bora, Bharat Chandra Narah, Surendra Nath Medhi, Minister, Law, Pradip Kumar Gogoi, Minister of State Parliamentary Affairs, Bhrigu Kumar Phukan, Minister, Home, Golok Rajbangshi, Leader of the Opposition, Prafulla Kumar Mahanta, Chief Minister participated and spoke for and against the admissibility of the Adjournment Motions. After hearing all sides the Speaker ruled on 18th March, 1988 that the Adjournment Motions are not in order and accordingly disallowed both the Adjournment Motions.

The full text of the ruling announced on 18th March, 1988 is as follows:-

“Hon’ble Members of the House may kindly recall that yesterday Hon’ble Shri Altaf Hussain Mazumdar, Hon’ble Shri Binai Khungur Basumatari and Hon’ble Shri Sarat Chandra Sinha spoke about the

admissibility of their Adjournment Motion. After several Members spoke for and against the Adjournment Motion, the Hon'ble Chief Minister and Hon'ble Home Minister also made a brief statement relating to the incident of gang rape that took place in village Bhumka in the district of Kokrajhar.

I have heard the submissions of the Hon'ble Members and I quite agree that the incident that took place in the village Bhumka is not only very much shocking but one of the darkest episodes of our time. The Hon'ble Members will agree that police atrocity has become a continuous process, and I feel that police has got strength and vitality for committing atrocity of various kind since the imposition of emergency in our country. Several members have pointed out that police atrocities were committed in the Gauhati University Hostels and in some other places; but I find that the magnitude of the atrocity that has been perpetrated on the women of Bhumka is unparalleled and deserved to be condemned by all. We have heard that in North Kamrup there was a similar type of serious incident of gang raping committed by armed personnel in early part of 1980. The Panka incident is a living example of most heinous form of police atrocity. From these incidents it can be said that the role of police who is a protector of people has been reversed and such behaviour of the police has become a continuous process and Bhumka incident can be treated as the most heinous, heart breaking and society rocking episode of this continuous process. Police atrocities of such dimension is not mere an administrative problem but it should be treated as a serious social problem. The law enforcing agencies of our democratic structure will have to think deeply for adoption of such appropriate means and method by which such sex-lust hungry vultures in the uniform can be kept away from women folk. I therefore, feel that we would put our heads together irrespective of party affiliation to bring about improvement in the psychology of the police personnel by putting the matter above party poli-

tics.

So far as the admissibility of the Adjournment Motion is concerned, I would like to state that admission of different notices is regulated by the relevant provisions of the rules of Procedures of the House including precedents and conventions established over the year in the house and elsewhere including Parliament. I quite agree with the submissions of the Hon'ble Member Shri Zoi Nath Sarma and Hon'ble Shri Deba Kumar Bora that an Adjournment Motion on a matter of very recent occurrence is not urgent if the same can be raised during debate on the Motion of Thanks on the Governor's Address, Budget discussions etc. The Budget Session of Assam Assembly has begun where Hon'ble Members will get ample opportunities to raise this matter along with other matters of public importance apart from question, resolution, short notice question, etc.

It has been held that an Adjournment Motion will be admissible if the question proposed to be raised has arisen suddenly and created an emergent situation necessitating the adjournment of the House to take up consideration of the urgent matter. The incident of gang rape took place on 27th January 1988 and by now various steps have already been taken. We have heard that the act of gang rape which comes within the purview of ordinary administration of law, Hon'ble Gauhati High Court had also taken the cognisance of the incident and delivered a judgement giving necessary directions to the State Government. We have heard from the Hon'ble Home Minister that steps had been taken to arrest all the culprits responsible for gang rape and all have been placed under suspension. Hon'ble Home Minister has also informed the house that the cases have been registered and investigation has been proceeding against the persons responsible for gang-rape. The S.P. Kokrajhar has also been placed under suspension.

We have heard from the Hon'ble Chief Minister, Hon'ble Home

Minister and Hon'ble Law Minister that a judicial inquiry was already ordered and Hon'ble Gauhati High Court was requested to spare the services of a sitting Judge to head the Inquiry Commission. It must also be admitted that the Gauhati High Court having taken cognisance of the case suggested some punishment to the guilty persons. As indicated earlier the cases against these persons have been registered an investigation have been proceeding. The matter must therefore be looked from both the angles to ascertain whether the Rule of sub-justice applies or not. Hon'ble Minister of state, Parliamentary Affairs has referred to Rule 59 and page 429 of Kaul & Shakhder, where it has been stated that "a matter which is appealable cannot be discussed", however it has been specifically mentioned in the provisions to Rule 59 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly that Speaker may in his discretion allow such matter being raised in the house as is concerned with the procedure or subject or state of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the Statutory Tribunal, Commission or Court of Inquiry. In pursuance of this provision and considering the gravity of the matter, I have allowed the Hon'ble Members to raise the matter in the house so that some amount of discussion might take place while speaking about admissibility of the Motion. Besides, it has been made abundantly clear by the Hon'ble Chief Minister and Hon'ble Home Minister that the State Government was keen to find out truth and will not shield the guilty. That the State Government is very much sincere in finding out the truth and punishing the guilty persons is appreciated by the Hon'ble Gauhati High Court when the court observed that "it is the fairness of the State Government that it has not taken any rigid stand whatsoever so far in this litigation before us". Further the Hon'ble High Court observed that "it primarily due to the Government's willingness that we have passed this order". From the above it will be quite clear that the State

Government has been pursuing the matter with all sincerity and earnestness. I can not therefore exercise my discretionary power more than allowing to raise the matter as it is an appealable an cases have been registered as indicated above.

In view of the above, I hold that the Adjournment Motion are not in order and accordingly, I disallow the same”.



**(8) IN CONNECTION WITH SHOOTING BY TERRORIST  
CAUSING INJURIES TO SHRI RAMESH PHUKAN  
EX-MLA, AT NAGAON.**

On 9th May, 1988, Shri Altaf Hossain Majumdar tabled an Adjournment Motion to discuss about the shooting by terrorist causing injuries to Shri Ramesh Phukan, Ex-MLA at Nagaon. Sarbashri Zoi Nath Sarma and Pradip Gogoi, Minister of State, Parliamentary Affairs also participated in the discussion and spoke against the admissibility of the matter.

Having heard the member who tabled the Adjournment Motion and the member and Minister of State who spoke against the admissibility of the Adjournment Motion the Speaker announced his ruling.

“I have heard the hon’ble Member Shri Altaf Hussain Mazumdar and Hon’ble Minister of State, Parliamentary Affairs on the admissibility of the Adjournment Motion.

So far as the admissibility of adjournment motion is concerned, I would like to state that a subject matter of adjournment motion must be a very exceptional matter and must not be a matter of continuing nature. Only then it is a fit subject for raising in the House in the form of an adjournment motion. In this regard I would like to quote the words of Speaker Mavolankar from *Practice and Procedure of Parliament* by Kaul and Shakhder as follows:-

“The practice has been that nothing will be introduced extraneously in the order paper of the day unless the occasion is of such a character that something very grave, something which affects the whole country, its safety, its interests and all that is happening and the House must pay its attention immediately. Then only an Adjournment Motion can be conceived.” The subject matter of the Adjournment Motion as raised by Hon’ble Member Shri Altaf Hussain Mazumdar does not fulfil this test.

I, therefore, quite agree with the submissions of the Hon’ble Member

Shri Zoi Nath Sarma when he requested the Chair to give ruling whether an Hon'ble Member will be justified in raising a matter again and again which is not a fit subject for an Adjournment Motion and thereby waste the valuable time of the House. In this connection, I want to mention that the Hon'ble Member Shri Golok Rajbangshi gave a notice for suspension of rules of the House for raising this particular matter and I have rejected that notice on the Material point of some technical defects relating to the Rules of Procedure of this House. Instead of correcting the aforesaid notice of suspension of rules Honourable Member Shri Rajbangshi asserted his right and staged walk out. Again the same subject has now been brought before the House by Hon'ble Member Shri Mazumdar in the form of an Adjournment Motion after a lapse of time. Therefore, I quite agree with the Hon'ble Member Shri Zoi Nath Sarmah that the act of raising matter concerning extremist activities in the form of Adjournment Motion is totally unjustified and costing the State exchequer heavily by wasting valuable time of the house.

The shooting incident of Nagaon which afflicted Shri Ramesh Phukan who is belonging to a particular political party is obviously dastardly act of terrorist activity. The terrorism now-a-days is an unfortunate world wide phenomenon. But we have noticed its serious dimension in the State of Punjab and also we observed few stray incidents in our State too. Every sensible man who beleives in democratic functioning of the State must condemn such terrorist activities and must also be very careful in passing any comment on such incident so that the law enforcing agency will not lose its moral in combating terrorism. Now, let us consider for a moment who those people are who resort to shooting obviously they must be extremists. Can we attribute anything to the police force of the State for such shooting? I can blame the Govt. if Govt. do not initiate action of condemn such terrorism. I find that the Govt. of Assam have been condemning the extremists activities and initiated defining action for

arresting the culprits.

In interpreting whether a matter is urgent or not the Speaker is guided by the technical use of the term made in the rule, i.e. a matter to be urgent must have arisen suddenly in the nature of an emergency as observed in the Practice and Procedure of Parliament. It has also been specifically stated that: "a matter is 'urgent' only if it is of very recent occurrence and must be raised at the first available opportunity".

I have also heard the statement of the Hon'ble Home Minister who has indicated the steps taken by the Govt. to arrest the culprits. Both the Hon'ble Chief Minister and Hon'ble Home Minister issued statements condemning the terrorist activities and we also condemn such dastardly action. The Hon'ble Home Minister has indicated that one person has already been arrested and further investigation has been progressing.

In view of the above and in view of the fact that the notice of Adjournment Motion was not given in the earliest opportunity i.e. on 4th May, 1988 the notice is not in order. I, therefore, disallow the motion."

**(9) RELATING TO KILLING OF WORKING PERSONS  
AND WOUNDING THREE OTHERS AT VILLAGE  
SUFRANG UNDER UNDALGURI POLICE STATION.**

On 11th May, 1988, Shri Binai Khungur Basumatari tendered a notice of an Adjournment Motion to discuss the matter in connection with the killing of one person and wounding of three others at village Safrang under Udalguri Police Station in Darrang District on 9th May, 1988 by officer-in-charge Orang Police Station. Shri Pradip Gogoi Minister of State for Parliamentary Affairs participated and spoke against the admissibility of the Adjournment Motion.

After hearing both sides the Speaker disallowed the Adjournment Motion.

The full text of the ruling announced on 11th May, 1988 is as follows:-

“I have heard the Hon’ble Member Shri B.K. Basumatari and Minister of State for Parliamentary Affairs. I have already made my observations regarding raising of Adjournment Motion about 2/3 days before. I am sorry I cannot agree with the observation of the Hon’ble Members Shri B.K. Basumatari. The matter of Police firing cannot be the subject matter of Adjournment Motion. So, I disallow it.”

**(10) IN CONNECTION WITH THE MURDER OF SHRI GIRIDHARY HARLALKA, EX-CHAIRMAN OF THE GUWAHATI CHAMBERS OF COMMERCE.**

On 10th November, 1988, Sarbashri Ardhendu Kumar Dey, Binai Khungur Basumatari, Amritlal Basumatary, Golok Rajbanshi and Hemen Das gave notice of Adjournment Motion to discuss a definite matter of urgent public importance in connection with the murder of Shri Giridhary Harlalka, Ex-Chairman of the Guwahati Chambers of Commerce. Shri Bhriku Kumar Phukan, Minister Home made a statement in reply to the points raised by the Hon'ble Members. Shri Surendra Nath Medhi, Minister Law and Parliamentary Affairs and Shri Zoi Nath Sarma, Minister Implementation of Assam Accord also participated and clarified certain points opposing the admissibility of the Adjournment Motion.

After hearing all sides the Speaker disallowed the Adjournment Motion.

The text of the ruling announced on 14-11-88 reads as follows:-

“Hon'ble Members may kindly recall that on 10th Nov. 1988 Hon.Member, Shri Ardhendu Kumar Dey, Shri Binai Khungur Basumatary, Shri Amritlal Basumatary, Shri Golok Rajbanshi and Shri Hemen Das tabled the notices of Adjournment Motions and spoke about the admissibility of the Adjournment Motions. I heard the Hon.Members and Hon.Minister for Parliamentary Affairs for and against the admissibility of the Adjournment Motions. I heard Hon'ble Home Minister also who made a brief statement on the incident which were sought to be raised by an Adjournment Motion. I find that the purposes of raising the Adjournment Motions by Hon'ble Members, Shri Ardhendu Kumar Dey, Shri Binai Khungur Basumatary and Shri Amritlal Basumatary are more or less identical and same.

So far as the admissibility of the Adjournment Motions are con

cerned, I would like to state that admission of different notices is regulated by the relevant provisions of the Rules of Procedure of the House including the precedents, conventions established over the years in the House and elsewhere including the Parliament. I quite agree with the submission of Hon'ble Minister of Parliamentary Affairs that the matter stipulated to be raised through an Adjournment Motion can be discussed in the House by same other devices available through the provisions of Rules of Procedure of the House.

It has been held that an Adjournment Motion will be admissible if the matter proposed to be raised has arisen suddenly and created an emergent situation necessitating the suspension of the business of the house for taking up consideration of the urgent matters. The instant questions proposed to be raised through Adjournment Motions by Hon'ble Members, Shri Ardhendu Kumar Dey, Shri Binai Khungur Basumatary and Shri Amritlal Basumatary in the matter of murder of an ex-chairman of the Chambers of Commerce, Guwahati, Killing of five Bodo villagers and police atrocities respectively are in the ordinary course of law and order and do not warrant Adjournment of the House for discussing these matters by suspending the Business of the House. Similarly, firing at a place in order to tackle the problem of law and order does not create any emergency for discussing the matter in the House through an Adjournment Motion as these matters can be raised under any procedural device such as calling Attention Notices, Questions, Short Notice Question etc. The Home Minister also stated that Government exerted all the administrative machinery to arrest all the culprits responsible for the incident.

In view of the above, I consider that the Adjournment Motions tabled by Hon'ble Members, Shri Ardhendu Kumar Dey, Shri Binai Khungur Basumatary and Shri Amritlal Basumatary are not in order and accordingly I disallow the same.

The Adjournment Motion sought to be raised in the House by the 10

Hon'ble leader of the Opposition, Shri Golok Rajbanshi in the matter of tribal movement that is affecting the law and order etc. of our State is a very sensitive and complicated one which concerns with the integrity, stability and harmony of different sections of the people living in the State of Assam. In order to tackle such a problem the Government authority, the leaders of the public and the legislators must proceed very cautiously. This problem is in fact a continuing affair in our State. In this regard, I quote Kaul & Shakhder's *Practice and Procedure of Parliament*, page 422: "A matter which has been continuing for sometime cannot be raised in the house through an Adjournment Motion." As such, the Adjournment Motion tabled by the Hon'ble Leader of the Opposition Shri Golok Rajbanshi is disallowed.

### 10 (A) Relating to devastating Flood of 1988.

The discussion of the matter of "this year's devastating flood in Assam" proposed to be raised through the Adjournment Motion in the House by the Hon'ble Member, Shri Hemen Das, is not only serious in nature but also exhibits the grim situation of the State affecting the economic condition, life and property of the people. All the Hon'ble Members are quite aware that the ravage of flood this year is unprecedented and their cannot be a difference of opinion so far also the question of devastation caused by the flood to the life and property of the people. The large scale devastation and rampant erosion caused by the flood threatend the very existance of the State as a whole. Even a large number of people in the very heart of Guwahati had to be evacuated from the clutches of flood. Thousands of flood affected people who were rendered homeless were forced to take shelter in the National Highways and they were living there for months together with untold sufferings. Therefore, the very system of controlling the devastating nature of flood by the existing system of embankment appears to be a total failure and needs a serious review. The issue of non-implementation of flood and erosion control schemes pending with the Government of India also deserves serious discussion in this highest forum of our State.

I need hardly mention that large amount of money from the State Exchequer were spent year after year since independence in geometrical proportion but then our fate is that we are to co-exist with the flood havoc. This is really a matter to be discussed on the floor of the House. I fully agree with the Hon'ble Member Shri Hemen Das with his views that this year's flood was a deluge which caused sufferings to our people and which can better be imagined than described. In this connection I would like to refer to the Adjournment Motion on a similar subject moved by Late Hon'ble Member Krishna Nath Sarma on the very first day of the first Session of Assam Legislative Assembly on the 7th April, 1937 which was ad-



mitted by the illustrious Speaker late Hon'ble Basanta Kumar Das in his historic ruling.

Considering the fact stated above, I could not have resisted by temptation to allow the Adjournment Motion which does not suffer from the informities of the provisions of the Rules of Procedure but since the subject matter of the Adjournment Motion was discussed on the floor of the House threadbare during this session on 11.11.88 through the procedural device viz: under Rule 50 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly. I hold that the necessity of discussing the matter again by way of an Adjournment Motion has been forbidden by mandatory provision of Rule 57(III) of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly and as such I regret very much to disallow the same."

**(11) RELATING TO LAW AND ORDER SITUATION OF THE STATE.**

On 17 March, 1988 Sarbashi Abdul Muhib Majumdar, Binai Khungur Basumatari and Ardhendu Kumar Dey moved three separate Adjournment Motions to discuss the Law and Order situation of the State. Shri Bhriгу Kumar Phukan, Minister, Home made a statement on the matter. Shri Surendra Nath Medhi, Minister clarified certain points and opposed the admissibility of the Adjournment Motion.

Observing the points tendered from both the sides the Speaker withholds his consent to allow the Adjournment Motion.

The entire text of the ruling announced on 21st March, 1989 is as follows:

‘‘Hon’ble members may kindly recall that on 17th March, 1989 Hon’ble Members Sarbashri Abdul Mazumdar, Binai Khungur Basumatari and Ardhendu Kumar Dey tabled notices of three Adjournment Motions and spoke about the admissibility of their Adjournment Motions. I have heard the Hon.Members and Hon.Minister for Parliamentary Affairs and also Hon.Home Minister for and against the admissibility of Adjournment Motions.

I fully appreciate the anxiety which has agitated the minds of Hon.Members about the untoward occurrence at Kokrajhar District, Udalguri sub-division and the bomb blast at Bongaigaon which has taken away the precious lives of innocent people and caused serious deterioration of the law and order situation of the State. The issues arising out of long-drawn Bodo Movement are not simple matter of more law and order but are of great political and social importance that related to the very existence of the composite culture and congenial social structure of our state. Without slightest doubt in our minds we must agree to the principle that every ethnic group having their own culture, belief, faith and thought must have the right to keep their own identity and social, political and economic rights within the four boundaries of the state of Assam. I need not emphasise that

there appears a serious misunderstanding among the various ethnic groups living in Assam. An age old unity and harmony among the combined group of people of our State have been threatened I feel, by this misunderstanding. I also quite appreciate the apprehension of the Hon. Members of this august House as well as the feeling of the general public about their security and safety arising out of the present situation. It is therefore high time to explore the possibility to arrive at a proper solution across the table in each and every problem whatever grave and tense. The Hon. Home Minister has also stated before the House that the problems cannot be solved by the mere security measure or police force and the Government is giving due importance to the settlement by negotiation. I also feel that there should be a common and unified approach and serious endeavour by all concerned, specially by the Government and the representative of the people for a correct and just solution of the problem by evolving a formula for the settlement of the issues both political and economic arising out of the present grave and serious situation.

Since many of the amendments, brought forward by the Hon'ble Members for amendments of the Motion of Thanks on the Governor's Address which relate to the prevailing law and order situation and also of the human rights, will afford ample opportunities to the Hon'ble Members to discuss the matter and since the matters sought to be raised in the Adjournment Motions can be discussed under any procedural device, I do not consider them to be fit case to warrant the adjournment of the House.

Accordingly I regret very much to withhold my consent to allow these Adjournment Motions."

**B. COMPLAINT OF BREACH OF PRIVILEGE (1) COMPLAINT OF BREACH OF PRIVILEGE AGAINST SHRI SURENDRA NATH MEDHI, MINISTER OF LAW, ASSAM FOR PUBLISHING AN ARTICLE IN THE ASSAM TRIBUNE ON JULY 24, 1986.**

On 6th August, 1986, Shri Golok Rajbanshi tabled a Privilege Motion in connection with an article published in "The Assam Tribune" dated 24th July, 1986, by Shri Surendra Nath Medhi, Minister, Law. There was a discussion on the matter and Sarbashri Zoi Nath Sarma, Surendra Nath Medhi, Minister, Law participated and spoke against the motion while Sarbashri Heman Das, Khar Singh Ingti, Binai Khungur Basumatsri, Altaf Hossain Mazumdar, Silvius Condpan and Dewan Joynal Abedin spoke in support of the Motion.

After hearing the points for and against the Motion the Speaker ruled the motion out of order.

The entire text of the ruling announced on 13th August, 1986 reads as follows:-

"On 4-8-86, the Hon'ble Leader of the Opposition Shri Golok Rajbanshi tabled a notice of Breach of Privilege against the Hon'ble Law Minister Shri Surendra Nath Medhi as follows:-

"That the Law Minister, Shri Surendra Nath Medhi by publishing an article on 24th July, 1986 in the daily News paper, "The Assam Tribune", with the caption 'Is the Assam Tenancy Act, 1971, A Social Legislation' has digraded the position of the House through certain comments and observations he has made in the said atricle, has betrayed the trust as custodian and defender of the said law, has misused his position in discharging his duties as Minister and thereby has committed a breach of privilege as a member of the said House."

In his article, Hon'ble Law Minister has made some academic observations on certain provisions of Assam Tenancy Act of 1971 in the light of opinion received from the people by him as a public leader. He has narrated the historical background of the Assam Tenancy Act

of 1971 giving reference to the Assam Temporarily Settled District Tenancy Act of 1935 which was enacted in accordance with the Government of India's 1935 Act. Through a comparative analysis he discussed the provisions of acquisition of the tenanted lands by the tenant. According to him "Such provisions ex-facie appears to be confiscatory in nature." The Hon'ble Law Minister has also made a reference to the Assam Fixation of Land Holding Act 1935 as amended upto. As a matter of fact Article 19(1) of the Constitution of India guarantees to a citizen of India freedom of speech and expression and a member of the House cannot be denied such fundamental rights. The Hon'ble Law Minister has also made a reference to the Civil Rule 125 of 1985 Asom Pattadar Sangha which has been pending disposal by the High Court and it has no relation with the Breach of Privilege motion. The Hon'ble Law Minister has also made reference about the matter examined by the State Law Commission and he has observed as follows-" on a consideration of the general protest raised by the proprietors land holders and settlement holders of lands in the State of Assam against the Act in general and Chapter VI thereof in particular the Assam State Law Commission has taken up the matter for consideration as to whether it will be advisable that the State Legislature should amend the Act by deleting the entire Chapter VI from the Statute Book." "I find that Hon'ble Law Minister has used a few expressions such as "confiscatory nature" and also attributed to the State Legislatuer that the Legilature by one hand has allowed a person to possess 54 Bighas of land as full owner under the Fixation of land Holding Ceiling Act and by the otherhand it is taking away such right of ownership and possession by introducing the Tenancy Act, 1871. Use of such expression and reference to the Legislature and its alleged role are not happily worded and it would have been better if such expressions were not used. However, the article ended with an appeal to the people to express their opinion whether the Assam Tenancy Act. 1971. Use of such expression and

reference to the Legislature and its alleged role are not happily worded and it would have been better if such expressions were not used. However, the article ended with an appeal to the people to express their opinion whether the Assam Tenancy Act, 1971 is a social Legislation promoting agrarian reform.

However, it must be admitted that the Hon'ble Minister has given an assurance to the general public through the press that the present Government would take necessary action, if recommended by the State Law Commission. This appears to be an assurance on behalf of the Government given by the Hon. Law Minister outside the House when there was no such occasion for giving such assurance. A Law Minister is a Member of the Council of Ministers and it is expected that when something is assured to the people having relation to the Government policy it becomes a policy matter and it would have been more appropriate at least from the point of view of propriety if the Hon'ble Minister would have made such a policy statement on the floor of Assembly before making the same outside the House.

In a system of Parliamentary Democracy under which we are working, it is inevitable and perhaps it is to be expected that there will be criticism of Government, their policies and the action. In fact this right to criticise, this right to draw attention to any defects in the Governmental machinery or in their policy or in their administration is one of the date. Here, he has mentioned that - "a person is entitled to possess 50 bighas of and plus 4 bighas as orchard, total being 54 bighas at all places including all towns excepting the city of Guwahati. Thereafter the Hon'ble Law Minister has indicated in the article that - "The provisions of Chapter VI of the present Act are going to frustrate the provisions of the Ceiling Act. Thus, the State Legislature by one hand has allowed a person to possess 54 bighas of land as full owner under the Ceiling Act and by the other hand it is taking away such right of ownership and possession by introducing the Tenancy Act of 1971. The Provisions of one Act are in direct land

conflict with the other. So, it is extremely necessary to reconcile and for that purpose the provisions of the Tenancy Act, more particularly those under Chapter-VI thereof, have to be amended and/or deleted.”

I am of the view that whatever has been stated by the Hon'ble Law Minister is nothing but about the provisions made in the concerned Acts. He is of the opinion that while the Assam Fixation of Ceiling of Land Holdings Act, 1956 has conferred rights to an individual to possess 54 bighas of land in total, the Tenancy Act of 1971 has empowered the raiyat to acquire the ownership of the land possessed by him for a period of 3 years on payment of 50 times the annual rate of land revenue payable for such land. Thereafter, the Hon'ble Law Minister has referred the Constitution (Forty Seventh) amendment Act of 1984, the present Tenancy Act of 1971 and the Amendment Act 1974, whereby some provisions of the original Act have been amended, have been included in the Ninth Schedule to the Constitutions of India against Entry Nos. 189 and 190. Thus, the said two Acts have been placed under the protective umbrella of the Ninth Schedule to the Constitution and are beyond the pale of challenge in the Court of Law. A plain reading of the Constitution (Forty Seventh) Amendment Act 1984 will show that the various Acts pertaining to land reform and ceiling on agricultural land holdings had been included in the Ninth Schedule to the constitution as a Social Legislation so that the provisions of these Acts can not be challenged in Court of Law. I, therefore, do not find any other ground not to treat the Acts in Ninth Schedule as Social Legislation. Because the Acts included in the Ninth Schedule to the Constitution as a Social Legislation. So that the provisions of these Acts cannot be challenged in a court of Law. I, therefore, do not find any other ground not to treat the Acts. Schedules are definitely meant for the upliftment of the downtrodden people from political, economic, and social bondage. His observation regarding ignoring the interest of the proprietor or

holders is his own and he is quite free to express his opinion. Important principles underlying the working of parliamentary democracy, I may also add that it is easy to recognise cases where there may be honest differences of opinion in regard to policy on the one hand and on the other hand, where any criticism is said to be based on facts, such criticism must state facts as they exist. In the present case Hon'ble Minister of Law has expressed his views and opinion about the provisions of two Acts according to his own way of understanding the various provisions of the Act as they exist. Let us remember that the whole controversy arose as a wide issue in the course of examining the various aspects of the two Acts.

I am, therefore of the opinion that the impugened articles read as a whole does not constitute a breach of privilege or contempt of the House. I think the apprehension of the Hon'ble Leader of the Opposition seem to have arisen out of a possible misunderstanding of the interpretation given by the Hon'ble Law Minister. After going through the article carefully it appears to me that the article as a whole has not ridiculed the Legislators or the House as a whole. Since there is no prima facie case of breach of privilege, I regret my inability to refer the matter to the Committee of Privileges."



**2) NOTICE OF BREACH OF PRIVILEGE AGAINST THE EDITOR, STAFF REPORTER, PROPRIETOR AND PUBLISHER OF 'ASOM BANI' FOR PUBLISHING A NEWS ITEM DATED 27TH MARCH, 1987.**

On 10th April, 1987 Shri Sheikh Saman Ali tabled a notice of Breach of Privilege Motion against the Editor, Staff Reporter, Proprietor and Publisher of 'Asom Bani' for publishing a news item under the caption "নির্বাচিত অঞ্চলত সংখ্যালঘুৰ অস্ত্ৰ-শস্ত্ৰৰ প্ৰশিক্ষণ" in its issue dated 27th March, 1987.

There was a discussion on the motion in which Sarbashri Shri A.F.Golam Osmani, Binai Khungur Basumatari, Altaf Hossain Majumdar and Joynal Abedin participated and spoke in support of the motion while Sarbashri Zoi Nath Sarma, Kumar Deepak Das, Deba Kumar Bora, Surendra Nath Medhi, Minister, Law, Pradip Gogoi, Minister of State Parliamentary Affairs, Prafulla Kumar Mahanta, Chief Minister also participated and spoke against the Motion.

After hearing both the sides the Speaker announced his ruling as follows:-

"I have heard the views of the Hon'ble Chief Minister, Hon'ble Minister, Law and Hon'ble Minister of State, Parliamentary Affairs. The notice is not in order as the same has not been given in time. The news item appeared in Asom Bani on 27th March, 1987 when the House was sitting and the notice on privilege was given on 6.4.87. Therefore, it has not been filed on the earliest opportunity. In this regard, I would like to say that this should be raised by a member at the earliest opportunity.

On the other hand it does not fulfil the requirement of Rule 159. U.M.F. also has not issued any contradiction in regard to the news item. Since it was not raised at the earliest opportunity, the matter is not properly placed in time. The paper has not specifically mentioned the names of two Members and accordingly it can be treated as vague. I therefore cannot allow this notice and accordingly this notice is disallowed.

**2(A) RELATING TO THE CONSTITUTION OF HOUSE  
COMMITTEE FOR INQUIRY INTO THE POTATO  
SEED SCANDAL.**

I hereby inform the Hon'ble Members of the House that in reply to Starred Question No.29 asked by Hon'ble Member Shri Hemen Das, the Hon.Minister, Agriculture Shri Nilamani Das said that the price of potato was fixed at Rs. 7.40 paise. In reply to another Supplementary Question as to who and how the potatoes were purchased, the Hon.Minister, Agriculture replied that the potatoes were purchased by the Seeds Corporation after inviting tender and the price of Rs.7.40 paise per K.G. was fixed taking into consideration all other expenses, the Hon.Member, Shri Hemen Das then challenged the Hon.Agriculture Minister that at no time the price of potato was Rs 6.50 per K.G. in Assam and he challenged that if it could be proved that potato was sold in Assam market at Rs. 6.50 per K.G. at the time when this potato was purchased at Rs. 7.40 per K.G. by the Seeds Corporation, he would resign. He also demanded to constitute an Enquiry Committee to enquire into the whole matter. The Hon.Member, Shri Zoi Nath Sarma, also wanted to know the total amount spent for purchasing these potato seeds and whether the Hon'ble Minister knew that uncertified seed potatoes were purchased from Fancy Bazar. In this connection, I have also perused the statement of the Hon.Chief Minister made on 18-12-86 when he himself admitted that the Seed Corporation was not functioning well and that uncertified seeds were purchased from Fancy Bazar. From the replies to Starred Question No.29 and supplementaries thereon the following points emerged:

That in the year 1986 the Government procured 31,450,135 quintals of seed potato and 2,973,32 quintals of wheat for distribution amongst the flood affected cultivators and the procured price of potato was Rs.750.00 per quintal, after taking into account the cost of transport etc. and wheat at Rs.455.00 per quintal.

The seed potato was purchased by the Assam Seed Corporation by calling tenders and these were certified seeds. The suppliers of seeds were traders.

Shri Hemen Das asserted that nobody in Assam, not even in India, purchased potato at Rs. 7.50 paise per K.G. in the year 1986. Shri Zoi Nath Sarma alleged that in the name of purchasing certified potato seeds potato was purchased from Fancy Bazar, Guwahati and that these were uncertified.

The Minister, Agriculture said that at that time the potato was sold at Rs. 6.50 paise per K.G. in the outside market. After taking into account the cost of transport the rate per K.G. came upto Rs. 7.40 in Assam, and the rate was <sup>de</sup>termined by calling for tenders. With regard to the allegation of Shri Zoi Nath Sarma that the potato was actually purchased from Fancy Bazar, Hon.Minister said that the allegation was partially correct and that it first came to the notice of the Hon.Minister himself and he stopped distribution of seed potatoes.

The contention that the potato was purchased from Fancy Bazar and not from outside also finds corroboration from the speeches of the Hon.Chief Minister made in the House as far back as on 18-12-86.

The reply of the Hon'ble Minister, Agriculture that seed potato was purchased at Rs. 7.40 per K.G. has created some apprehension in the minds of the people and in order to remove the apprehension, I feel that the matter should be thoroughly enquired into. Accordingly, I constitute an Inquiry Committee with three Hon'ble Chairmen of three Financial Committee as follows:-

1. Shri Abdul Muqtadir Choudhury, Chairman, Public Accounts Committee.
2. Shri Dinabandhu Choudhury, Chairman, Estimates Committee.
3. Shri Kumar Deepak Das, Chairman, Public Undertakings Committee.

I also appoint the Secretary, Assam Assembly as the Secretary to the committee. The Committee will submit its report within three months from the date of constitution.”

**(3) NOTICE OF BREACH OF PRIVILEGE AGAINST MINISTER FOR MAKING INCORRECT STATEMENT, DURING THE REPLY TO A QUESTION.**

On 13th October, 1987 Sarbashri Maziruddin Ahmed, Binai Khungur Basumatari and Shri Zoii Nath Sarma gave three notices of Breach of Privilege against the Minister for making incorrect statement during the reply to a question. Sarbashri Hemen Das and Altaf Hussain Majumdar also participated and spoke on the Motion.

After hearing the views expressed by the Hon'ble Members the Speaker announced his ruling as follows:-

“So far as the notice of Hon'ble Shri Maziruddin Ahmed is concerned, the procedure has been laid down as follows.

“In case where it is alleged that a Minister or a Member has made an incorrect statement in the House, the procedure for inviting the attention of the House to such matters is laid down under Direction 115 of Directions by the Speaker, Lok Sabha which reads as follows:-

(1) A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.

(2) The member may place before the Speaker so evidence as he may have in support of his allegation.

(3) The Speaker, may, if he thinks fit, bring the matter to the notice of the Minister or the Member concerned for the purpose of ascertaining the factual position in regard to the allegation made.”

I have requested to Hon'ble Minister, Co-operation to ascertain the factual position and on receipt of the reply I shall give my decision.

**4) COMPLAINT OF BREACH OF PRIVILEGE AGAINST SHRI LAKHI PRASAD LAHKAR CRITICISING SPEECH AND OBSERVATION MADE BY SHRI BHARAT CHANDRA NARAH IN THE FLOOR OF THE HOUSE.**

On 16th October, 1987, Shri Bharat Chandra Narah tabled a Breach of Privilege against Shri Lakhi Prasad Lahkar for criticing his speech and observation made in the House about the functioning of the Assam Electricity Board. After observation the Speaker announced his ruling as follows:-

“I have received a notice of Breach of Privilege given by Hon.Member Shri Bharat Chandra Narah against Shri Lakhi Prasad Lahkar for criticising his speech and observation made in the house about the functioning of the Assam Electricity Board. The matter is under my examination.

Hon.Member may kindly recall that I assured the House on 9th October, 1987 that I would constitute an Enquiry Committee to go into the various aspects of the functioning of Assam State Electricity Board as desired by Hon.Members of both sides of the House. After examination, I have found that the State Electricity Board is a Public Undertaking established by a State Act and activities of this Board like other Boards are required to be examined by the Committee on Public Undertakings constituted by the house and the Assam State Electricity Board is included in the fourth Schedule of Rule 268 of the Rules of Procedure and Conduct of Business in Assam legislative Assambly to bring it under the direct purview of the Legislature.

In view of the fact. I find that if a separate Inquiry Committee is constituted the work of the Inquiry Committee will overlap with the work, duties and functions of the Public Undertakings Committee.

I, therefore, constitute the Inquiry Committee with the Members of the Committee on Public Undertakings with the following Members.

1. Kumar Deepak Das,

2. Shri Pradip Hazarikia.
3. Shri Santi Ranjan Dasgupta,
4. Shri Holi Ram Terang,
5. Shri Gautam Ray.

I also appoint the Secretary, Assam Legislative Assembly as the Secretary to the Inquiry Committee in pursuance of Rule 199 of the Rules of Procedure and Condcut of Business in Assam Legislative Assembly.

#### TERMS OF REFERENCE

1. Whether there has been power crisis in the State and if so what are the reasons?
2. What are the reasons for which there have been frequent power failures throughout the State?
3. Whether the Assam State Electricity Board has been able to generate adequate internal resources to finance its growth and if not what are the reasons?
4. What is the financial result Planwise and what are the reasons attributable to the lossess if incurred by the Assam State Electricity Board?
5. Whether the Financial, Personnel and Management policies of the Board are sound and if not what is to be done to streamline the same?
6. What are the ills and maladies from which the Board has been suffering and what should be done to remove them?

The Inquiry Committee will submit its report within six months after an indepth study of all aspects by making a comparative study of the functioning of few State Electricity Boards set up by other State Governments and will suggest measures and steps for improving the functioning of the Assam State Electricity Board so that it can play the role assigned to it.”

**5. COMPLAINT OF BREACH OF PRIVILEGE AGAINST THE HOME MINISTER FOR STATEMENT MADE BY HIM IN THE FLOOR OF THE HOUSE ON 18TH MARCH, 1988.**

On 29th March, 1988, Shri Golok Rajbangshi the Leader of the Opposition gave a notice of Breach of Privilege Motion against Shri Bhrigu Kumar Phukan, Home Minister of Assam for a statement made by him in the floor of the House on 18th March, 1988 in connection with Lathi Charge by police on a procession of Youth Congress(I) and others on 17th March, 1988. Participating in the discussion Sarbasree Zoi Nath Sarma, Surendra Nath Medhi, Minister of Law, Bhrigu Kumar Phukan, Minister Home and Pradip Gogoi, Minister of State, Parliamentary Affairs spoke against the motion. After hearing the arguments for and against, the Speaker ruled the motion out of order on 19th April, 1988.

His ruling reads as follows:-

“Hon. Members of the House may kindly recall that I reserved my ruling on the privilege motion moved by Hon. Leader of the Opposition Shri Golok Rajbangshi against the hon. Home Minister. Shri Rajbangshi has alleged in his notice of breach of privilege that the Hon. Home Minister while making the statement about assault by police on the processionist who came to Dispur to submit a memorandum to the Speaker Committee's a breach of privilege by misleading the House by suppressing the following material facts:-

1. That in the statement the Home Minister never disclosed that many persons were assaulted by the police after they were arrested and were beaten up while they were brought to the temporary jail constructed near Super Market from Ganeshguri where they have been arrested.
2. That the Home Minister intentionally suppressed that Deputy Commissioner, Kamrup and Superintendent of Police, Kamrup were personally involved in this assault.

3. That the Home Minister in his statement never mentioned that male police persons assaulted female processionists causing severe injuries to two who were removed to Medical College Hospital for treatment by Police in Ambulance.

4. That the Home Minister never mentioned that the Police Officers, Constables used lathis to beat the processionists who were peaceful.

5. That the Home Minister by his statement has given a wrong picture suppressing the actual facts and thereby has committed a breach of privileges under the rules.

In this connection I am constrained to observe that the Hon. Member Shri Altaf Hossain Mazumdar while raising the matter accused the Government of demoralising the police force and said that I quote-

“That Police force has been demoralised by the Government to such an extent that they do not hesitate to go for raising our womenfolk and commit other heinous crimes”. This observation is really most unfortunate as if police has used force or lathi for the first time in Guwahati while dealing with the processionists for maintaining law and order.

It is not understood from the grounds stated by the Hon. Leader of the Opposition how the Hon. Home Minister suppressed facts and hereby mislead the House. As far as I can understand and in accordance with Parliamentary Practice neither any yardstick nor any norm has been prescribed or laid down anywhere according to which a statement should be made by a Minister. Therefore, a Minister is at liberty to make a statement touching the main part of an incident or a matter. If minute details of a particular incident is not mentioned in the statement it can be said as suppression of fact. The statement was made in reply to a “Zero Hour” matter which is not put down in the List of Business for which it is also not possible to spare considerable time of the House.

I have gone through the statement made by the Hon. Home Minister and I found that the statement of the Home Minister indicates all the



important aspect of the incident. Even if the statement contains inaccuracy, it does not constitute breach of privilege as indicated by the hon. Minister of State, Parliamentary Affairs from the Practice and Procedure of Parliament by Kaul and Shakhder. The Minister has a right to correct his statement whenever it is found to be incorrect.

I would like to remind the Hon. Members of the House that the foundation upon which the Parliamentary privileges rests is the maintenance of the dignity and independence of the House and of its Members. Therefore we must keep, this important-points in our mind while deciding whether a Member or a Minister has committed any breach of privilege. I had made it abundantly clear that unless there are Ministers that cannot be a meeting of the House and therefore a Minister occupies a position of dignity and authority. The statements made by the Hon. Ministers have their own sanctity as the same are made on the sacred floor of the house. But the manner in which the statement has been challenged, I am afraid, the debates of the House will loose their impact and sanctity.

In view of what I have mentioned, I do not find any materials to support the contention of the Leader of the Opposition that the Hon. Home Minister suppressed any material facts of the incident to mislead the House. I, therefore, disallow the privilege motion.”

**(6) COMPLAINT OF BREACH OF PRIVILEGE  
AGAINST "AGRADOOT" FOR PUBLISHING A  
FALSE, FABRICATED AND DISTORTED  
STATEMENT IN ITS ISSUE DATED 20TH MARCH,  
1988.**

On 30th March, 1988, Sarbashri Keshab Chandra Gogoi, Silvius Condpan, Zoi Nath Sarma gave a notice of Breach of Privilege against the 'Agradoot' for publishing a false, fabricated and distorted statement in its issue dated 20th March, 1988.

After hearing their submission the Speaker announced his ruling on 20th April, 1988.

The entire ruling reads as follows:-

"The Hon'ble Members of the House may kindly recall that when the Hon'ble Member Shri Zoi Nath Sarma raised a motion of breach of privilege against the Editor, Reporter and Publisher of 'Dainik Asom' on 29th March, 1988 for publishing a distorted version of the proceedings of the House dated 17th March containing statement made by the Hon'ble Home Minister and I reserved my ruling. I have carefully gone through the news item and found that in the beginning of the news item there has been some inaccuracy but if the news item is read as a whole it will appear that the reporter has given a clear picture of the proceedings of the House at page 2 of the paper. Although there seems to be a slight wrong reporting in the beginning of the news but at the end of page 2 of the paper the proceeding of the House appears to be in order.

In view of the prevailing Parliamentary Practices, publishing a slight incorrect proceedings due to pandemonium in the House can not by itself be a breach of privilege and contempt of the House unless it is coupled with the motive of directly or indirectly bringing such House into odium, contempt or ridicule. In the instant case no motive on the part of the Editor/Reporter can be easily inferred. Therefore, there seems to be no question of breach of privilege. Accordingly, I

disallow the notice.

I have also reserved my ruling on the privilege motion moved by Hon'ble Member Shri K.C. Gogoi and others against the newspaper 'Agradoot' for the alleged publication of a false fabricated and distorted statement in its issue dated 20.3.88. I have gone through the news item and the notice of complaint but I do not find any name of members making any statement or speech issued in the house which has been fabricated by the newspaper nor has there been any complaint against the publication of distorted version of the proceedings. The expression 'Statement' is therefore, without the name of the member who has made such a statement and which was fabricated. All that I have found is that the news item has made a reference to the behaviour of some Hon'ble Members belonging to Congress(I) Legislature Party inside the House whose names are mentioned in the paper viz: Shri K.C. Gogoi, Shri Silvius Condpan, Shri Rameswar Dhanowar, Shri Abdul Muqtadir Choudhury, Smti. Amiya Gogoi etc., while sitting in their seats. If the news item contained distorted version of a statement or a speech or proceedings of the House, then it would have been possible to make out a case of breach of Privilege. But it is not possible to make out a case of Breach of Privilege on the basis of a personal interference of the paper. In view of the prevailing Parliamentary Practice, there is neither a question of breach of privilege nor a breach of propriety. Accordingly, I disallow the notice of the breach of privilege."

**(7) COMPLAINT OF BREACH OF PRIVILEGE AGAINST THE EDITOR, PUBLISHER AND CORRESPONDENT TO THE NEWS ITEM OF THE STATEMENT RELATING TO THE NEWS ITEM CORRUPTION CHARGES AGAINST MAHANTA?**

On 16th November, 1988, Shri Debeswar Bora raised on the floor of the House a notice of Breach of Privilege Motion against the Editor, Printer, Publisher and Correspondent of "The Statesman" relating to the news item 'corruption charges against Mahanta' in its issue dated 12 November, 1988 participating in the discussion Sarbarashri Santi Ranjan Das Gupta and Surendra Nath Medhi, Minister, Parliamentary Affairs etc. spoke against the admissibility and otherwise of the Motion.

After hearing the views for and against the Breach of Privilege Motion the Speaker announced his ruling which reads as follows:-

"There is another complaint of breach of privilege against the Editor, Printer, Publisher and the Correspondent of the News paper "Statesman" (Shri Arup Chanda) for publishing a news item with the caption "Corruption charges against Mahanta" dated 12-11-88 by the Hon.Member Shri Debeswar Bora under Rule 156 and 159 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly.

The Hon.Member Shri Bora has contended that the above news item published at page 9 of the issue of the Statesman dated 12-11-88 with the above caption which has no relevance with the contents of the news item. The paper being a widely circulated one throughout the country has caused great harm, to the Hon.Chief Minister of Assam and lowered the prestige and integrity of the Chief Minister Shri Prafulla Kumar Mahanta in the estimation of the public. In this connection I would like to state that there is no assertion by the Hon.Member of the privilege motion Shri Bora that any rejoinder was issued by the Hon.Chief Minister against the aforesaid news items

and that it was not published by the news paper which published the news item in question. The person affected by any news item published in any paper, which he feels, lowers his dignity in the estimation of the public is to issue a rejoinder denying the report. If it is not published by the paper concerned after receipt of the rejoinder then only it will amount to breach of privilege. Moreover, the malafide of the paper is not asserted by the Hon. Member Shri Bora.

In this connection I fully agree with the submission of the Hon'ble Member Shri Santi Ranajan Dasgupta that the Hon'ble Chief Minister has got a separate publicity wing to issue rejoinder in such matters but it appears that no rejoinder was issued by the Hon'ble Chief Minister through that wing. Speaker was also not informed about any such rejoinder either by the Hon'ble Chief Minister or by the mover of the privilege motion.'

Therefore, I hold that it is not a fit case to give any consent for raising the matter before the House as breach of privilege."

**8. COMPLAINT OF BREACH OR PRIVILEGE AGAINST THE 'NATUN DAINIK' FOR PUBLISHING THE EXPUNGED STATEMENT MADE IN THE HOUSE BY SHRI ATUL BORA MINISTER, P.W.D.**

On 18th November, 1988 Shri Nagen Sarma raised a complaint of Breach of Privilege Motion on the floor of the House against the 'Natun Dainik' for its news item relating to an expunged statement made by Sri Atul Bora, Minsiter, P.W.D. during the reply to a matter raised by Shri Chandra Mohan Patowary. There was a discussion on the admissibility or otherwise on the motion. After hearing the arguments for and against the motion from Sarbashri Chandra Mohan Patwary, Abdul Muhib Mazumdar, KumarDeepak Das and Surendra Nath Medhi, Minister, Parliamentary Affairs the Speaker announced his ruling which reads as follows:-

"I have heard the submission of Hon.Member, Shri Nagen Sarma and others on a matter of complaint of breach of privilege against the news item published in the 'Natun Dainik' in the matter of expunged statement of Hon.Shri Atul Bora, Minister, PWD etc. on 16.11.88 in reply to a matter raised by Hon.Member Shri Chandra Mohan Patowary during Zero Hours. I have also heard the submission of Hon.Law Minister regarding the admissibility of the raising of the complaint of breach of privilege.

In the instant case of complaint of breach of privilege brought by Hon.Member Shri Nagen Sarma, I refrain from and not in lined to go deep into the merit constituting the breach of privilege. Nevertheless, I firmly and emphatically assert that Hon.Members being the representative of the people should maintain the decorum and dignity of the house while raising a matter or replying to it. Legislature is the citadel of democracy and all the Hon.Members are required to uphold the very spirit of democracy. The word and expression used by Hon.Minister, PWD, Shri Bora against the Hon.Member Sri Nagen Sarma are unfortunate. I believe the Hon. Members will refrain

from castigating each other and maintain a harmonious relation while participating any matter in the floor of the House. So with a heavy heart I had to expunge the unbecoming words from the proceedings of the House on 16.11.88 I earnestly hope that the Hon.Members were particularly the Minister should be cautious in expressing their words and expression in future to keep the dignity of this House.

Secondly, the press should also be careful in publishing the proceedings of the House in their Newspaper. Though the press has freedom of expression to publish the debates of the House for information of the General Public they should be careful about the prestige, dignity and honour of the Hon.Members of the House. I would, therefore, like the press be more circumspect and careful while reporting the proceedings of the House.

Therefore, I hold that it is not a fit case to give consent for raising as a breach of privilege.”

**9. COMPLAINT OF BREACH OF PRIVILEGE AGAINST THE CHIEF MINISTER OF ASSAM FOR ALLEGED FALSE STATEMENT MADE BY HIM ON THE FLOOR OF THE HOUSE.**

On 16th November, 1988 Shri Ardhendu Kumar Dey raised a complaint of Breach of privilege Motion against Shri Prafulla Kumar Mahanta, Chief Minister for alleged false statement made by him on the floor of the House.

There was a discussion on the admissibility and otherwise of the motion and Sarbashri Santi Ranjan Dasgupta, Golok Rajbangshi, Surendra Nath Medhi, Minister, Parliamentary Affairs, Heman Das, A.F.Golam Osmani and Kumar Deepak Das expressed their views.

After hearing the submission of the Hon.Members and Minister, the Speaker announced his ruling on 18th November, 1988.

The full text of the ruling reads as follows:-

“I now come to the question of breach of privilege given notice of the Hon.Member Shri Ardhendu Kumar Dey against Hon.Shri Prafulla Kumar Mahanta, Chief Minister of Assam.

On 14th November, 1988 Hon.Shri Ardhendu Kumar Dey gave notice of complaint of breach of privilege under Rules 158 and 159 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly against Hon.Shri Prafulla Kumar Mahanta, Chief Minister of Assam for giving wrong information and concealment of facts in his reply to starred question No.11. dated 9.11.88. Shri Dey contended in his notice that Hon.Chief Minister while replying to Unstarred Question No.322 dated 30.3.88 asked by Hon.Member Shri Shahidul Islam during the Budget Session, 1988 stated that permission was given to 65 candidates for supplying Railway Sleepers. The list of containing the names of candidates was placed on the table of the House.

Shri Dey contended that the name of Shri Damodar Jodhani was found in the list placed in the table of the House at Sl.26 amongst the



candidates who were granted permit for supplying Railway Slippers. He also contended that in reply to Starred Question No.11 dated 9.11.88 asked by him about the fact as to whether one Shri Damodhar Jodhani had been given permit for supplying Railway Slipper by the present Government. The Hon.Chief Minister stated that “(ক) অনুজ্ঞা পত্র দিয়া হোৱা নাই” Shri Dey further contended that the Chief Minister concealed the facts from the members and willfully and deliberately misled the House by giving wrong information.

I have carefully examined the contents of Unstarred Question No.322 dt. 30.3.88 asked by Hon.Member Shri Shabidul Islam and the replies thereon. I also deeply considered the contents Starred Question No.11 dated 9.11.,88 asked by Member Shri Ardhendu Kumar Dey and oral replies given by the Hon. Member Sri Ardhendu Kr, Dey and oral replies given by the Hon.Chief Minister alongwith the Supplementary thereto. I have also patiently heard the submission by Hon.Mover of the complaint of the breach of privilege and other Hon.Members viz.Sarbashree, Santi Ranjan Dasgupta, Golok Rajbanshi, Heman Das, A.F. Golam Osmani in support of the said motion. I have also heard the submission of Hon.Shri Surendra Nath Medhi, Minister of Law and Parliamentary Affairs. Now the main issue to be decided is whether the word “অনুমতি” “(leave, admission, permission) and the words “অনুজ্ঞা পত্র” (licence) are constructed to carry the same meaning. As per the Glossary of Administrative and other terms published by the Government of Assam I find that there is a vital difference in the technical meaning of these two words,” “অনুজ্ঞা পত্র” and “অনুমতি” as per the above mentioned glossary “অনুজ্ঞা পত্র” means licene and the word” “অনুমতি” “means leave, admission and permission. In answering to the Starred Question No.11 dt.9.11.88, the Hon.Chief Minister has stated that”. (অনুজ্ঞা পত্র দিয়া হোৱা নাই।)

It means no licence was issued and in reply to unstarred question No.322 dt. 30.3.88 Hon.Chief Minister had stated that “সেই শ্লিপাৰ ৬৫ জন প্ৰাৰ্থীক যোগান ধৰিবলৈ অনুমতি দিয়া হৈছে” it means permission were given to 65

candidates for supply of sleepers.

From the above facts it appears that the meaning of “অনুজ্ঞা পত্র” “and” “অনুমতি” “is not same and carries a different connotation. So there cannot be any wrong information in the reply of the Hon.Chief Minister in the relevant questions as contended by Hon.Member Shri Ardhendu Kumar Dey.

It is also well established that an untrue or incorrect statement made on the floor of the House does not constitute a breach of privilege. In this connection, I agree with the Practice and Procedure of Parliament by M.N. Kaul & S.L. Shakhder at page 234 which I quote” in order to constitute a breach of privilege of contempt of the House it had to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege can arise only when the Member or the Minister makes a false statement or incorrect statement willfully, deliberately and with knowledge”. “Incorrect statement made by a Minister cannot make any basis for a breach of privilege.”

I would like to refer to the ruling of Hon.Speaker Late Ramesh Chandra Baruah in a complaint of breach of privilege for an incorrect statement moved on 14th February, 1975 in our own legislature that, I quote “regarding the question of breach of privilege by the Chief Minister, I think, whatever may be of his intention but he is the leader of the House and so the question of privilege not be brought in such a way.”

I am, therefore, satisfied that no prima facie breach of privilege has been made up an accordingly I withhold my consent to raise the motion for breach of privilege.”

**10. COMPLAINT OF BREACH OF PRIVILEGE AGAINST THE CHIEF MINISTER, ASSAM, CHIEF SECRETARY, ASSAM, COMMISSIONER AND SECRETARY OF FINANCE DEPARTMENT, ASSAM AND TREASURY OFFICER, DISPUR REGARDING STOPPAGE OF DRAWAL OF SALARY BILLS ETC. BY M.L.A.s**

On 16th November, 1988, Hon. Minister Shri Abdul Muhib Mazumdar moved a Motion of Breach of Privilege against the Hon. (i) Finance Minister, that is Hon. Chief Minister in charge of Finance, (2) Chief Secretary, Assam, (3) Commissioner and Secretary of Finance Department and Treasury Officer of Dispur Treasury. He was supported by Hon. Member Shri A.F. Golam Osmani, Hon. Shri Surendra Nath Medhi, Minister, Law etc. made a submission in reply to the points raised. The Speaker held the Motions as out of order with the following rulings:-

“Now I propose to proceed with the question of admissibility of Breach of Privilege Motion tabled by the Hon. Member Shri Abdul Muhib Mazumdar under Rule 158-59 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly against 1) Hon. Finance Minister i.e. Hon. Chief Minister, 2) Chief Secretary, 3) Commissioner and Secretary, Finance Deptt. and 4) Treasury Officer, Dispur Treasury.

The gist of the privilege motion is that during the period from 16.9.88 to 31.10.88 Treasury Officer, Dispur Treasury has refused to honour the bills submitted by the Assembly Sectt. particularly those relating to the T.A. bills of the Hon. Member who are Members of the different Committees. The T.A. Bills were submitted to cover the expenses of the Hon. Members for attending the Committee meetings. The functioning of the Assembly Sectt. and also of the different Committees were disturbed and obstructed by the aforesaid action. The Treasury Officer, Dispur Treasury refused to honour the bills on account of the direction and/or orders issued by the Hon. Finance

Ministe, Assam, etc. Hon. Chief Minister, Assam, the Chief Secretary and Secretary, Finance Deptt. Government of Assam.

I have heard the Hon. Member Shri Mazumdar, Shri A.F. Golam Osmani, Hon. Chief Minister and also the Hon. Minister of Parliamentary Affairs and law on the subject.

I quite agree with the view that the expenses of the Assam Legislative Assembly and its Secretariat are not ammendable to be interfered with by the executive. Because our Government is a Democratic and Parliamentary system of Government. System rests on three organs namely. Legislature, Executive, and Judiciary. The will or authority of the people over the executive functioning of the Government is exercised by the Legislature. As a matter of fact that the executive organ of the Government is represented by the Council of Ministers which is answerable to the legislature. Therefore, the Indian Constitution provides a separate Secretariat of the State Legislature under Article 187. The true spirit of the Constitutional provision is that the Sectt. of the State Legislature is an independent Sectt. According to illustrious, Speaker Mavalankar the Legislature must be in a position to carry out his duties without favour and fear of the executive Government. The procedure followed in the Lok Sabha in regard to the orders of financial nature the Govt. has formally recognised that such orders donot automatically apply to the Lok Sabha and its Sectt. Unless these are specifically extended by order of the Speaker. There the Speaker decides to extend any such order and adoption order is issued. This principle should also be applicable in respect of Assam Legislative Assembly and its Sectt.

In this connection, the order of the Government of Assam No. ABN.69/61/80, dated 19th July, 1963 declaring that "Assam Legislative Assembly Secretariat" shall function as its own Administrative Department" may be mentioned.

In the financial matters to the Assembly Sectt. is neither a department of the Government of Assam nor a heads of Department as per

provision of the "Delegation of Financial Power's Rules, 1960, Government of Assam." Therefore, it is not mandatory for the Assembly Secretariat to obtain concurrence of the Finance Department of the Civil Sectt. in any matters of the Financial Administration. If any necessary arises to seek any advice on any financial matter, the Assembly Sectt. is to be guided by orders of the Speaker and non else.

In another vital organ of the Government i.e. Judiciary, it has been noticed that as per Schedule IV entry 34 of the "Delegation of Financial Powers, Rule, 1960" Government of Assam, the Registrar (Judicial), Gauhati High Court is a "head of the Department" of the Government of Assam. But Secretary, Assam Legislative Assembly is not listed as such. So, the Secretary, Assam Legislative Assembly is not under any Executive Authority but is under the control of the Speaker, Assam Legislative Assembly. Expenditure on Assembly is never debated. Money is provided in the Budget and it got automatically voted.

I have heard the reasoned and forceful submissions of the Hon. Member Shri Mazumdar the mover of the motion. The Hon. Law and Parliamentary Affairs Minister has regretted the unhappy orders of the Government. The Hon. Finance Minister, i.e. Chief Minister, Assam has also stated in course of his reply that had the matter been brought to his notice he would have taken necessary steps to withdraw the restrictions as had been done in case of the T.A. Bills of the Hon. Members.

But I would like to express my unhappiness the way the Treasury Officer dealt with the T.A. Bills of the Hon. Members of the Committees. Further, I would like to express in categorical terms that the Finance Department in no way should try to supervise and control the expenditure of the Legislature as the Finance Department as a department of the Executive is answerable to the legislature.

The legislature is the citadel of democracy and the Speaker occupies an exalted position in it.

However, in pursuance of the assurance of the Hon.Chief Minister who is the Leader of the House and also Minsiter of Finance I hold that the complaint of breach of privilege against the Hon.Chief Minister and others is not tenable and accordingly I withhold my consent to the raising of the matter before the House as question of privilege.”

**(11) COMPLAINT OF BREACH OF PRIVILEGE AGAINST THE CHIEF MINISTER OF ASSAM, FOR A LETTER DT. 19-5-89 WRITTEN BY HIM TO THE HON'BLE SPEAKER, ASSAM LEGISLATIVE ASSEMBLY AND OTHERS.**

On 2nd June, 1989, Sarbashri Ardhendu Kumar dey, Hiranya Bora, Masuruddin Sheikh, Ganesh Boro, Afzalur Rahman and Abdul Jabbar gave notice of a complaint of Breach of Privilege under Rule 158 of the Rules of Procedure and conduct of Business in Assam Legislative Assembly against the Chief Minister for allegedly writing a letter to the Hon'ble Speaker and others. Shri Golok Rajbanshi, Leader of the Opposition in Assam Legislative Assembly also spoke in support of the Motion. Shri Debeswar Bora made a submission on the motion, Shri Prafulla Kumar Mahanta Chief Minister made a submission with regard to the points raised by the Hon'ble Members.

On 5th June, 1989, the Speaker ruled as follows:-

“Now I come to the question of Breach of Privilege given notice of by the Hon'ble Members Shri Ardhendu Kumar Dey and Shri Hiranya Bora & other against Hon'ble Chief Minister of Assam on 2nd June, 1989.

Hon'ble Members are aware of the fact that Hon'ble Leader of the Opposition Shri Golok Rajbanshi on 23rd May, 1989 raised a point of order by which he read out the letter written by the Hon'ble Chief Minister to me with copies to the Hon'ble Leader of the Opposition and others. On that occasion I gave my ruling that Hon'ble Member Shri Hemen Das was allowed to raise the Zero Hour matter regarding “Rs. 7.30 Crores losses to Statfed” as per the provisions of the Rules of the House. I had also stated that the incident was very unfortunate and unexpected. With this comment I closed the matter so far the issue of point of order was concerned.

Now the same letter was referred by the Hon'ble Members Shri Ardhendu Kumar Dey, and others as a matter of Breach of Privilege

of the House. Hon'ble Member Shri Debeswar Bora before starting of the discussion about the admissibility of the Privilege matter raised a point of order as to why the same matter has been allowed to be raised again. In this regard I would like to clarify any doubt that might arise in the minds of the Hon'ble Members that the powers, privileges and immunities of the Hon'ble Members in a most cherished right guaranteed by the Constitution of India under Article 194. Accordingly to this constitutional provision in the absence of condonation of Breach of Privileges either by this House enjoys the power, Privileges and immunities of the Members of the House of Commons of the United Kingdom. As such the right of the Hon'ble Members of this House to raise a Privileged matter can not be questioned. Accordingly I have allowed the Hon'ble Members to speak about the admissibility of the motion of Breach of Privilege against the hon'ble Chief Minister.

As regards the merit of this case I must clarify the position of the Speaker as stated in page 96 of the Practice and Procedure of Parliament by Kaul and Shakhder which is as follows”.

I quote “It is the right of the Speaker to interpret the Constitution and rules, so far as matters in or relating to the House are concerned, and no one, including the Government, can enter into any argument or controversy with the Speaker over such interpretation. His rulings constitute precedents by which subsequent Speakers, Members and Officers are guided. Such precedents are collected, and in course of time, formulated as rules of procedure are followed as conventions. The Speaker's rulings, as already stated, cannot be questioned except on a substantive motion. A member who protests against the ruling of the Speaker commits contempt of the House and the Speaker. The Speaker's decision is equally binding whether given in the House or on a departmental file. He is not bound to give reasons for his decisions. Members cannot criticise directly or indirectly inside or outside the House, any ruling given opinion expressed or statement



made, by the Speaker. If a member desires to make a submission to the Speaker on the floor of the House regarding a ruling, the Speaker may permit the member to do so after satisfying himself that it does not unduly interfere with the proceedings of the House. The member making such a submission cannot criticise the decision but can seek elucidation on any point or request the Chair to consider the ruling in the light of the facts submitted by him.

Observations made by the Speaker in the House cannot be interpreted in private correspondence. He does not enter into public or press controversies regarding observations made by him from the Chair.”

From the above parliamentary procedure, norms, precedents and conventions the letter in question is quite unprecedented, unexpected and unfortunate affair in the Parliamentary history of India. On the other hand the established legal maxim is that “the ignorance of law is of no excuse” which is also applicable in the parliamentary parlance and as such the letter in question is nothing but a gross breach of propriety.

As the Hon'ble Chief Minister Shri Prafulla Kumar Mahanta has expressed his regret in the floor of the House for issuing such a letter and also in view of the earlier decisions of this August House in the matter of Breach of Privileges against the Hon'ble Chief Minister, dated 18-11-88. I regret very much to withhold my consent to allow this Motion.

**(12) IN CONNECTION WITH THE PICKETING BY ASSU IN FRONT OF THE ASSAM STATE PRINTING AND PUBLISHING CORPORATION, FOR ITS FAILURE TO SUPPLY BOOKS FREE OF COST AS A RESULT OF WHICH THE EDUCATION IN ALL THE SCHOOLS OF ASSAM HAVE BEEN STOPPED.**

(1) On 27th February, 1990, Shri Ardhendu **Kumar Dey** moved an adjournment motion relating to the picketing by **All Guwahati Students Union** on 16th and 17th February, 1990, in front of the Assam State Printing and Publishing Corporation at Guwahati for its failure to supply books free of cost and for want of books the education in all the schools of Assam have been stopped.

(2) Shri Hemen Das also moved an adjournment motion in the same line relating to "the Education Department of Assam failed to supply free text books to the school students of Assam."

There was a discussion on the Motion. Shri Zoi Nath Sarma and Shri Brindabon Goswami, Minister, Education spoke against the admissibility of the Motion.

After hearing the views from both the sides the **Hon'ble Speaker** pronounced his ruling on 2-4-90 with the following observation:

"Hon'ble Members may recall that on 27th February, 1990 **Hon'ble** Members Shri Hemen Das and Shri Ardhendu **Kumar Dey** submitted notices of Adjournment Motion to discuss the situation arising out of the failure of the Government to supply free text books to the school students.

Hon'ble Members Shri Das and Shri Dey while moving the Adjournment Motion spoke for its admissibility and stated that the students, the teachers and guardians expressed their great anxiety for not getting the text books to be supplied by the Education Department free of cost. As a result the students community has suffered to a great extent. The Hon'ble Members therefore during the course of their submission stated that the matter is urgent and of sufficient public

importance and sought the permission of the Chair to adjourn the business of the House for its detailed discussion.

Hon'ble Member Shri Zoi Nath Sarma, Minister, Parliamentary Affairs opposed the raising of the Adjournment Motion and advanced his submission for its inadmissibility.

Hon'ble Minister, Education however assured the House by a statement on 1-3-90 on the matter, on the other hand the matter has already been discussed threadbare on the floor of the House through several procedural devices.

In view of the above observation I do not feel that this is a fit case to discuss the matter by adjourning the other business of the House and accordingly I withhold my consent to allow the same."

**(13) COMPLAINT OF BREACH OF PRIVILEGE AGAINST THE CHIEF MINISTER, MINISTER OF LAW, COMMISSIONER AND SECRETARY COOPERATION DEPARTMENT AND THE MANAGING DIRECTOR OF STATFED.**

On 2nd March, 1990 Shri Golok Rajbangshi, Leader of the Opposition gave a notice of Breach of Privilege against the Chief Minister, Minister of Law, Commissioner and Secretary, Cooperation Department and the Managing Director, STATFED for willfully withholding papers, suppressing facts and information from the House Committee obstructing the proper functioning of the House Committee. There was a discussion on the Motion. Sarbashree Zoi Nath Sarma Minister, Parliamentary Affairs, Surendra Nath Medhi, Minister, Law, Binai Khungur Basumatari and Abdul Muhib Mazumdar submitted their arguments.

After hearing the arguments for and against the Motion the Speaker ruled on 2.4.90 which reads as follows:-

‘Hon.Members may recall that I received a notice of Breach of Privileges given by Hon.Member Shri Golok Rajbangshi against the Chief Minister, Minister-in-charge of Law, Commissioner and Secretary, Cooperation Department and the Managing Director, STATFED for willfully withholding papers, suppressing facts and information from the House Committee thereby obstructing the proper functioning of the House Committee.

On 2nd March, 1990, I have heard the submission of Hon.Member Shri Rajbangshi for admissibility of his privilege Motion I have also heard the Hon. Members, Shri Hemen Das, Shri Binai Khungur Basumatari, Shri Abdul Muhib Mazumdar and Shri Ardhendu Kumar Dey supporting the Motion. On the other hand, I have heard the Hon.Minister, Parliamentary Affairs, Shri Zoi Nath Sarma and Shri S.N.Medhi, Hon.Minister Law who had submitted against the admissibility of the Motion.

In this connection I agree with the submission of the Hon. Law Minister, Shri S.N. Medhi who referred to page 234 of Practice and Procedure of Parliament by Kaul and Shakhder, I quote "If any statement is made on the floor of the House by a member of Minister which another member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege."

It is also observed that an incorrect statement made by a Minister cannot make a basis of breach of privileges. Because, the Minister or Hon. Members may come up before the House to correct their statement by way of clarification.

Since there has been threadbare discussion on this subject in the floor of the House and since clarifications were made by the Minister, incharge of Cooperation through his statement in reply to points raised during the discussion of the Special Motion on the report of the House Committee on Rice Deal by STATFED, I do not find any cogent reason for allowing the Motion of Breach of Privilege and accordingly, I disallow the same."

**(14) COMPLAINT OF BREACH OF PRIVILEGE  
AGAINST 'AGRADOOT' FOR CERTAIN  
PUBLICATION IN ITS EDITORIAL DATED 18TH  
MARCH, 1990.**

On 20th March, 1990 Sarbashri Debeswar Bora, Abhijit Sarma, Binai Khungur Basumatari and Silvius Condpan raised a Breach of Privilege against 'Agradoot' a Bi-weekly Assamese news paper for its publication in Editorial, dated 18th March, 1990 under the caption" " কৈফিয়ৎ, - প্রফুল্ল মহন্তৰ পিছত কোন?"

There was a discussion on the Motion. Shri Abdul Jalil Ragibi and Shri Hemen Das spoke in support of the Motion while Shri Zoi Nath Sarma, Minsiter, Parliamentary Affairs submitted his arguments against the Motion.

After hearing the arguments for and against the admissibility of the Motion the Speaker pronounced his ruling on 11th April, 1990.

The entire text of the ruling reads as follows:-

"I rise to give my ruling on an important matter pertaining to the powers, privileges, immunities of the August House and its Members. This occasion has arisen because of a signed Editorial in the bi-weekly News Paper i.e. Agradoot dated 18th March, 1990 under the caption. " কৈফিয়ৎ, - প্রফুল্ল মহন্তৰ পিছত কোন?"

"Hon.Members Shri Debeswar Bora, Shri Abhijit Sarma, Shri B.K. Basumatari, Shri Abdul Jabbar and Shri Silvius Condpan gave a notice of breach of privileges under the Rules 159 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly. The matter was discussed under Rule 161 and all the members who spoke in support of the motion were of privileges as in it comments have been made and aspersion have been cast against the dignity and authority of the Speaker and also against the Hon.Members this August House which are derogatory, conjectural and motivated thereby diminishing the prestige and dignity of the House. Hon.Member Shri Hemen Das observed that there is no doubt about

one's right to criticise but the criticism always be objective. In the instant Editorial and allegations have got no basis and all are of imaginary nature he said.

After carefully examining the statement made by the Hon. Members and also the relevant rules, procedure and conventions established in the Parliamentary parlance I am of the opinion that the instant Editorial involve in three basic issues.

(I) Whether the instant Editorial regarding misuse of privileges by the Hon. Members tend to obstruct the House in the performance of its functions by diminishing the respect due to it?

(II) Whether the Editorial has casted reflections on the character and impartiality of the Speaker in the discharge of his duty?

(III) Whether the Editor of the Bi-weekly is an irresponsible person whose comments could be overlooked by the House.? In the Editorial it is stated that -

“আমাৰ মাননীয় জন প্ৰতিনিধি সকলে এইটোও মনত ৰখা উচিত যে তেওঁলোকক যিবোৰ বিশেষ অধিকাৰ দিয়া হৈছে সেইবোৰ জনগণৰ কল্যাণৰ অৰ্থেহে ব্যৱস্থা হোৱাটো বাঞ্ছনীয়। তেনে অধিকাৰত হাত দিয়াৰ ক্ষমতা যিদৰে সংবাদপত্ৰ অথবা আনলোকৰ নাই, তেনেদৰেই মাননীয় সদস্য সকলেও তেনে অধিকাৰৰ অপ্ৰয়োগ ঘটোৱাটো উচিত নহয়।”

These wordings of the Editorial as I understand contemplated to caution the Hon. Members to use their privileges for the welfare of the People and not to misuse it. So the question arises whether without citing any example of alleged misuse or abuse the passing of such a generalised comment upon the Hon. Members have casted reflections on members in the execution of their duties? If the answer is yes, then the Editorial has certainly tend to obstruct the House in the performance of its functions by diminishing the respect due to it. I therefore feel that this aspect of the issue is to be examined thoroughly and carefully. Further he also stated that “উল্লেখযোগ্য যে সেই বিশেষ অধিকাৰৰ বলতে কোনো কোনোৱে দলপতিক শলঠেকত পেলাবলৈও চেষ্টা কৰা দেখা গৈছে।”

It means that some people has been found to put the leader of the ruling party in a tight cornered position by taking advantage of the

privileges. Though he did not mention any name in the above sentence yet the entire paragraph is concerned with a person who is holding the office of the Speaker of the August House. So by the above statement he has questioned the impartiality of the Speaker. The Speaker who is elected by the House is not an individual but he is an institution. The Speaker represents the House. And as such he represents the dignity of the House and the freedom of the House. As regards his authority in page 96 of the Practice and Procedure of Parliament by Kaul and Shakdher it is clearly mentioned that "Members cannot criticise directly or indirectly, inside or outside the house, any ruling given, opinion expressed or statement made, by the Speaker. "I think the Speaker is not above the criticism. But his authority or impartiality can be questioned only by the members by way of substantive motion as per provisions of Article 179 of the Constitution. In the instant case as contended by Hon'ble Binai Khungur Basumatari the Editor has tried to encroach the Legislative arena as an extra constitutional authority and questioned the confidence of the House on the Speaker. As such the Editorial comment is nothing but an insult too the whole House. This aspect also needs examination.

Now the next question come that whether the Editor, Agradoot, Shri Kanak Sen Deka is an irresponsible person who can be overlooked. In this connection the observation made by Hon'ble Shri B.K. Basumatari from page 224 of Practice and Procedure of Kaul and Shakdher which I quote "The House may not necessarily take serious notice of defamatory statement made by irresponsible persons" will be most relevant. This vital issue is also required to be examined throughly.

Now I come to the question of Speaker's position in the context of Indian polity. In this connection Hon. Shri Abhijit Sarma has quoted from the speech of Illustrious Speaker Late Mavalankar that I quote "It is obviously not possible, in the present condition of our political



and parliamentary life to remain as insular as the English Speaker, so far as political life goes". He also cited the example of illustrious Speaker of our House Late Hareswar Goswami who attended the party meetings and also the Parliamentary Party meetings while being the Speaker and at the same time conducted an enquiry personally against the conduct of a Minister and submitted his report in the House on being demanded by the opposition. As a result of which the Minister had to resign. Hence, the moot question is the impartiality of the Speaker.

In the instant case almost all the Hon. Member of this August House demanded to summon the Editor to the House. However, the Hon. Parliamentary Affairs Minister has suggested for two courses of actions either to refer the matter to the committee of privileges or to give an opportunity to the Editor to express regret for his Editorial. I find that up till now the Editor neither expressed his regret nor published any contradiction in his paper. So, this attitude of the Editor amply proves that he has intentionally and with motive published the Editorial to malign the impartiality, authority and dignity of the Speaker in particular and the House as a whole.

From the above I have come to the decision that by publishing the abusive Editorial, the Editor of the Agradoot Shri Kanak Sen Deka has committed a serious breach of privileges of the House and accordingly I refer the matter to the Committee of privileges for examination, investigation and report.

The Committee should submit their report within three months."

**C. POINT OF ORDER****(1) REGARDING UN-STARRED QUESTION**

On 1st April, 1987 Hon'ble Member Shri A.F. Golam Osmani raised a point of order about the inadequate replies to Unstarred Questions. The Speaker after hearing the points raised by the Hon'ble Member Shri Osmani ruled as follows:-

"I give my ruling to the point of order raised by Hon'ble Member, Shri A.F. Golam Osmani.

Hon'ble Members are aware of the fact that the replies of the Hon'ble Minister in respect of Unstarred Questions are not discussed but laid down on the table of the House on the date fixed. So, when a reference is made to the replies of the Hon'ble Minister in respect of Unstarred Question on a subsequent date the replies so referred is naturally not available with the Hon'ble Minister and particularly with the Chair for persual so that relevancy can be ascertained.

Since the time of the Question Hour is very important and should not be wasted on one question alone in the absence of the records of replies such matter should be raised through other means, means namely, Rule 49 provided in the Rules of Procedure to prove inadequacy of replies or discrepancies in the replies."

**(2) REGARDING A LETTER WRITTEN BY THE CHIEF MINISTER AND LEADER OF THE HOUSE TO THE HON'BLE SPEAKER AND OTHERS.**

On 23rd May, 1989 Shri Golok Rajbanshi, Leader of the Opposition raised a matter during Zero Hour relating to a letter written by the Chief Minister and Leader of the House to the Hon'ble Speaker and others, Sarbashri Hemen Das, Ardhendu Kumar Dey, A.F. Golam Osmani, Abdul Jalil Ragibi, Santi Ranjan Das Gupa, Abdul Rob Laskar, Lalit Chandra Rajkhowa, Charan Narzery and Chandra Mohan Patowary participated in the discussion and made their submission on the points involving the Chair.

After hearing the submission the Members the Speaker held of follows:-

“মই আশা নকৰা ধৰণে সদনত এটা দুৰ্ভাগ্য জনক ঘটনা ঘটিছে, এইটো সদনৰ কাৰণে বৰ বেয়া হৈছে। 'জিৰ' আৱাৰচ সম্পৰ্কত যিটো নীতি বা নিয়ম সেইটো হৈছে - Directions by the Speaker, Assam Legislative Assembly, second Edition, 1987. Zero Hour matter Rule 49. “Unless the Speaker otherwise directs no matter of public importance shall be allowed to be raised during Zero Hour which occurred three days before the day on which it is proposed to be raised. The Member desiring to raise such matter shall give notice of his intention to raise such matter to the Speaker and Secretary, atleast one hour before the commencement of the Session. The Speaker in his discretion may allow the member to raise the matter and the concerned Minister may give a reply if required information and other materials are available with him, otherwise the replies shall be given by the Minister according to his convenience and the matter shall be treated as raised. “This is the provision. “ মই সদনৰ মাননীয় সদস্য শ্ৰীহেমেন দাস ডাঙৰীয়াৰ বিষয়টো উত্থাপন কৰিবৰ কাৰণে এই নীতি নিয়মৰ মাজেদিয়ে দিয়া হৈছে। ইয়াত বিধিগত কোনো বিসংগতি দেখা পোৱা নাই। এতিয়া কথা হৈছে - মই ভাবো যে সদনৰ অধ্যক্ষ গৰাকী হৈছে সদনৰ নীতি নিয়মৰ প্ৰতি দায়বদ্ধ, সংবিধানৰ প্ৰতি দায়বদ্ধ আৰু মাননীয় সদস্য সকলৰ এজন সেৱক। কিন্তু মাননীয় সদস্য সকলৰ যিটো অধিকাৰ সেইটো নাইকীয়া কৰাৰ অধিক কৰ্তৃত্ব মোৰ নাই। গতিকে নেতা গৰাকীয়ে এনে ধৰণে লিখাত মই বৰ দুখ পাইছো। যিহেতু ময়ো এটা দলৰ সদস্য

সেই কাৰণে এই আসনখনত মই যেতিয়ালৈকে থাকিম তেতিয়ালৈকে সদনৰ মজিয়াত দল নিৰপেক্ষভাবে কাম-কাজ চলাবলৈ আৰু সদনৰ নীতি-নিয়ম ৰাখিবলৈ চেষ্টা কৰিব। এই ক্ষেত্ৰত যদি কোনোবাই বেয়া পাই তেতিয়া সাংবিধানিক নীতি অনুসৰি অক্ষয়ক্ষক আঁতৰাই দিয়াৰ ব্যৱস্থা আছে। সেই ব্যৱস্থা গ্ৰহণ কৰিলে মই ভাল পাম। সেই কাৰণে মই পুনৰ কৈছো যে এনে ধৰণৰ এটা ঘটনাৰ বাবে মই বৰ দুখ পাইছো। আজি মই ব্যক্তিগতভাবে মাননীয় গৃহমন্ত্রী আৰু শিক্ষামন্ত্রী ডাঙৰীয়াৰ আগৰ এনেধৰণৰ এই চিঠিখনো দেখুৱাইছো। সদনৰ কাম-কাজৰ ক্ষেত্ৰত যদি শাসক দলৰ মাননীয় সদস্য সকলৰ মাজত কিবা বিশৃংখল ঘটে বা শাসক দলৰ সদস্য সকলৰ মাজত বিৰোধী ভূমিকা গ্ৰহণ কৰা মনোভাবে দেখা দিয়ে তেনেহলে সেইটো আতৰ কৰা দায়িত্ব দলপতি জনৰহে। ইয়াৰ কাৰণে অধ্যক্ষ গৰাকী জগৰীয়া হ'ব নোৱাৰে। সদনত এতিয়ালৈকে যিবোৰ ঘটনা আৰু সদন যিভাবে পৰিচালনা কৰা হৈছে মই ভাবো সদনৰ নীতি-নিয়ম অনুসৰিয়েই চলোৱা হৈছে। ইয়াত কোনো ধৰণৰ আপত্তি কোনো মাননীয় সদস্যৰ পৰা অহা নাই। মই যেতিয়ালৈকে এই আসনখনত থাকিম তেতিয়ালৈকে নিৰপেক্ষভাবে সদনৰ নীতি-নিয়ম আৰু সংবিধান অনুসৰি কাৰ্য পৰিচালনা কৰিম, ইয়াত বাধা দিয়া অধিকাৰ কাৰো নাই। গতিকে এনে ধৰণৰ চিঠি যাতে আৰু ভৱিষ্যতে নিলিখে তাৰ বাবে অনুৰোধ জনাইছো আৰু তেনে ক্ষেত্ৰত সতৰ্কতা অৱলম্বন কৰিবলৈ অনুৰোধ জনাইছো। মই ভাবো এইখন ইমানতে অন্ত পৰা উচিত।”

**D. SUSPENSION OF RULES OF THE HOUSE**

**(1) NOTICE GIVEN FOR SUSPENSION OF THE RULES FROM THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN ASSAM LEGISLATIVE ASSEMBLY.**

On 4th May, 1988 at 9.07 hours, Shri Golok Rajbangshi, Leader of the Opposition in Assam Legislative Assembly and others gave a notice to the Speaker before the commencement of the sitting for the day inside the house for moving a Motion to suspend the provisions of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for a shooting incident in the Nagaon town injuring Shri Ramesh Phukan, Ex-M.L.A.

After listening the submission made, the Speaker disallowed the notice.

Full text of this ruling is as follows:-

“I have received a notice at 9.07 A.M. inside the House signed by Hon’ble Leader of the Opposition Shri Golok Rajbangshi and others for moving a motion as follows:-

“Resolved that Rules of the House should be suspended to-day to give a scope for discussion on the shooting incident which occurred yesterday at Nagaon town causing injuries to Shri Ramesh Phukan, Ex-M.L.A.”.

Rules 316 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly provides that “any member may with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being.”

Now, I find that the notice has not specified the rules sought to be suspended. According to the Motion, the Rule 316 is also deemed to be suspended. There is also no motion before the House in relation to

which the motion is sought to be moved. In this connection, I want to point out the Rule 144 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly forbids the House to take up any other business when the voting on Demands is going on. In view of this Rule, it is difficult to construe as to which rule the Hon'ble Leader of the Opposition wants to suspend. Since nothing has been specified the notice is defective.

In this connection, I draw the attention of the Hon'ble Members to the observation made in the Practice and Procedure by Kaul and Shakhdar at pages 804 and 805 where it is stated as follows. I quote (page 804) "The Speaker alone is vested with the power to give his consent to the moving of a motion for suspension of a rule."

Again on one occasion in the Parliament when the minister of Parliamentary Affairs sought the Speaker's Permission to move motion for suspension of Rule 66 of the Rules of Procedure of Lok Sabha the Speaker did not agree to the proposal.

Again at page 805 of the same Rule it is observed as follows. I quote (page 105). "Motion for suspension of a rule in this application to a particular motion may be moved only when that motion is before the House i.e., if it is included in the List of Business."

Since the notice is not only defective but it was not given in time and since there is no motion put down in the List of Business in application of which the suspension motion is sought to be moved, the notice is not in order and I disallow the same."

**E. NON-FURNISHING OF REPLIES TO ASSEMBLY QUESTION.****REGARDING COMPLAINT AGAINST NON -  
FURNISHING OF REPLIES TO THE ASSEMBLY  
QUESTOSN BY THE CONCEREND DEPARTMENTS.**

On 26th April, 1989, Shri Golok Rajbangshi, Leader of the Opposition in Assam Legislative Assembly, Dr. Kamala Kalita and Shri A.F. Golam Osmani gave a written complaint against non-furnishing of replies of the Assembly Questions by the concerned Ministers.

There was a discussion about the matter for which the minds of members had been agitating.

The Speaker, after hearing the submission of the members of both sides, held as follows:-

“Yesterday some of the Hon’ble Members brought to my notice in the House as well as by written complaint and today also the Hon’ble Members viz. Dr. Kamala Kalita, Hon’ble Member, Shri Golok Rajbangshi, Leader of the Opposition and Hon’ble Member Shri A.F. Golam Osmani and others about the non-furnishing of replies to the Assembly Questions by the concerned Departments.

The position of replies to Assembly Questions, though improved considerably after the adoption of new question procedure by our House is not at all encouraging. I have cautioned the concerned Ministers on number of occasions in the past in this August House to see that rights and privileges of the Hon’ble Members are not denied by non-furnishing of information sought for by the Procedural devices viz-questions etc.

As per existing question procedure, replies to starred questions and unstarred questions are required to be placed in the Assembly Notice Office half an hour before the Assembly sits to facilitate the Hon.Members to prepare their supplementaries. But inspite of best effort of the Assembly Secretariat, the desired results from the Departments of the Government have not been forthcoming to the

desired extent. This has become more apparent from the non-receipt of replies of a number of Starred and Unstarred Questions from Agricultural Department yesterday and to-day also from the Health Department.

This nature of practice should, in future, be avoided.

I, therefore, once again call upon all the Hon.Ministers in general and Hon.Minister, Agriculture and Health in particular to ensure that in future replies to questions both Starred and Unstarred are sent to the Assembly Secretariat well ahead of time as indicated by the Assembly Secretariat. Hon.Minister, Agriculture and health will furnish the replies to the defaulting questions in the next allotted days of their Departments.”



**COMPLAINT PETITION****(1) COMPLAINT PETITION DATED 30H JANUARY, 1989  
FILED BY HON'BLE MEMBER SHRI SANTI RANJAN  
DAS GUPTA AND 14 OTHER HON'BLE MEMBERS BE  
LONGING TO THE UNITED MINORITIES FRONTS,  
ASSAM LEGISLATIVE ASSEMBLY AGAINST SIX IN  
DEPENDENT HON'BLE MEMBERS OF THE ASSAM  
LEGISLATIVE ASSEMBLY ON GROUND OF  
DEFECTION.**

Shri Santi Rajnan Das Gupta and other fourteen Members of the Assam Legislative Assembly belonging to the United Minorities Front Legislature Party submitted a Petition on 30th January, 1986 as per paragraph 2(2) of the tenth schedule to the Constitution of India against 6 independent Members of the Assam Legislative Assembly for joining the Asom Gana Parishad after their Election published for information of the general public, on the grounds of defection. The Speaker announced his decision in the House on the above said complaint petition on 1st April, 1986.

The full text of the decision of the Speaker, Assam Legislative Assembly is as follows:-

“Hon'ble Member, Shri Santi Ranjan Das Gupta and fourteen other Hon'ble Members belonging to the United Minorities Front, Assam Legislature Party had submitted a petition in form of a letter to me on 30th January, 1986 as follows:-

“We the undersigned signatories (Members of Assam Legislative Assembly) belonging to U.M.F. party do hereby claim that as per Section 2(2) of the 10th Schedule of 52 Amendment Act of the Constitution, 1985 the undernoted Members though elected as Independent candidates to the Assam Legislative Assembly from the constituencies noted hereunder have joined A.G.P. party and thereby they have been disqualified for being Members of the Assam Legislative

**Assembly:**

1. Shri Sahidul Alam Chowdhury - Algapur
2. Shri Sirajul Haque Chowdhury - Karimganj (N)
3. Shri Joy Prakash Tewari - Udarbandh
4. Shri Khorsing Engti - Howraghat
5. Shri Haliram Terrang - Baithalangso
6. Shri Samsing Hanse - Diphu.

They shall, therefore, be declared, under Sec. 6 of the 10th Schedule of 52nd Amendment of the Constitution Act, 1985 to have been disqualified for being Members of this August House underabove referred Act.”

The constitution (52nd Amendment) Act, 1985 is a memorable document in that it has removed the evil of political defection. It has come into force with effect from 15th February 1985. The disqualification on ground of defection has been defined in para 2 of the Tenth Schedule to the Constitution and covers an elected member of Parliament or a State Legislatue who has been elected as a candidate set up by a political party or a nominated member of Parliament or a State Legislature who is a member of a political party at the time he takes his seat or who-becomes a member of a Political Party within six months after he takes his seat would be disqualified on the ground on defection if he voluntarily relinquishes his membership of such Political Party or votes or abstain from voting in such House contrary to any direction of such party or is expelled from such party. Similarly, an independent member of Parliament or State Legislature shall also be disqualified if he joins any Political Party after his election.

Since in the present petition complaint has been made about the independent members allegedly joining a Political Party after election, I shall not make any reference to other provisions governing cases of other category of members.

It is a fact that the six candidates against whom complaint has been made contested the General Election held to the State Legislative

Assembly on December, 1985 as independents on free symbol. Subsequent to their election they applied for and became members of the Asom Gana Parishad on different dates but before the Asom Gana Parishad was registered by the Election Commission of India as a Political Party. The question to be decided is whether these six independent members who had contested the General Election on December 16, 1985 on free symbol would be subject to the disqualification under paragraph 2(2) of the Tenth Schedule to the Constitution for becoming members of Asom Gana Parishad which was not a Political Party but an Association of independent members at the time when these six candidates joined it.

Before I make any reference to the written as well as oral submissions made by Hon'ble Member Shri Santi Ranjan Das Gupta on behalf of all other signatories to the petition, I should like to mention a few facts which are relevant for the purpose of understanding the question in issue and these are-

The Asom Gana Parishad was formed on 14th October, 1985 at the Golaghat convention. The Asom Gana Parishad was not granted registration by the Election Commission of India as a Political party under para 3 of the Election Symbols (Reservation and Allotment) Order, 1968, hereinafter called the 'Symbols Order' at the time of election in December, 1985. The Asom Gana Parishad was accordingly not a 'Political Party' as defined in para 2(I) (h) of the Symbols Order at the time of Election in December, 1985. The result was that the members who had been put up by the Asom Gana Parishad contested as independents by reason of the Symbols order and they obtained the free symbol of "Elephant".. The six candidates whose alleged disqualification is now in question also contested the election as independent candidates and they also obtained different free symbols. The Asom Gana Parishad had extended support to these six candidates and had not set up any candidate in these constituencies with the 'Elephant' symbol. After the declaration of the results of the

General Election at which these six candidates were also declared to be successful candidates, they applied for admission to the membership of the Asom Gana Parishad and were duly admitted as members. At the time when six persons joined the Asom Gana Parishad, the said Asom Gana Parishad was not registered as a political party under the Symbols order. In fact, the Election Commission of India granted registration to the Asom Gana Parishad only on 25th February, 1986.

The question on which my decision is sought is whether the stand of the members of the United Minorities Front is correct or not.

Hon'ble Member, Shri Santi Rajan Das Gupta and other Complainants submitted a petition on 30th January, 1986 in the form of a letter. The complaint petition has not been supported by any verification or affidavit. I am therefore, not bound to accept the contention and act on the letter in absence of such verification or an affidavit. When Shri Snti Rajnan Das Gupta was asked as to why they did not comply with the requirement he replied "it is not necessary. Para 6 of Tenth Schedule says the matter should be referred to Speaker. So, this is a simple matter of referring. As per rule it is not our duty to file a petition." But it is most essential that every complaint petition should be signed by the petitioner/petitioners and verified in the same manner as the petition. But as mentioned above nothing has been done by the petitioner to comply with the requirements. Therefore, the complaint petition filed in the form of a letter by which the complainants are going to take away the rights of six Hon'ble Members is not legally maintainable.

Shri Santi Ranjan Das Gupta in reply to a question as to the definition of political party said that a political party has been defined in the Manual of Election Law in paragraph 2(1) (h). Here "Political Party" means an association or body of individual citizens of India registered with the Commission as a political party under paragraph 3 and includes a political party deemed to be registered with the Commission under the provision to sub-paragraph(2) of that para-

graph.

He also stated that classification of political parties has been made in the same order and said that political parties might be either recognised political parties or unrecognised political parties. In this connection he had read out relevant provisions of the Reservation of Symbols Order as follows:-

“A political party shall be treated as a recognised political party in a State, if and only if either the conditions specified in Clause (A) are, or the condition specified in Clause (B) is, fulfilled by that party and not otherwise, that is to say-

(A) that such party -

(a) has been engaged in political activity for a continuous period of five years; and

(b) has, at the general election in that State to the House of the People, or, as the case may be, to the Legislative Assembly, for the time being in existence and functioning returned,-

either (i) at least one member to the House of the People for every twenty-five members of that House or any fraction of that number elected from that State:

or (ii) at least one member to the Legislative Assembly of that State for every thirty members of that Assembly or any fraction of that member.”

Similarly, Shri Das Gupta has also referred to page No.292 of the Practice and Procedure of Parliament by Kaul and Shakhder and referred to different facilities provided to the political parties. He also contended that according to this provisions the members of the Asom Gana Parishad were given a block of seats inside the Chamber, Legislature Party room and Office room in the Assam Legislative Assembly Building. All these facilities have been provided to the Asom Gana Parishad because it is a recognised political party. Therefore the Asom Gana Parishad Party is a political party according to the Manual of Election Law and Practice and Procedure of Parliament by

Kaul and Shakhder including the Asom Gana Parishad "MUKHA PATRA."

In this connection the following extract from the proceedings may be set out below:

Mr. SPEAKER:- Whether any definition is there about the political party in the Constitution (52nd Amendment) Act?

Shri SANTI RANJAN DAS GUPTA:- The word "Political Party" is there. In this Manual of Election Law, there are two types of Political Parties-one is recognised and the other is unrecognised.

Mr. SPEAKER:- As per provision of Election Symbols Reserved Order, 1968, whether according to this order, the Asom Gana Parishad was a political party on the date of filing nomination and on the date of poll and also on the date of declaration of results?

Shri SANTI RANJAN DAS GUPTA:- From that point that was a political party from the date when the symbol was allotted to them and according to Rule 6(2) (A) and (B) on the date of election they have automatically become political party by obtaining 63 seats and more than 4% votes.

Mr. SPEAKER:- You have shown the gazette. As per gazette notification what is the status of Asom Gana Parishad including these six Independent Members?

Shri SANTI RANJAN DAS GUPTA:- As per direction of Election Commission they fought as Independent members with Common Symbol 'Elephant'. Their status was Independent.

The six Hon'ble members who had joined the Asom Gana Parishad after their election and against whom the present complaint petition has been filed appeared before me had each of them and submitted a written statement alongwith a copy of Notification dated 25th February, 1986 issued by the Election Commission according recognition to the Asom Gana Parishad and reserving the Symbol "Elephant" to Asom Gana Parishad and deleting the said Symbol "elephant" from the list of free symbols. All of them have also submitted a copy of

letter issued by the President-in-chief of the Asom Gana Parishad admitting them into the Asom Gana Parishad. From the records they supplied to me it appears all of them had joined the Asom Gana Parishad in the month of December, 1985 immediately after the results of the election were announced. All of them have admitted that they contested the 1985 election as independents but supported by the Asom Gana Parishad and that when they joined the Asom Gana Parishad it was an association of persons and not a political party as defined in para 2(1) (h) of the Election 'Symbols (Reservation and Allotment) Order, 1968. All of them have also asserted that the complaint petition in the form of the letter is not legally maintainable and is liable to be rejected.

As regards the contention of Shri Das Gupta that a 'Political party' may be a recognised political party or 'unrecognised political party' it may be stated that the answer to this points is very much obvious in the Election Symbols (Reservation and Allotment) Order, 1968.

Para 6(1) of the order deals with classification of political parties and states that "political parties are either recognised political parties or unrecognised political parties. Again what is a recognised political party has been defined in para 6(2) of the order which I have already referred to. Para 6 of the Symbols order deals with 'Political Parties'. The expression 'political party' is defined in para 2(1) (h) of the said order and it, inter alia, means an Association or body of individual citizens of India registered with the Commission as political party under para 3. Para 3 of the Symbols Order lays down the procedure for obtaining registration as a political party from the Election Commission of India and the Commission is empowered to decide either to register the Association or Body as a Political Party, or not to register it and the decision of the Commission has been made final. No order has been placed to show that the Commission had registered the Asom Gana Parishad as a Political Party under para 3 of the Symbols order either at the time of the election or at the time

when these six persons joined the Asom Gana Parishad. That being the position reliance on para 6 of the Symbols order does not advance the case of Shri Das Gupta.

Similarly reliance on certain passages from 'Practice and Procedure of Parliament' by Kaul and Shakhder also does not advance the case of Shri Das Gupta and on the basis of the said passages it is difficult to hold that the Asom Gana Parishad was a political party at the time when these six members joined the said party so as to attract the disqualification under para 2(2) of the Tenth Schedule to the Constitution.

I now come to the question of definition of Political Party. The phrase "Political Party" occurs in the Tenth Schedule to the Constitution which deals with elections and disqualification of members. The Scheme of the Tenth Schedule adheres to a great extent to the scheme of the Symbols Order as the question of registering a political party, recognising a political party and allocating a symbol thereto and dealing with the question of a split in a Political party are all matters dealt with in the Symbols order. The phrase "Political Party" is defined in para 2 (1) (h) of the Symbols Order and read as follows: "Political party" means an association or body of individual citizens of India registered with the Commission as a political party under paragraph 3 and includes a political party deemed to be registered with the Commission under the provision to sub-paragraph(2) of that paragraph."

Thus a political party for the purpose of Election is only a political party which is registered by the Election Commission of India and thereafter recognised for the purpose of election.

Any attempt to give a meaning to the phrase 'Political Party' other than as understood in the Symbols Order would be contrary to the Rules of construction and may also lay open the constitutional amendment to challenge on the ground that it may affect the basic structure of the Constitution. It has to be remembered that the phrase



occurs in provision of the Constitution and that too provisions made by amending the Constitution long after the making of the Symbols Order. It has also to be remembered that the consequence caused by the Tenth Schedule to the Constitution on a member of the Legislature is drastic. Considering the mischief sought to be eliminated and having regard to the consequence that may follow, I am inclined to construe the phrase 'political party' in para 2(2) of the Tenth Schedule not in a wide sense but as a political party which is registered by the Election Commission of India and thereafter recognised for the purpose of election.

In this background, I am sure that any attempt to give a meaning to the phrase "Political Party" other than as defined in para 2(1) (h) of the Symbols Order would be contrary to the rules of construction. Therefore, the meaning to be attributed to the phrase "Political Party" would be the meaning in which it is understood in the Symbols Order, i.e., a party which has been registered or recognised for the purpose of an election. The Asom Gana Parishad was not a party which has been registered on the date of poll, namely 16th December 1985. It was not a party which was registered or recognised on the date when the six independent members applied for membership of the Asom Gana Parishad and became members thereof. When they became members of the Asom Gana Parishad, they did not become members of a political party within the meaning of paragraph 2(2) of the Tenth Schedule to the Constitution. I, therefore, declare that these six members who had been elected as Independents and subsequently joined the Asom Gana Parishad before 24th February 1986 are not subject to the disqualification under paragraph 2(2) of the Tenth Schedule and are not guilty of defection as contemplated by the Tenth Schedule to the Constitution. Accordingly, the petition is dismissed.

**(2) COMPLAINT PETITION OF (1) SHRI ABDUL JABBAR  
(2) SHRI SANTI RANJAN DASGUPTA AND SEVEN  
OTHER MEMBERS.**

Shri Abdul Jabbar, a Member of the Assam Legislative Assembly belonging to the United Minorities Front Party submitted a petition on 8th August, 1988 against Shri Santi Ranjan Dasgupta and 7 other Members of the Assam Legislative Assembly belonging to the United Minorities Front Party on the grounds of defection on the provision of the tenth schedule to the Constitution of India.

Shri Santi Ranjan Das Gupta, Dr. Ardhendu Kumar Dey, Shri Afzalur Rahman, Moulana Abdul jall Ragibi, Shri Sheikh Saman Ali, Shri Yusuf Ali Ahmed, Shri Gopinath Das and Shri Abul Hussain Sarkar, members of the Assam Legislative Assembly belonging to the United Minorities Front Legislature party submitted a petition on 8th July, 1990 informing the Speaker, Assam Legislative Assembly about their decision of joining Congress(I) and requested the Speaker to declare them as member of the Congress (I) Legislature Party.

The Speaker announced his decision in the House on 10th October, 1990 on the above mentioned petitions.

The full text of his decision reads as follows:

Order order, I now rise to give my decision on a complaint petition filed by Hon'ble Member, Shri Abdul Jabbar, a Member of the United Minority Front Legislature Party on 8th August, 1990 against the Hon'ble Members, Shri Santi Ranjan Das Gupta, Dr. Ardhendu Kumar Dey, Shri Afzalur Rahman, Moulana Abdul Jalil Ragibi, Shri Sheikh Saman Ali, Shri Yusuf Ali Ahmed, Shri Gopinath Das and Shri Abul Hussain Sarkar all Members of the United Minority Front Legislature Party of this August House on the ground of defection under the tenth schedule of the constitution of India. I also received a petition from the above Hon,ble Members on 8.7.92 informing me about their decision of joining Congress (I) and requesting me to declare them as Members of the Congress (I) Legislature Party. I have

examined and considered both the petitions and heard them in person. Under rule 8(2) of the Members of Assam Legislative Assembly (Disqualification on grounds of Defection) Rules, 1986 every decision declaring a Member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in Session and if the House is not in Session immediately after the House reassembles. As all the Hon'ble Members know, that probably this is the last Session of the 8th Assembly and to-day being the last day of this Session, I have no other alternative but to pronounce my decision in the August House to-day to fulfil the requirement of the rule mentioned above.

Hon'ble Member, Shri Abdul Jabbar's main contention is that his complaint attracts the provision of Section 2(1) (a) of the Tenth Schedule of the Constitution of India which is as follows:-

**Section 2: Disqualification on the ground of defection (I) subject to the provisions of paragraphs 3, 4 and 5 a member of a House belonging to any political party shall be disqualified for being a member of the House (a) if he has voluntarily given up his Membership of such political party.**

Shri Jabbar's case is that though there is a split in the U.M.F. to and the Speaker has recognised the split by his announcement in the House dated 4.12.89 and 11.4.90 the Election Commission of India has not yet recognised any of the group as a political party.

It is an admitted position as of today that both the groups of the U.M.F. one headed by Shri Abdul Jabbar and the other headed by Shri A.F. Golem Osmani have applied to the Election Commission of India for recognition as a political party but no decision has yet been given by the Election Commission of India.

So each of the faction is a group representing a faction which has arisen as a result of a split in the original U.M.F. which is still the original political party in this case, Section 3(b) of the Tenth Schedule is also very clear in this regard which reads as follows:-

3 (b) From the time of such split, such faction shall be deemed to be the political party to which he belongs...

Now, let us examine whether the joining in the Congress(I) by the above named 8(eight) members of the U.M.F. will or will not attract the provision of Section 2(I) (a) of the Tenth Schedule. It is also an admitted position that all the 8(eight) members named above have voluntarily joined in Congress(I). All the above eight Members have given me in writing that they have joined the Congress(I) and they have individually admitted before me in this hearing that they have signed in the petition by which they have informed me about their joining the Congress(I). Thus, all the 8(eight) members have admitted that they have joined Congress(I) and as such they are no longer members of the U.M.F. the original political party of which they belonged and from which they were elected.

Now Paragraph 4(2) of the Tenth Schedule says that:-

“For the purpose of sub-paragraph(1) of the paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two thirds of the Members of the Legislature Party concerned have agreed to such merger.”

U.M.F. Legislature Party consisting of two groups as declared have 17 Members and to the two thirds of that Legislature Party, the numerical number of members should be twelve. In the instant case only eight members have claimed that they have merged with Congress(I). Their contention before me is that they belong to UMF (Jabbar) groups which consists of twelve members and as they are eight members, they, fulfill the requirement of paragraph 4(2) of the Tenth Schedule.

Shri Santi Ranjan Das Gupta has argued before me that the petition filed by Shri Abdul Jabbar is not maintainable as it does not fullfill the requirement of the provisons of the Members of Assam Legislative Assembly (Disqualification on Ground of Defection) Rules,

1986, I don't propose to go into details of his argument in view of the fact that all the 8(eight) Members involved in this hearing have admitted before me that they had filed a petition dated 26.6.90 received by me on 8.7.90 informing that they have joined in Congress(I). The petition is as follows:-

To  
The Speaker,  
Assam Legislative Assembly.

Sub:- Merger of UMF (S) with Congress(I).

Sir,

*In pursuance of the decision of its Executive Body the U.M.F. (Santi Ranjan Das Gupta) Party has merged with Congress(I) on the 14th of June, 1990.*

*Consequent upon such merger, the undersigned MLAs. of U.M.F.(J) Group have joined Congress(I) and they may be declared as Members of the Congress(I) Legislature Party in the Assam Assembly.*

*Yours faithfully,*

**Santi Ranjan Das Gupta,**

**Sheikh Saman Ali**

**Yusuf Ali Ahmed**

**Ardhendu Kr. Dey**

**Afzalur Rahman**

**Gopi Nath Das**

**Moulana Abdul Jalil Ragibi**

**Abul Hussain Sarkar.**

I asked all of them individually whether they have joined Congress(I) and whether they have signed in the petition. All admitted before me that they have joined Congress(I) and that they have also put their signatures in the petition.

The accepted maxim of the law is that "what is admitted need not be proved. "So, in view of their admission, I do not think it necessary to go into details of the arguments put forward for and against by both the contesting parties.

In the petition mentioned above, it is claimed that U.M.F. (Santi Ranjan Das Gupta) Party has merged with Congress (I) on 14th of June, 1990. There is no U.M.F. (Santi Ranjan Das Gupta) Party recognised as such by the Election Commission of India. It is not a Legislature Party recognised and registered as such.

In this connection I quote my previous decision on a complaint petition dt. 30th January, 1986 filed by Hon'ble Member Shri Santi Ranjan Das Gupta and 14th others. The phrase "Political Party" occurs in the Tenth Schedule to the Constitution which deals with elections and disqualification of members. The Scheme of the Tenth Schedule adheres to a great extent to the scheme of the Symbols Order as the question of registering a political party, recognising a political party and allocating a symbol thereto and dealing with the question of split in Political Party are all matters dealt with in the Symbols order. The phrase "Political Party" is defined in para 2(1) (h) of the Symbol Order and read as follows:-

"Political Party" means an association or body of individual citizens of India registered with the Commission as a political party under paragraph 3 and includes a political party deemed to be registered with the Commission under the provision to sub-paragraph (2) of that paragraph."

Thus a political party for the purpose of Election is only a political party which is registered by the Election Commission of India and thereafter recognised for the purpose of election.

Any attempt to give a meaning to the phrase 'Political Party' other than as understood in the Symbols order would be contrary to the Rules of construction and may also lay open the Constitutional Amendment to challenge on the ground that it may affect the basic structure of the Constitution. It has to be remembered that the phrase occurs in provisions of the Constitution and that to provisions made by amending the Constitution long after the making of the Symbols Order. It has also to be remembered that the consequence caused by the Tenth Schedule to the Constitution on a Member of the Legislature is drastic. Considering the mischief sought to be eliminated and having regard to the consequence that may follow, I am inclined to construe the phrase 'Political Party' in para 2(2) of the Tenth Schedule not in a wide sence but as a political party which is registered by the Election Commission of India and thereafter recognised for the purpose of election."

So, under no circumstances, it can be held that a political party has merged with another political party. As such I am constrained to hold that only eight members of the U.M.F. Legislature Party have joined Congress(I) and as this group of eight does not constitute two thirds of the original political party i.e. U.M.F. and hence this group of eight falls under the provision of paragraph 4(2) of the Tenth Schedule of the Constitution of India. As such I hold that this is a case of defection pure and simple as all the eight members named above have joined another plitical party without complying the mandatory provision of paragraph 4(2) of the Tenth Schedule of the Constitution of India which will sufficiently lead to be construe to attract the provision of paragraph 2(1) (a) of Tenth Schedule of the Constitution of India.

Taking into consideration all the facts and circumstances of the case, I hereby decide, declare and order as follows:

In exercise of the power conferred upon me under paragraph 6(1) of the Tenth Schedule of the Constitution of India I, **Shri Pulakesh**



Barua, the Speaker of the Assam Legislative Assembly, hereby decide that Shri Santi Ranjan Das Gupta, Shri Sheikh Saman Ali, Shri Yusuf Ali Ahmed, Shri Ardhendu Kumar Dey, Shri Afzalur Rahman, Shri Gopi Nath Das, Shri Abdul Jalil Ragibi and Shri Abul Hussain Sarkar who were elected as United Minority Front Members of the Assam Legislative Assembly from the 91 Hojai, 38 Goalpara West, 26 Bilasipara, 92 Lumding, 39 Jaleswar, 48 Boko (SC), 90 Jamunamukh, 88 Samaguri Constituencies respectively have become subject to disqualification under the 10th Schedule of Constitution of India for being Members of the Assam Legislative Assembly with immediate effect and I declare accordingly under rule 8(1) of the Members of Assam Legislative Assembly (Disqualification on Grounds of Defection) Rules, 1986.”

**PART-II****DECISION ON MISCELLANEOUS MATTER PERTAINING TO STARRED QUESTION RELATING TO ALLEGED COMPLAINT AGAINST THE AGRICULTURE DEPARTMENT.****POINTS RAISED THROUGH THE DEVICE OF STARRED QUESTION RELATING TO PURCHASE OF POTATO SEEDS BY THE AGRICULTURE DEPARTMENT.**

On 4.3. 1987, the Hon.Minister, Agriculture Shri Nilamoni Das replying to the Starred Question No.29 asked by the Hon.Member Shri Hemen Das stated that seed potato was purchased at the rate of Rs.750.00 per quintal. When Shri Hemen Das wanted to know whether any person in Assam purchased potato at Rs. 7.50 K.G. at the time when potato was purchased at Rs. 750/- per quintal, the Minister replied that the persons for whom the potato seeds were purchased were not salaried persons but they were flood affected farmers and the potato seeds were supplied at a subsidised rate. He further informed the House that the suppliers and purchasers were traders. Shri Hemen Das then asserted that no cultivators in Assam purchased potato at Rs. 740/- and nobody in India also purchased potato at that rate. He therefore, wanted to know why the Agriculture Department of the Government of Assam purchased potato at such a high rate. The Minister, Agriculture in reply stated that the potato which was purchased was supplied as potato seeds and the same was purchased after inviting tenders by the Assam Seeds Corporation. The price of Rs. 7.40 per K.G. was fixed on the basis of the price quoted by the tenderers plus the transport cost. Therefore, the cost of potato seed became Rs. 7.40 per K.G. i.e. Rs. 7.00 plus the transport cost. He also stated that at that time, the price of potato in the Market was Rs. 6.50 per kg. Challenging the reply of the Minister that potato was sold at Rs. 6.50 in the market. Shri Hemen Das announced that he would

resigned from the membership of the Assam Assembly if it could be established that potato was sold in the Assam market at Rs. 6.50 per Kg. Clarifying his reply, the Minister again stated that there was a difference between the table potato and seed potato. According to him, he had no knowledge about selling seed potato in the Guwahati market. Hon. Member Shri Zoii Nath Sarma also wanted to know the quantity of potato purchased and the amount of money paid and whether the Minister was aware that in the name of seed potato, was purchased from the Fancy Bazar, Guwahati and such uncertified potato seeds were distributed. The Minister admitted that the allegation of Hon. Member Shri Zoii Nath Sarma that some quantity of potato was purchased from Fancy Bazar was partially correct. He also further stated that he took necessary steps to prevent distribution of potatoes amongst the farmers which were alleged to have been purchased from Fancy Bazar as seed potatoes.

The replies to Supplementary Questions created great apprehension in the minds of the members and there was a demand for the constitution of an Inquiry Committee of the House.

The relevant proceedings of the House pertaining to the Starred Question No.29 including the Supplementary Questions with replies are given below:-

মাননীয় কৃষি বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্রহ কৰি জনাবনে :

(ক) ১৯৮৬ চনৰ বানপীড়িত কৃষকৰ মাজত বিতৰণৰ বাবে চৰকাৰে কিমান কুইণ্টল আলু আৰু গম-কিনিছিল?

(খ) কাৰ পৰা কিনিছিল আৰু প্ৰতি কুইণ্টলত কিমান দাম কিমান?

উত্তৰ : কৃষি বিভাগৰ মন্ত্ৰী : শ্ৰী নীলমণী দাসে উত্তৰ দিছে : (ক) ১৯৮৬ চনৰ বানপীড়িত কৃষকৰ মাজত বিতৰণৰ বাবে চৰকাৰে ৩১,৪৫০,১৩৫ কুইণ্টল আলুৰ বীজ আৰু ২,৯৭৩,৩২ কুইণ্টল ঘেহুৰ বীজ কিনিছিল।

ইয়াৰ পাচত মাননীয় সদস্য শ্ৰীহেমেন দাসৰ পৰিপূৰক প্ৰশ্নৰ উত্তৰত তেতিয়াৰ মাননীয় কৃষি বিভাগৰ মন্ত্ৰীয়ে তলত উল্লেখ কৰা মতে কৈছিল।

শ্ৰী হেমেন দাস : মাননীয় অধ্যক্ষ মহোদয়, অসম চৰকাৰে প্ৰতি কুইণ্টল চাউল ৭৫০ টকাকৈ কিনিছিল, মই মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে সেই সময়ত অসমৰ কোন মানুহে নিজৰ দৰমহাৰ পইচাৰে

কেজিত ৭.৫০ টকা দামত আলু কিনিছিল ?

শ্ৰী নীলমনি দাস (কৃষি মন্ত্ৰী) : অধ্যক্ষ মহোদয়, মই মাননীয় সদস্যৰ স্নাতকৰ্থে জনাও যে যিসকলে প্ৰতি কেজিত ৭.৫০ টকাকৈ আলু কিনিছিল তেওঁলোকে দৰমহা লোৱা চাকৰিয়াল নাছিল, তেওঁলোক খেতিয়ক আছিল। তেওঁলোক বানপীড়িত অঞ্চলৰ কাৰণে চৰকাৰে ৰেহাই মূল্যত আলু দিছিল। যিবিলাকে যোগান ধৰিছিল তেওঁলোকো চাকৰিয়াল নাছিল, ব্যৱসায়ী আছিল।

শ্ৰী হেমেদ দাস : মই মন্ত্ৰী মহোদয়ক জনাব বিচাৰো কোনো খেতিয়কে চাৰে সাত টকাত আলু কিনা নাই, আসম আৰু ভাৰতবৰ্ষৰ কোনো মানুহেই কিনা নাই। তেনে ক্ষেত্ৰত মই জানিব বিছাৰিছো অসম চৰকাৰৰ কৃষি বিভাগে কিয় ইমান দাম দি আলু কিনিছিল।

শ্ৰীনীলমণি দাস (মন্ত্ৰী) : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় সদস্য গৰাকীয়ে বোধকৰো জানে যে যিখিনি আলু কিনা হৈছিল সেইখিনি বীজ হিচাবে যোগান ধৰা বৈছিল আৰু এইখিনি ক্ৰয় কৰা হৈছিল নিবিদাৰ পিচতহে। নিবিদা যিমতে আহুন কৰা হৈছিল, সেইখিনি অসম বীজ নিগমৰ দ্বাৰা কৰা হৈছিল। নিবিদাৰ মানৰ ওপৰত আৰু যান বাহনৰ খৰচ ধৰি প্ৰতি কুইণ্টল আলুৰ দাম ৭৪০ টকা ধাৰ্য কৰা হৈছিল। টকাৰ পৰা গৈ সেইকাৰণে ৭.৪০ পইচা হৈছিল। প্ৰতি কেজি আলুৰ মূল্য নিবিদাৰ যোগেৰেহে ধাৰ্য কৰা হৈছিল। বাহিৰত প্ৰতি কুইণ্টল আলুৰ মূল্য ৬.৫০ টকা আছিল। বাহিৰত যিখিনি সময়ত আলুৰ মূল্য ৬.৫০ পইচা আছিল বুলি কৈছে সেইটো যান বাহনৰ খৰচৰ কাৰণে অসমত ৭.৪০ পইচা নিবিদাৰ যোগেদি ধাৰ্য কৰা হৈছিল।

শ্ৰী হেমেদ দাস : মই বিধান সভাৰ পদত্যাগ কৰিম যদিহে সেই সময়ত আলুৰ দাম অসমত প্ৰতি কেজিত ৬.৫০ পইচা আছিল। অসমত হাজাৰ হাজাৰ মানুহে আলু খেতি কৰিছে সেই কাৰণে মই দাবী কৰিছো এখন তদন্ত কমিটী গঠন কৰি দিব লাগে।

শ্ৰীনীলমণি দাস (মন্ত্ৰী) : মাননীয় সদস্য গৰাকীয়ে বোধহয় জানে যে টেবুল পটেটো আৰু চীড পটেটোৰ মাজত পাৰ্থক্য আছে। গুৱাহাটীত বোধহয় চীড পটেটো বেচা নহয়। চাৰ্টিফাইড চীড পটেটো বজাৰত বিক্ৰী কৰা চকুত পৰা নাই।

শ্ৰী হেমেদ দাস : অধ্যক্ষ মহোদয়, মন্ত্ৰী মহোদয়ে একো নাজানে। চৰ মই ১৯৫১ চনৰ পৰাই আলু খেতি কৰি আছো আৰু এই বেলিও আলু খেতি কৰিছো। অসমৰ কোনো খেতিয়কে যিহেতু ইমান দামত আলুৰ বীজ কিনা নাই, অসম চৰকাৰে কিয় ইমান দামত আলু কিনিবলগীয়া হ'ল। এই বিষয়টো এ.জি.পি পক্ষৰ সদস্যৰ দ্বাৰা তদন্ত কৰিব লাগে।

শ্ৰীজয়নাথ শৰ্মা : আলু বীজৰ নামত সৰ্বমুঠ কিমান টকাৰ আলুৰ বীজ কৃষি বিভাগে কিনিছে? আৰু এই কথা মন্ত্ৰী মহোদয়ে জানেনে বীজ বুলি ফাঁচী বজাৰৰ পৰা আনচাৰ্টিফাইড আলুৰ বীজ কিনি অনাতো?

হুলস্থল পৰিবেশ

মাননীয় অধ্যক্ষ মহোদয়, মোৰ দুটা প্ৰশ্ন ১নং হ'ল আলুৰ বীজ সৰ্বমুঠ কিমান টকাৰ কিনা হৈছিল, ২নং প্ৰশ্ন মাননীয় মন্ত্ৰী মহোদয়ে এনে ধৰণৰ অভিযোগৰ কথা জানেনে যে বীজৰ নামত ফাঁচী বজাৰৰ পৰা আনচাৰ্টিফাইড আলু বিতৰণ কৰা হৈছে।

শ্রী নীলমণি দাস (মন্ত্রী): শ্রদ্ধেয় মাননীয় সদস্য জয়নাথ শর্মা ডাঙৰীয়াই যিটো প্ৰশ্ন আনিছে সেইটো কিছু পৰিমাণে সঁচা আৰু মাননীয় যিসকল সদস্যই এই সদনত উত্থাপন কৰিছে, প্ৰথম এইজন মন্ত্ৰীৰ চকুতেই পৰিছিল আৰু তাৰ পাচত মই যি ঠাইত তেনেকুৱা আলুৰ বীজ কিনিছিলো সেইবোৰ যাতে বিতৰণ কৰা নহয় তাৰ বাবে মই ব্যৱস্থা লৈছো। বিভাগীয় যিখিনি খেলিমেলি এই ক্ষেত্ৰত হৈছে বা অভিযোগ আহিছে সেইখিনি কথা পুংখানুপুংখ ৰূপে বিচাৰ কৰিবলৈ ইতিমধ্যে তদন্ত চলোৱা হৈছে।

শ্রী হেমেন দাস : অসম গণ পৰিষদৰ সদস্য সকলক লৈয়েই এখন তদন্ত কমিটি গঠন কৰিব লাগে।

মাননীয় অধ্যক্ষ : এই গোটেই বিষয়টো গুৰুত্বপূৰ্ণ, এই বিষয়ে মই মাননীয় মন্ত্ৰী মহোদয়ৰ লগত আলোচনা কৰি কেনে ধৰণৰ ব্যৱস্থা লব পৰা যায় আৰু এই বিষয়টো এই তদন্ত কমিটিৰ দ্বাৰা তদন্ত কৰিব পৰা যায় নেকি এই বিষয়ে যি সিদ্ধান্ত হয় সেইটো মই পিচত জনাম।

The Hon. Speaker had given a good deal of thought to the matter, as the replies to the original as well as supplementary questions created a great apprehension in the minds of the members. Since the Hon. Members brought serious allegations and since the Minister, Agriculture also admitted some of the allegations, the Speaker after hearing the submission of both side felt that an enquiry by a Committee of the House would bring the truth to light. Accordingly, the Hon. Speaker constituted three members Inquiry Committee consisting of the Committee on Public Accounts, the Chairman on Estimates and the Chairman, Committee on Public Undertakings, Assam Legislative Assembly to enquire into the whole matter.

The full text of the ruling is as follows:

“I hereby inform the Hon’ble Members of the House that in reply to Starred Question No.29 asked by Hon’ble Members Shri Hemen Das, the Hon’ble Minister, Agriculture Shri Nilamani Das said that the price of potato was fixed at Rs. 7.40 paise. In reply to another Supplementary Question as to who and how the potatoes were purchased, the Hon’ble Minister Agriculture replied that the potatoes were purchased by the Seeds Corporation after inviting tender and the price of Rs 7.40 paise per K.G. was fixed taking into consideration all other expenses. The Hon’ble Member, Shri Hemen Das then challenged the Hon’ble Agriculture Minister that at no time the price of potato was Rs. 6.50 paise per K.G. in Assam and he challenged that if it could

be proved that potato was sold in Assam Market at Rs 6.50 per K.G. at the time when this potato was purchased at Rs. 7.40 per K.G. by the Seeds Corporation, he would resign. He also demanded to constitute an Enquiry Committee to enquire into the whole matter. The Hon'ble Member, Shri Zoi Nath Sarma, also wanted to know the total amount spent for purchasing this potato seeds and whether the Hon'ble Minister know that uncertified seed potatoes were purchased from Fancy Bazar. In this connection, I have also persued the statement of the Hon'ble Chief Minister made on 18-12-86 when he himself admitted that the Seed Corporation was not functioning well and that uncertified seeds were purchased from Fancy Bazar. From the replies to Starred Question No. 29 and supplementaries thereon the following points emerged:

That in the year 1986 the Government procured 31,450,135 quintals of seed potato and 2,973,32 quintals of wheat for distribution amongst the flood affected cultivators and the procured price of potato was Rs. 750.00 per quintal, after taking into account the cost of transport etc. and wheat at Rs. 455.00 per quintal.

The seed potato was purchased by the Assam Seed Corporation by calling tenders and these were certified seeds. The suppliers of seeds were traders.

Shri Hemen Das asserted that nobody in Assam, not even in India, purchased potato at Rs.. 7.50 paise per K.G. in the year 1986. Shri Zoi Nath Sarma alleged that in the name of purchasing certified potato seeds potato was purchased from Fancy Bazar, Guwahati and that these were uncertified.

The Mnister Agriculture said that at that time the potato was sold at Rs. 6.50 paise per K.G. in the outside market. After taking into account the cost of transport the rate per K.G. came up to Rs. 7.40 in Assam, and the rate was determined by calling for tenders. With regard to the allegation of Shri Zoi Nath Sarma that the potato was actually purchased from Fancy Bazar, Hon'ble Minister said that the

allegation was partially correct and that it first came to the notice of the Hon'ble Minister himself and he stopped distribution of seed potatoes.

The contention that the potato was purchased from Fancy Bazar and not from outside also finds coroboration from the speeches of the Hon'ble Chief Minister made in the House as far back as on 18-12-86.

The reply of the Hon'ble Minister, Agriculture that seed potato was purchased at Rs. 7.40 per K.G. has created some aprehension in the minds of the people and in order to remove the apprehension, in the minds of the people and in order to remove the apprehension I feel that the matter should be throughly enquired into. Accordingly, I constitute an Enquiry Committee with three Hon'ble Chairman of three Financial Committees as follows:-

1. Shri Abdul Muqtadir Choudhury, Chairman, Public Accounts Committee.
2. Shri Dinabandhu Choudhury, Chairman, Estimate Committee.
3. Shri Kumar Deepak Das, Chairman, Public Undertakings Committee. I also appoint the Secretary, Assam Assembly as the Secretary to the Committee. The Committee will submit its report within three months from the date of constitution."

**DECISION ON MISCELLANEOUS MATTER PARTAINING  
TO STARRED QUESTION RELATING TO ALLEGED COM-  
PLAINT AGAINST THE MUNICIPAL  
ADMINISTRATION DEPARTMENT.**

**POINT RAISED THROUGH THE DEVISE OF STARRED  
QUESTION ABOUT THE REMISSION OF THE SETTLE-  
MENT VALUE GRANTED TO THE LESSEES OF THE TWO  
BAZARS IN BONGAIGAON MUNICIPALITY  
AFFECTED BY FLOOD.**

Honourable Member Shri Phani Bhusan Choudhury through the procedural devise of Starred Question No. 326 during the Budget Session of the Assembly, 1989 raised certain points to the Minister, Municipal Administration as to whether the lessees of the two Bazars in Bongaigaon Municipality were granted remission of the settlement value for the loss caused due to flood. Secondly, he also wanted to know the exact amount of remission granted to the above said lessees on the plea of flood damage, though there was flood in the Bongaigaon Town during the relevant period.

In course of reply on the floor of the House on 24th April, 1989 the Minister, Municipal Administration stated that the grant of remission to the lessees of the two Bazars under the Bongaigaon Municipal Board was not true.

The Minister however stated that 20% remission to the lessees of the Bazars in Bongaigaon was granted considering the losses caused to the said lessees due to frequent Bandh and fish disease. In a supplementary question it was also raised whether 20% remission was granted over the settlement values of the Bongaigaon Bazars on the plea of flood damage and also wanted to know from the Minister as to whether the F.D.R. grant was sanctioned to the Bongaigaon Municipal Board. Raising further supplementaries, Members Shri Maidul Islam Bora and Shri Digen Chandra Bora wanted to know as to whether the Local Bodies viz. Municipal Boards/Town committees



had to pay 20% at Dispur for the grants/loans and F.D.R. grants sanctioned to these Municipal Boards/ Town Committies by Government. Digen Chandra Bora further said that those Municipal Boards/ Town Committies had adopted resolution of the effect that they would pay 20% of the amount at Dispur sanctioned in the shape of F.D.R grants by Govt. He also pointed out that the Dhing Town Committee was one of the examples. Several members participated in the discussion and made complaints against the Municipal Administration Department when the Minister emphatically replied negatively. This had created an uproarious situation in the House and in the din of bustle, several Members of both sides of the House demanded an immediate enquiry over the alleged complaint against the Municipal Administration Department. The Leader of the House intervened and expressed his views that as the complaint was raised in the House, a high power Committee should be instituted to conduct an enquiry into the matter.

The question asked by Honourable Member Shri Phani Bhusan Choudhury and Supplementaries raised by him and other Members with replies from the relevant to be referred to hereunder:-

নং ৩২৬ : শ্রী ফনী ভূষণ চৌধুরী : মাননীয় পৌর প্রশাসন বিভাগৰ মন্ত্রী মহোদয়ে অনুগ্রহ কৰি জনাবনে?

(ক) বঙাইগাঁও পৌৰ সভাৰ হাট বজাৰ দুখনৰ বঙাইগাঁও চহৰত বানপানী হোৱা হেতুকে বন্দোবস্তী মূল্যৰ ওপৰত বেহাই দিয়া কথাটো সত্য নেকি?

(খ) যদি সত্য হয়, কিমান টকা বেহাই দিছে?

(গ) বঙাইগাঁও চহৰত বানপানী নোহোৱাকৈয়ে বানপানীৰ অজুহাতত কৰা বন্দোবস্তীৰ মূল্য বেহাই দিয়া কথাটোও সঁচানে?

পৌৰ প্রশাসন বিভাগৰ মন্ত্রী শ্রী চহিদুল আলম চৌধুরী :

(ক) সত্য নহয়। বঙাইগাঁও বজাৰত বেমাৰী মাছ বেচা নিষিদ্ধ কৰা আৰু সঘনাই বন্ধৰ কাৰ্যসূচীৰ অজুহাতত বেহাই দিয়া হয়।

(খ) বন্দোবস্তী মূল্যৰ ওপৰত শতকৰ ২০ ভাগ।

(গ) প্ৰশ্ন নুঠে।

শ্রী ফনীভূষণ চৌধুরী : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় মন্ত্রী মহোদয়ে (গ) প্ৰশ্নোত্তৰত কৈছে যে 'প্ৰশ্ন

নুঠে'। কিন্তু মাননীয় মন্ত্রী মহোদয়ে কোবা কথাটো সত্য নহয়। বঙাইগাওঁ পৌৰ সভাৰ হাট-বজাৰ দুখনৰ লেছৰ বঙাইগাওঁ চহৰত বানপানী হোবা হেতুকে বন্দোবস্তী মূল্যৰ ওপৰত বেহাই দিয়া হৈছে শতকৰা ২০ ভাগ। বানপানী হোৱাৰ অঙ্কুহাতত এই টকা বেহাই দিয়া হৈছে। 'এফ, ডি, আৰ'ৰ টকা বঙাইগাওঁ পৌৰ সভাত দিয়া হৈছেনে নাই সেইটো মাননীয় মন্ত্রী মহোদয়ে জনাবনে?

শ্ৰী চহিদুল আলম চৌধুৰী (মন্ত্রী) : মাননীয় অধ্যক্ষ মহোদয়, এইটো চাব লাগিব।

শ্ৰী মইদুল ইচলাম বৰা : মাননীয় অধ্যক্ষ মহোদয়, পৌৰ সভাৰ অন্তৰ্গত যিবিলাক হাট বজাৰ আদিক অনুদান আদি দিয়া বা বন্দোবস্তী আদি দিয়া হয় তাৰ শতকৰা ২০ ভাগ দিশপূৰলৈ আহে। এই শতকৰা ২০ ভাগ দিশপূৰৰ ক'ত দিয়া হয় সেইটো মাননীয় মন্ত্রী মহোদয়ে জনাবনে?

শ্ৰী চহিদুল আলম চৌধুৰী (মন্ত্রী) : মাননীয় অধ্যক্ষ মহোদয়, তেনেকুবা অভিযোগ মই এতিয়ালৈকে পোৱা নাই। পালে নিশ্চয় ব্যবস্থা লম।

শ্ৰী দীগেন বৰা : মাননীয় অধ্যক্ষ মহোদয়, অসম গণ পৰিষদ চৰকাৰৰ দিনত যিবিলাক 'এডহুক কমিটিয়ে' কাৰ্য পৰিচালনা কৰি আছে সেই বিলাক কমিটিয়ে প্ৰস্তাৱ লৈ তেনেকৈ পইচা দি আছে? এইটো বিভাগীয় মন্ত্রী মহোদয়ে নাবনে।

(সদনত এক শ্বলশ্বলীয়া পৰিবেশৰ সৃষ্টি হয়)

শ্ৰী চহিদুল আলম চৌধুৰী (মন্ত্রী) : মাননীয় অধ্যক্ষ মহোদয়, আমি তেনেকুবা অভিযোগ এতিয়ালৈকে পোৱা নাই। পালে ব্যবস্থা লম।

শ্ৰী অৰ্দ্ধেন্দু কুমাৰ দে : মাননীয় অধ্যক্ষ মহোদয়, লক্ষীমপুৰ জিলাৰ জিলা টাউন কমিটিয়েও তেনে প্ৰস্তাৱ লৈ টকা দিশপূৰলৈ প্ৰেৰণ কৰিছে।

শ্ৰী দীগেন বৰা : মাননীয় অধ্যক্ষ মহোদয়, মই নিজৰ টাউন কমিটিৰ কথাই কৈছো। দিশপূৰলৈ পইচা পঠিয়াব লাগে। সেইদৰে প্ৰায় বিলাক টাউন কমিটিৰ কথাই দিব পাৰো। কমিটি বিলাকে প্ৰস্তাৱ লৈছে যে, দিশপূৰলৈ পইচা পঠিয়াব লাগে।

শ্ৰী চহিদুল আলম চৌধুৰী (মন্ত্রী) : মাননীয় অধ্যক্ষ মহোদয়, তেনেকুবা প্ৰস্তাৱ মোৰ বিভাগত এতিয়ালৈকে পোৱা নাই।

শ্ৰী অৰ্দ্ধেন্দু কুমাৰ দে : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় সদস্যজনে মিছা কথা কৈছেনে, মাননীয় মন্ত্রী ডাঙৰীয়াই মিছা কথা কৈছে সেইটো আমাৰ সদনক জনাব লাগে।

Shri Golok Rajbanshi:- Sir, it is serious charge made on the floor of the House that by resolution they have decided to pay 20% of the money sanctioned to Dispur, so, we can not bypass this issue (a number of members were speaking at the top of their voices),

Shri B.K. Basumatari-It is a serious charge.

শ্ৰী দীগেন বৰা : মাননীয় অধ্যক্ষ মহোদয়, মোৰ নিজৰ টাউন কমিটিয়ে আহি মোক সুধিছেই যে পইচা

দিম নে নিদিম?

(সদনত এক ফলফুলীয়া পৰিবেশৰ সৃষ্টি হয়)

শ্ৰী হিৰণ্য বৰা : মাননীয় অধ্যক্ষ মহোদয়, এই বিষয়ে সদনৰ পৰা এটা কমিটি কৰি দিব লাগে।

(সদনত ফলফুল)

ডাঃ কমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় মন্ত্ৰী মহোদয়ক অনুৰোধ কৰিছো যাতে এই বিষয়ে এটা বিভাগীয় তদন্ত কৰক।

(সদনত আকৌ ফলফুল)

শ্ৰী প্ৰফুল্ল কুমাৰ মহন্ত (মুখ্যমন্ত্ৰী) : অধ্যক্ষ ডাঙৰীয়া সদনত যিহেতু অভিযোগটো উঠিছে গতিকে এখন উচ্চ পৰ্যায় কমিটি কৰি দি এইটো এনকুৱাৰি কৰি দিয়াৰ ব্যৱস্থা লোৱা হওঁক।

After hearing the members of both sides as well as the leader of the House, the Speaker announced his decision to institute an inquiry into the allegation. Accordingly, on 12th May, 1989 formal announcement was made in the Assembly constituting the Inquiry Committee of the House.

The full text of the decision of the Chair is as follows:

“Hon’ble Members may kindly recall that in the deliberations on the Starred Question No. 326 dated 24th, 1989 asked by Hon.Member Shri Phani Bhusan Choudhury the Minister-in-Charge of Municipal Administration had to face serious allegations that out of the total amount sanctioned to the various Town Committee 20% is to be paid to Dispur. It has also been alleged by Hon’ble Shri Digen Chandra Bora and others that Town Committies had adopted some resolution and Hon’ble Chief Minister very fairly conceded to the demands of the house to constitute a High Power Committee to enquire into the allegations.

Accordingly, I do hereby constitute a Committee of the House with the following Hon’ble Members:

1. Shri Dinabandhu Choudhury - Chairman
2. Shri Pradip Gogoi - Member
3. Shri Jagat Hazarika - Member
4. Shri Amritlal Basumatary - Member
5. Shri Abdul Muhib Mazumdar - Member

The Committee will submit its report within three months time”.

**DECISION ON MISCELLANEOUS MATTER PERTAINING TO STARRED QUESTION RELATING TO ANOMALIES IN THE SELECTION OF CANDIDATES FOR ADMISSION INTO THE THREE MEDICAL COLLEGES OF ASSAM.**

**POINT RAISED THROUGH THE DEVISE OF STARRED QUESTION ABOUT THE SELECTION OF CANDIDATES FOR ADMISSION INTO THE THREE MEDICAL COLLEGES OF ASSAM.**

On 5.5.1988, the Hon'ble Minister, Health and Family Welfare Shri Chandra Mohan Patowary while replying to the Supplementaries to Starred Question No. 524 asked by Hon'ble Members Shri Kamala Kalita stated that on principle, no permanent citizen can be deprived of getting any seat from any institution under any circumstances. Then Hon'ble Member Shri Kamala Kalita further wanted to know as to why the candidate who applied for Freedom Fighter quota was admitted in General quota and why admission to these candidates was not given against the reserved quota of Central Government Employees but, instead of that why admission was allowed against the General Quota. By another supplementary question, Hon'ble Member Shri Zoi Nath Sarma alleged that an M.P. of Rajya Sabha from Assam through a letter charged the Government that by payment of Rs. 25,000/- a seat for admission in the Medical Colleges in Assam could be managed.

The replies to supplementary Question created a great apprehension in the minds of Hon'ble Members and there was a demand for constitution of an Enquiry Committee of the House. The Hon'ble Speaker, having heard the arguments of and against from both sides of the House felt that an enquiry by a Committee of the House would either dispel misgivings or would bring the truth into light. Accordingly the Hon'ble Speaker assured for constitution of an Enquiry Committee to enquire into the whole matter.

It could be more expedient to reproduce below the proceedings of the

House relating to the Starred Question No.524 including the Supplementary Question together with replies thereof for better appreciation of the circumstances for the demand of an inquiry by House Committee.

উৰাংকিত প্ৰশ্ন নং ৫২৪ :

মাননীয় স্বাস্থ্য বিভাগৰ মন্ত্ৰীয়ে অনুগ্ৰহ কৰি জনাবনে :

(ক) ১৯৮৭-৮৮ বছৰটোত এম,বি বি, এচ পাঠ্যক্ৰমত অসমৰ মেডিকেল কলেজ সমূহত নাম ভৰ্তি কৰোতে সাধাৰণ শ্ৰেণীৰ বাবে বখা আসনত কেন্দ্ৰীয় চাকৰিয়ালৰ ল'ৰা-ছোৱালীক ভৰ্তি কৰা কথাতো সঁচানে?

(খ) অসমত কাম কৰা কেন্দ্ৰীয় চাকৰিয়ালৰ ল'ৰা-ছোৱালীৰ বাবে থকা সংৰক্ষিত আসনৰ বাবে আবেদন কৰা কিমান গৰাকী প্ৰাৰ্থীক সাধাৰণ শ্ৰেণীৰ আসনত ভৰ্তি কৰা হৈছে?

(ভৰ্তি কৰা প্ৰাৰ্থীৰ নাম আৰু ঠিকনা দাখিল কৰিব)

(গ) তেওঁলোকক কি ভিত্তিত কৰা হৈছে?

উত্তৰ

স্বাস্থ্য বিভাগৰ মন্ত্ৰী শ্ৰী চন্দ্ৰমোহন পাটোৱাৰী :

(ক) সঁচা নহয়।

(খ) আৰু (গ) প্ৰশ্ন নুঠে।

শ্ৰী কমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় মন্ত্ৰী মহোদয়ে উত্তৰ দিছে আৰু সেই উত্তৰৰ পৰিশ্ৰেণ্ণিতত মই এটা মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে মেডিকেল কলেজ সমূহত নাম ভৰ্তি কৰোতে সাধাৰণ শ্ৰেণীৰ বাবে বখা আসনত কেন্দ্ৰীয় চাকৰিয়ালৰ ল'ৰা-ছোৱালীক ভৰ্তি কৰা কথাতো সঁচা নেকি? আৰু এইটো সঁচা নহয় বুলি কৈছে। মোৰ বোধ্যৰে চিলেকচন বোৰ্ডে যি তালিকা তৈয়াৰ কৰিছে, সেইখন মোৰ হাতত আছে। এই তালিকামতে কেইবাগৰাকী প্ৰাৰ্থী চেণ্ট্ৰেল গৰ্ভৰ্ণমেণ্টৰ কোটাত আবেদন কৰা স্বত্বেও তেওঁলোকক সাধাৰণ শ্ৰেণীৰ বাবে বখা আসনত ভৰ্তি কৰা কথাতো জনাব লাগে। দ্বিতীয় কথা হ'ল মেডিকেল কলেজ সমূহত এডমিচনৰ ক্ষেত্ৰত বিভিন্ন খেলিমেলি হোৱা আমি দেখিবলৈ পাইছো আৰু বাইছেও উপলব্ধি কৰিছো। গতিকে এই ক্ষেত্ৰত মন্ত্ৰী মহোদয়ে এটা স্পষ্ট উত্তৰ দিব লাগে আৰু মেডিকেল কলেজ সমূহত ভৰ্তি কৰাৰ ক্ষেত্ৰত এনট্ৰেন্স একজামিনেচনৰ ব্যৱস্থা কৰাৰ কাৰণে জনাব নেকি?

শ্ৰী চন্দ্ৰমোহন পাটোৱাৰী (মন্ত্ৰী) : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় সদস্য গৰাকীৰ প্ৰশ্ন উত্তৰত মই কৈছোৱেই যে চেণ্ট্ৰেল গৰ্ভৰ্ণমেণ্টত কাম কৰা লোকৰ কেইজনমান ল'ৰা-ছোৱালীক একোমোডেট কৰিব লগা হৈছে। মই, কিয় কৰিবলগীয়া হৈছে এই সম্পৰ্কে কবলৈ সময় লাগিব। তথাপিহে মই নাম কেইটা কৈ দিছো।

১নং নাটিউৰ বহমান

এওঁৰ দেউতাক এয়াৰ ফোর্চত কাম কৰে আৰু ল'ৰাটো হাজোৰ। তেওঁ হাজোৰ স্থায়ী বাসিন্দা আৰু এম,ও,বি,চিত পৰে। তাৰ পাচত দ্বিতীয়টো হ'ল জয়ন্ত কুমাৰ নাথ। তেওঁৰ দেউতাক ডিফেন্সত কাম কৰে। তেওঁৰ স্থায়ী বাসিন্দাৰ প্ৰমাণ পত্ৰ আছে আৰু এম,ও,বিচিত পৰে।

2. Jayanti, his father is a wing commandant, O.B.C. candidate.

3. সেইদৰে লাঙলিন্ সিংহা claimed as a permanent citizen, an O.B.C. candidate. Father passed Matriculation examination from Hailakandi and permanently settled at Guwahati. আকৌ সূত্ৰত দে আৰু দেবশীৰ চক্ৰবৰ্তী।

4. Subrata Dey born and brought up at Tezpur and a permanent citizen. Deputy Commissioner, Sonitpur issued his P.R.C.

5. Debashis also studied here in the State. Father received Electrical wiring training at Shillong and worked under A.S.E.B., a permanent citizen; Now in Oil India.

6. সেইদৰে আন এগৰাকী প্ৰাৰ্থীৰ নাম হ'ল বাকেশ কুমাৰ শ্ৰীবাস্তব born and brought up at Maligaon. Father is an employee of the Railway and has been residing here. He is having a permanent resident certificate.

এই প্ৰাৰ্থীখিনি চেম্বেল গভৰ্ণমেণ্টৰ চাকৰিয়ালৰ ল'ৰা-ছোৱালী। তেওঁলোক যদি পি, আৰ, চি আৰু অন্যান্য ঘৰতীয় প্ৰমাণ পত্ৰ দিয়াৰ পিচত উপযুক্ত বুলি বিবেচিত হয়, যেনেকৈ এজন এচ, চি কেণ্ডিডেট যদি এইটি পাৰচেট পায় তেওঁক মেৰিটৰ ওপৰত সাধাৰণ কোটাত দিয়াৰ কাৰণে বিবেচিত কৰিব পাৰে। ঠিক সেইদৰে এই কেচ বিলাক চেইম কেচ হোৱাৰ কাৰণে তেওঁলোকৰ নাম লিপ্তত আছে। দ্বিতীয়তে মাননীয় সদস্য গৰাকীৰ দ্বিতীয় প্ৰশ্নটো হৈছে মেডিকেল কলেজ সমূহত ভৰ্ত্তিকৰণৰ ক্ষেত্ৰত খেলি মেলি হোৱাৰ কাৰণে এনট্ৰেল পৰীক্ষা পাতিব পাৰি নেকি? যোৱাৰ পাতিবলৈ লৈছিলো কিন্তু সময়ৰ অসুবিধা হ'ল কাৰণে পাতিব পৰা নহ'ল। এইবাৰ এনট্ৰেল একজামিনেচন পতাৰ কাৰণে চিন্তা কৰি কেবিনেট মেমোৰান্ডাম তৈয়াৰ কৰা হৈছে। কেবিনেটত এইটো পাচ হ'লে পৰীক্ষা পাতিব পৰা হ'ব।

শ্ৰীকমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, মই এটা কথা জানিব বিচাৰিছো যে মিচ চুচমিটা বালা, তেওঁৰ দেউতাকৰ নাম চি,এন বালা সুব্ৰামনিয়াম, অইল ইণ্ডিয়া লিমিটেডত কাম কৰে। তেনে ধৰণত কেইজনমান প্ৰাৰ্থীয়ে চেম্বেল গভৰ্ণমেণ্টৰ কোটাত আবেদন কৰা প্ৰাৰ্থী সকলক কেনেকৈ সাধাৰণ কোটাত ভৰ্ত্তি কৰা হ'ল।

শ্ৰী চন্দ্ৰমোহন পাটোৱাৰী (মন্ত্ৰী): মাননীয় অধ্যক্ষ মহোদয়, মিচ চুচমিটা বালা তেওঁ গুৱাহাটীত থাকে আৰু তেওঁৰ স্থায়ী বাসিন্দাৰ প্ৰমাণ-পত্ৰ আছে। তেওঁৰ দেউতাক অইল ইণ্ডিয়া লিমিটেড, গুৱাহাটীত কাম কৰে।

শ্ৰী কমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, সেই প্ৰাৰ্থী সকলে চেম্বেল গভৰ্ণমেণ্টৰ কোটাত আবেদন

কৰিছিল। কিন্তু তেওঁলোকক জেনেৰেল কোটাৰ ভৰ্তি কৰাৰ কাৰণে সাধাৰণ শ্ৰেণীৰ কোটাৰ ভৰ্তি হেৰুৱাৰ ক্ষেত্ৰত আমাৰ ল'ৰা-ছোৱালী ডিপ্ৰাইভ হ'বলগীয়া হৈছে। ইয়াৰ আগৰ এটা প্ৰশ্নৰ উত্তৰত মন্ত্ৰী মহোদয়ে কৈছিল মিচ মৌচুমী বৰুৱা ফ্ৰিডম ফাৰ্টিটাৰৰ কোটাৰ আবেদন নকৰিলে। কিন্তু পাচত ক্লেইম কৰিলে কিন্তু তেওঁক দিব পৰা নহ'ল। কিন্তু এতিয়া ইয়াত দেখুওৱা মতে চেণ্টেল গভৰ্ণমেণ্টৰ কোটাৰ আবেদন কৰা স্বত্বেও সেই সংৰক্ষিত আসনত নিদি কয় সাধাৰণ কোটাৰ দিয়া হ'ল। সেই বিষয়ে মন্ত্ৰী মহোদয়ে জনাবনে?

**Shri Chandra Mohan Patowary (Minister):-** Sir, on principle no permanent citizen can be deprived from getting any seat from any institution under any circumstances.

জয়নাথ শৰ্মা : মাননীয় অধ্যক্ষ মহোদয়, মোৰ প্ৰশ্নটো হৈছে এই তিনিখন মেডিকেল কলেজ অসমত যিটো স্পিৰিটত হৈছিল সেই স্পিৰিটতো মেইনটেইন কৰিব পৰা নাই। মই জনাব বিচাৰিছো এজন মাননীয় ৰাজ্য সভাৰ সদস্যই এখন চিঠি দিছিল। চিঠিখনত এটা কথা কৈছে - মোক শিলচৰত লগ পাওঁতে কৈছিল যে কোনোবা এজন মেলহোষ্টাৰ পৰা ২৫ হাজাৰ টকা লৈ মেডিকেল কলেজত চিট দিছিল। সমগ্ৰ বিষয়টো এই চিঠিখনত আছে। চিঠিখন মোৰ লগত আছে। চিঠিখনৰ গোটেই কথাখিনি মই পঢ়ি দিব খোজা নাই। অৱশ্যে চিঠিখনৰ কিবা সত্য সত্যতা আছেনে নাই মই নাজানো। ৰাজ্য সভাৰ এজন মাননীয় চিলেক্চন বৰ্ডৰ মেম্বাৰে চেক্ৰেটেৰীলৈ এই চিঠিখন দিছিল। এডমিচন দিছেনে নাই মই কব নোৱাৰে। কিন্তু সদনত মই জনোৱাতো মোৰ দায়িত্ব আছে। সদনত নজনাতে এইটো চোচিয়েল ক্ৰাইম কৰা হ'ব বুলি মই ভাবিছো। চেকেণ্ড লিষ্টত জেনেৰেল কোটাৰ ১৩ নক এডমিচন দিছে। সেই ১৩ জন প্ৰাৰ্থীৰ ভিতৰত মাত্ৰ তিনি জন প্ৰাৰ্থীহে অসমৰ ইণ্ডিজেনাচ, গুৱাহাটী মেডিকেল কলেজত ৯ জনৰে ভিতৰত এজন ইণ্ডিজেনাচ আৰু শিলচৰ মেডিকেল কলেজৰ বাকী যি তিনিজন আছে তেওঁলোকৰ ঠিকনাটো নাজানো। চেণ্টেল গভৰ্ণমেণ্টৰ এমপ্লয়ী কেইজনমানৰ ল'ৰা-ছোৱালীয়ে অসম মেডিকেল কলেজ, গুৱাহাটী মেডিকেল কলেজত চিট পাইছে। তেওঁলোককে ডাইৰেক্টলি এটা স্পেচিফিক কেটেগৰিত এপ্লাই কৰিছিল। কিন্তু কি স্বাৰ্থত অহি এটা কেটেগৰিত তেওঁলোকক ভৰ্তি কৰোৱা হ'ল। এটা কেটেগৰিৰ পৰা আন এটা কেটেগৰিলৈ কিয় অনা হ'ল। তেওঁলোকে দুখন এপলিকেশ্বন কৰিব পাৰিলেহেতেন। এই লিষ্টখনত ইন্ডিজেনাচ অসমীয়া প্ৰাৰ্থী কিমান আছে? ছিপাৰাৰ সমাপ্তিত যিবিলাক হস্পিতেল আছে তাত নন এচামিচ ডাক্তৰ নিব নোৱাৰি। এম,বি,বি এচ পাচ কৰাৰ পাচত তেওঁলোক যেতিয়া ডাক্তৰ হয় তেতিয়া তেওঁলোক গাৰলৈ যাবলৈ নিবিচাৰে। এই সম্পৰ্কত মই অধ্যক্ষ মহোদয়ৰ পৰা কলিং বিচাৰিছো। যিহেতু এজন আই.এচ অফিচাৰে পঁচটা লোৱা বুলি ৰাজ্য সভাৰ এজন মাননীয় সদস্যই জনাইছে এই বিষয়টোৰ ওপৰত বিশেষ বিচাৰ কৰক। মই মন্ত্ৰী মহোদয়ৰ পৰা, ডিপাৰ্টমেণ্টৰ পৰা জানিব বিচৰা নাই। আপোনাৰ পৰা কলিং বিচাৰিছো যাতে অসমৰ স্বাৰ্থত কোনো প্ৰাকাবে ব্যাঘাত হানিব নোৱাৰে।

**Shri A.F. Golam Osmani:-** Sir, on a point of order, in such session of

questions and answers it appears that the Question Hour is being converted into discussion and Hon'ble Members are speaking ruling from the Chair, I think Sir, this should not be permitted. So far as this Question Hour is concerned the concerned Minister should answer to question.

শ্রী জয়নাথ শর্মা : মাননীয় অধ্যক্ষ মহোদয়, মই যেনেকৈ আলোচনা কৰিছো তেখেতেও পাৰ্চু কৰি আলোচনা কৰিছে।

Mr. Speaker:- The matter is very serious, a committee of the House will enquire into it.

On 12th May, 1988 the Hon'ble Speaker, Assam Legislative Assembly announced his ruling.

The full text of his ruling reads as follows:-

Hon'ble Members are aware that on 5.5.88 several Hon.Members by putting Supplementary Questions to Starred Question No. 524 alleged that serious anomalies took place in selecting candidates for admission into 3 Medical Colleges in Assam. The replies of Hon.Minister, Health revealed prima facie that some non-Assamese were selected for admission into Medical Colleges and it was not clear whether these non Assamese students were admitted against the Central Government quota in as such as several Members challenged that outsiders were admitted against general quota. At this stage Hon.Member Shri Zoi Nath Sarma read out a letter purported to have been written by an M.P. of Assam to the Member - Secretary, Selection Board alleging payment of a sum of Rs. 25,000/- to him for offering a seat and also made the following submissions:

“এই সম্পর্কত মই অধ্যক্ষ মহোদয়ৰ পৰা কলিং বিচাৰিছো। যিহেতু এজন আই.এ.এচ অফিচাৰে পইচা লোৱা বুলি ৰাজ্যসভাৰ এজন মানীয় সদস্যই জনাইছে। এই বিষয়টোৰ ওপৰত বিশেষ বিচাৰ কৰক। মই মন্ত্ৰী মহোদয়ৰ পৰা ডিপাৰ্টমেন্টৰ পৰা জানিব বিচৰা নাই। আপোনাৰ পৰা কলিং বিচাৰিছো যাতে অসমৰ স্বার্থত কোনো প্ৰকাৰে ব্যাঘাট হানিব নোৱাৰে।”

Since it was not possible to give a decision on a matter involving the alleged payment to bribe for a seat without a proper investigation of various issues and considering the gravity of the matter, I assured the



House that the whole matter would be enquired into by an Inquiry committee of the House to find out the truth. Accordingly, I appoint an Inquiry Committee of the House consisting of the following members:-

1. Shri Dinabandhu Choudhury, Chairman,
2. Dr. Kamala Kalita, Member
3. Dr. Ardhendu Kumar Dey, Member.

The terms of reference of the Inquiry Committee will be as follows:-

1. Whether the procedure of selection of Candidates for admission into the three Medical Colleges of Assam was proper or whether any irregularities were committed in this regard.
2. Whether student belonging to other states who applied for admission into Medical Colleges from Central Govt Employees quota were selected and admitted against the seats meant for general quota?
3. Whether an MP of Rajya Sabha from Assam wrote a letter to the Member-Secretary of the Selection Board referring to payment of a sum of Rs. 25,000/- for a seat for an outsider?
4. If so, who received the amount for offering a seat?
5. What should be done to improve the selection procedure for admission into three Medical Colleges.
6. Any other matter.

The committee will submit its Report within 6 months or in the next session of the Assembly whichever is earlier.

**DECISION ON MISCELLANEOUS MATTER PERTAINING  
TO ZERO HOUR DISCUSSION RELATING TO RICE DEAL  
BY STATFED.**

**MATTER RAISED DURING ZERO HOUR RELATING TO A  
NEWS ITEM PUBLISHED IN THE 'DAINIK ASOM' UNDER  
THE CAPTION'.**

During Zero Hour discussion in the Assam Legislative Assembly on 28th April, 1989, Hon.Members Sarvasree Kamala Kalita, Nagen Sarma, Ramendra Narayan Kalita and Digen Chandra Bora, raised a matter on a news item published in a local Assamese daily 'Dainik Asom' in its issue dated 19th April, 1989 under the caption.

“ষ্টেটফেডৰ যোগান ধৰা অখাদ্য চাউল জ্বন্দ”

Hon.Member Dr. Kamala Kalita, who raised the matter, alleged that STATFED had reportedly supplied rice to the consumers which were not fit for human consumption. It was also alleged by him that during the current financial year STATFED placed orders for supply of commercial rice to 58 firms/suppliers and fraudulently paid more than rupees eight lakhs. Apart from this, about 5000 quintals of rice were short-supplied for which more than Rs 13 lakhs were paid. The Hon.Member further alleged that no quality control check was undertaken and accordingly the matter was considered to be very serious because it involves the question of human lives.

He demanded a thorough probe on the matter so that the culprits could be brought to book.

The discussion as reproduced below will highlight the gravity of the matter leading to the formation of an Enquiry Committee of the House.

ডাঃ কমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, ১৯৮৯ চনৰ ১৯ এপ্রিল তাৰিখৰ দৈনিক অসম কাকতত প্রকাশিত ষ্টেটফেডৰ যোগান ধৰা অখাদ্য চাউল জ্বন্দ শীৰ্ষক বাতৰিটোৰ প্রতি মই চৰকাৰৰ দৃষ্টি আকৰ্ষণ কৰিব বিচাৰিছোঁ।

মাননীয় অধ্যক্ষ মহোদয়, এইটো এটা সাংঘাতিক ধৰণে বাজহুৱা স্বার্থৰ লগত জৰিত বিষয়। এই বিষয়টোৰ সম্পৰ্কত মই মাননীয় সমবায় বিভাগৰ মন্ত্রী মহোদয়ৰ পৰা বিতংভাবে জানিব বিচাৰিছোঁ।

বাতৰিটোত কোৱা হৈছে যে ষ্টেটফেডৰ দ্বাৰা অখাদ্য খাদ্য যোগান ধৰা হৈছে। মানুহৰ খাদ্যৰ অনুপযোগী চাউল যোগান ধৰি ষ্টেটফেডৰ পৰা ইতিমধ্যে ৮৩ লাখ টকা সৰকাইছে জনৈক ব্যবসায়ীয়ে। এই কথা বাতৰি কাকতত প্ৰকাশ পাইছে।

মাননীয় অধ্যক্ষ মহোদয়, ষ্টেটফেডে চলিত আৰ্থিক বছৰটোৰ বাবে চাউল ক্ৰয় কৰাৰ ৫৮ টা ব্যবসায়ীক প্ৰতিষ্ঠানক দায়িত্ব দিছিল। এই ৫৮ টা ব্যবসায়ী প্ৰতিস্থানৰ গৰাকী সকল কোন আৰু ক'ব ৰাজহুৱাভাবে জনোৱা নাই। কাৰণ কোনো ৰাজহুৱা জননী প্ৰকাশ নকৰাকৈ এই কেইটা প্ৰতিস্থানক ষ্টেটফেড কৰ্তৃপক্ষই কেনেকৈ লগ পালে? তাৰোপৰি ডাঙৰ কথা যে, অনুপযুক্ত চাউল যোগান ধৰাৰ লগে লগে যি চাউলৰ ওজন ১৭ হাজাৰ কুইণ্টল হ'ব লাগিছিল তাৰ ঠাইত ১৩ হাজাৰ কুইণ্টল পোৱা হ'ল। কম পোৱা চাউলৰ মূল্য কমেও ১৩.৫০ লাখ টকা। এতিয়া কথা হৈছে যে যিখিনি চাউল কম হ'ল তাৰ বাবে চৰকাৰে কি ব্যৱস্থা গ্ৰহণ কৰিছে ৰাইজে এতিয়াও জানিব পৰা নাই। ষ্টেটফেডত এটা 'কোৱালিটি কন্ট্ৰল' বিভাগ আছে আৰু এই বিভাগত শতাধিক কৰ্মচাৰী আছে। চাউল ক্ৰয় কৰাৰ ক্ষেত্ৰত যি ঠাইত ৰেলৰ ডবাৰ চাউল উঠোৱা হয় তালৈ গৈ এই বিভাগে চাউলৰ মানদণ্ড পৰীক্ষা নকৰিলে কিয়? দিল্লীতো ষ্টেটফেডৰ এটা কাৰ্যালয় আছে। মানদণ্ড ৰেলত বোজাই কৰোতে নোহোৱাকৈ ৮৫ শতাংশ পৰিমাণ ক্ৰয় মূল্য ৮০ লাখ টকা ব্যবসায়ীজনক দিয়া হ'ল কিয়? ইয়াৰ অন্তৰালত কি ৰহস্য আছে নাজানিছো। মানদণ্ড চেৱা নহ'ল আৰু নোচোৱাকৈ ৮০ লাখ চকাৰ চাউল আহি গুৱাহাটী নাপাওতেই আদায় দিয়া হ'ল।

অধ্যক্ষ মহোদয়, ষ্টেটফেডৰ এই কেচ সম্পৰ্কত সময়ে সময়ে বিভিন্ন অভিযোগ বাতৰি কাকতত দি থকা স্বত্বেও ষ্টেটফেডে দিল্লীত পৰীক্ষা নকৰাকৈ খাদ্যৰ অনুপযুক্ত চাউল ৮৫ শতাংশ ক্ৰয় মূল্য সেই ব্যবসায়ীজনক দিয়াৰ ৰহস্য নিশ্চয় আছে। তাৰোপৰি এই ষ্টেটফেডৰ মেনেজিং ডাইৰেক্টৰজন ১১ বছৰ ধৰি ষ্টেটফেডৰ লগত জড়িত আছে। ১১ বছৰে জড়িত থাকি সামান্যভাবে হলেও পৰীক্ষা কৰা কথটো যদি নাজানে তেতিয়াহলে তেওঁ কি যোগ্যতাৰে এই ষ্টেটফেড পৰিচালনা কৰিছে সেইটো বিচাৰ্যৰ বিষয়। আমি এটা কথা জানিব পাৰিছো যে, যিখিনি চাউল যোগান ধৰিছে সেইখিনি চাউল মানুহৰ খোৱাৰ বাবে যে অনুপযুক্ত সেইটো নহয় গৰুৰ খাদ্যৰ বাবেও উপযোগী নহয়। গতিকে মানুহৰ জীৱন মৰণৰ লগত সম্পৰ্ক থকা বিষয়টো আজিকোপতি যি ধৰণে ব্যৱস্থা লব লাগিছিল, সেই ধৰণে ব্যৱস্থা লব পৰা নাই। বফৰ্চ স্কেনদেলৰ নিচিনা ডাঙৰ ঘটনা হৈছে, আজি দেখা গৈছে যে, ষ্টেটফেডত তাতোকৈ বেছি হৈছে। কাৰণ এই বিষয়টো মানুহৰ জীৱন মৰণৰ লগত পৰোক্ষভাবে জড়িত আছে। খাদ্যৰ অনুপযুক্ত চাউল যোগানৰ বিনিময়ত কোনো ব্যৱস্থা গ্ৰহণ নকৰি ৮৫ শতাংশ ক্ৰয় মূল্য ব্যবসায়িক দি তেওঁলোকক উদগনি দিয়াটোহে বুজাইছে। এই সম্পৰ্কত আগতেও বাতৰি কাকতত ওলাইছে। আমি ভাবিছিলো যে, চৰকাৰে লগে লগে ইয়াৰ ব্যৱস্থা লব। কিন্তু ব্যৱস্থা লোৱা দেখা নগ'ল। তদন্ত কৰিবলৈ দিছো বুলি হয়টো আজিও উদ্ভৱত কৰ। মোৰ এটা কথা মনত পৰিছে যে ১৯৮৬ চনত বাজেট অধিবেশনৰ সময়ত আমাৰ এজন বিধায়কে এজন বিষয়াৰ বিৰুদ্ধে অভিযোগ উত্থাপন কৰিছিল যে, শ্ৰী চন্দন গগৈ নামৰ এজনে মাটি বেআইনীভাবে দখল কৰি চন্দন নগৰ পাতিছে, কিন্তু তাৰ তদন্ত আজিলৈকে নহ'ল। গতিকে আজিৰ বিষয়টো তদন্ত কৰা হ'ব বুলি কলেই আমি সন্তুষ্ট হ'ব নোৱাৰো। যিজন বিষয়াই দুৰ্নীতি কৰিছে তেওঁক

তৎকালীনভাবে কিয় বৰখাস্থ কৰা হোৱা নাই গতিকে আমাৰ সমবায় বিভাগৰ মন্ত্ৰী মহোদয়ক কব বিচাৰিছো যে নিৰ্দিষ্ট সময়ৰ ভিতৰত গোটেই বিষয়টো তদন্ত কৰি প্ৰতিবেদন সদনত দাখিল কৰিব লাগে আৰু এই প্ৰতিবেদন সদন চলি থকা অৱস্থাতেই নিৰ্দিষ্ট সময়ৰ ভিতৰত দিয়াৰ বাবে দাবী জনাইছো। তেতিয়া আমি সন্তুষ্ট হম আৰু অসমৰ ৰাইজো সন্তুষ্ট হ'ব। এই কেলেংকাৰীৰ প্ৰতি যদি ব্যৱস্থা অনতিপলমে গ্ৰহণ কৰা নহয়, তেনেহলে বিভাগ বিলাকে দুৰ্নীতি কৰিবলৈ বেছিকৈ সুবিধা পাব। এইটো অতি গুৰুত্বপূৰ্ণ বিষয় আৰু সৰ্বসাধাৰণ ৰাইজৰ লগত জৰিত। গতিকে এই জীৱন মৰণ সমস্যাটোৰ বিষয়ে মন্ত্ৰী মহোদয়ে নিৰ্দিষ্ট সময়ৰ ভিতৰত তদন্ত কৰি প্ৰতিবেদন দাখিল কৰাৰ বাবে অনুৰোধ কৰিলো।

শ্ৰী নগেন শৰ্মা : অধ্যক্ষ মহোদয়, তদন্ত কৰাৰ আগতেই বিষয়াজনক আতৰাই লব লাগে। আৰু সেই সম্পৰ্কীয় ফাইল পত্ৰ বিলাক হস্তগত কৰিব লাগে। কাৰণ সেই বিষয়াজনে ১১ বছৰে কৰাপশন চলাই আছে।

শ্ৰী গিৰীন বৰুৱা : অধ্যক্ষ মহোদয়, বিধান সভা চলি থকা অৱস্থাত বিধান সভাৰ সদস্যৰ দ্বাৰা তমিটি গঠন কৰি, তদন্ত কৰি প্ৰতিবেদনৰ সময়ত দাখিল কৰাৰ ব্যৱস্থা কৰিব লাগে।

শ্ৰী ভবত চন্দ্ৰ নৰহ : অধ্যক্ষ মহোদয়, কেন্দ্ৰীয় চৰকাৰৰ ৮০ কোটি টকাৰ দুৰ্নীতি আমাৰ ৮০ লাখ টকাৰ দুৰ্নীতি একে। বিশেষকৈ বিত্তীয় বানপানীৰ সময়ত অত্যাবশ্যকীয় সামগ্ৰীৰ ওপৰত কৰা হৈছে। এনে ধৰণৰ দুৰ্নীতিক কেতিয়াও ক্ষমা কৰিব নোৱাৰি।

শ্ৰী নগেন শৰ্মা : অধ্যক্ষ মহোদয়, কোনো ধৰণৰ নিবিদা নিদিয়াকৈ কোটি কোটি টকা খৰচ কৰি তেজপুৰত অইল মিল খোলাৰ উদাহৰণো আছে। ঠিকাদাৰে এক কোটি টকাৰ কামৰ ভিতৰত ৪৩ লাখ টকাৰ কাম নিবিদা নিদিয়াকৈ পাইছে। যোৰা ডিচেম্বৰ মাহত দিল্লীৰ কোনোবা হোটেলত ১৯ হাজাৰ টকা খৰচ কৰি থাকি শ্ৰী অ.পি.গগৈ, এচ কে মিলচ আৰু শ্ৰী ৰাখীৰাম দিল্লীৰ এম.পিৰ লগত যোগাযোগ কৰি লিংক লগাই এম, ডিয়ে নিজেই চাউল অনা নিয়াৰ ব্যৱস্থা কৰি আছে আৰু ইয়াত পাৰচেণ্টেজ পাইছে। গতিকে গোটেই বিষয়টো তদন্ত কৰিব লাগে আৰু তদন্ত কৰাৰ আগতে সকলো বিলাক ফাইলপত্ৰ জন্ম কৰিব লাগে। খাদ্যৰ নিচিনা বস্তু বিলাক মানুহৰ জীৱনৰ লগত সম্পৰ্ক আছে তেনে কামত দুৰ্নীতি কৰাটো কেতিয়াও উচিত নহয়। অকল চাউলৰ কথাই নহয় তেলৰ ক্ষেত্ৰতো কোনো ধৰণৰ পৰীক্ষা আদি নকৰাকৈ মানুহৰ বাবে খোৱাৰ অনুপযোগী তেলৰ যোগান ধৰিছে। গতিকে বিষয়টো গভীৰ ভাবে তদন্ত কৰিব লাগে আৰু তদন্ত কৰাৰ আগতে বিষয় তাৰ পৰা আতৰাই সকলো বিলাক ফাইল পত্ৰ হস্তগত কৰিব লাগে।

শ্ৰী অভিজিৎ শৰ্মা : মাননীয় অধ্যক্ষ মহোদয়, এই ৮০ লাখ টকাৰ কেলেংকাৰী যেতিয়া হৈছে ইয়াত হয়তো কাৰোবাৰ অদৃশ্য হাত আছে। এই কেলেংকাৰীৰ পিচতো বিষয়াজনক কাম কৰি থাকিবলৈ দিয়া হৈছে। আৰু এইটো কথা ঠিক যে এই বিষয়ত অন্যান্য আৰু কোনো যে জৰিত নাই সেইটো কব নোৱাৰি। এই ক্ষেত্ৰত আমি উপলব্ধি কৰিব পাৰিছো যে যদি এইটো কেলেংকাৰী চৰকাৰী পক্ষৰ হয় তেতিয়া হলে জাল জুৱাচুৰি হোৱাৰ সম্ভাৱনা আছে। এই ক্ষেত্ৰত সদন কমিটি গঠন কৰি দি তদন্ত কৰাৰ ব্যৱস্থা কৰিব লাগে।

শ্ৰী হিন্দ্য বৰা : মাননীয় অধ্যক্ষ মহোদয়, এইবিলাক এলটমেন্টৰ ক্ষেত্ৰত ৰাজনৈতিক হতক্ষেপ হৈছে। চেয়াৰমেনজনে দিল্লীত থাকি তিনি দিনৰ ভিতৰত ২৩ হাজাৰ টকা খৰচ কৰিছে আৰু সেইটো বিএম্বাচমেন্ট কৰিবৰ কাৰণে কৰপোবেচন বিভাগত বিল দিছে। এইটো অধ্যক্ষ মহোদয়ৰ নেতৃত্বত ভালদৰে তদন্ত হ'ব লাগে।

শ্ৰী গিৰীন বৰুৱা : মাননীয় অধ্যক্ষ মহোদয়, তদন্ত কৰাৰ আগতে বিষয়াজনক আতৰ কৰিব লাগে। ইমানদিনে এই বিষয়াজনক কিয় ৰাখি থৈছে ক'ব নোৱৰো।

শ্ৰী সুবেদ্র নাথ মেধি : মাননীয় অধ্যক্ষ মহোদয়, মই মাননীয় মুখ্যমন্ত্ৰী মহোদয়ৰ হৈ উত্তৰ দিছো।

শ্ৰী দীগেন বৰা : মাননীয় অধ্যক্ষ মহোদয়, বিভাগৰ মন্ত্ৰী থাকিলে সেই বিভাগৰ হৈ অন্য এজনে উত্তৰ দিব পাৰে নেকি? আমি দেখিছো যে আইন মন্ত্ৰীয়ে পৰিবহন বিভাগৰ হৈ উত্তৰ দিছে, কৰপোবেচনৰ হৈ উত্তৰ দিছে, এইদৰে মন্ত্ৰী থাকোতেও অন্য বিভাগৰ হৈ বেলেগে উত্তৰ দিব পাৰে নেকি?

মাননীয় অধ্যক্ষ : সংসদী পৰিক্ৰমা মন্ত্ৰী হিচাপে উত্তৰ দিব পাৰে। তেখেতে বিবৃতি দিয়াৰ পিছত অন্য কিবা সুবিধলগীয়া থাকিলে পিছত সুবিধ পাৰিব বা জ্ঞানিব পাৰিব। এতিয়া সংসদী পৰিক্ৰমায়ে উত্তৰ দিব।

Mr. Speaker: I have allowed the Hon. Minister Parliamentary Affairs to give the stand on behalf of the Chief Minister. (interruption....).

Order, Order, (Voices) Once I have allowed the Hon. Minister, Parliamentary Affairs I hope you will not interfere. If you are not satisfied with his statement then I will ask the Hon. Chief Minister to speak. This is my ruling. Please sit down Hon'ble Minister for Parliamentary Affairs made a statement on the alleged news item on the Rice Deal by Statfed.

ডাঃ কমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, মন্ত্ৰী মহোদয়ে এতিয়া যিটো ষ্টেটমেন্ট পঢ়ি দিলে সেইখিনি কথা বাতৰি কাকতত ওলাই গৈছে। আমি এই ষ্টেটমেন্টৰ ওপৰত সন্তুষ্ট হ'ব পৰা নাই। কোনো পৰীক্ষা নকৰাকৈ শতকৰা ৮৫ টকা কিয় দিয়া হ'ল অগ্ৰিম হিচাবে? ইমান এটা গুৰুত্বপূৰ্ণ ঘটনা ঘটি যোৱাৰ ইমান দিনৰ পিছতো ষ্টেটমেন্টৰ মেনেজিং ডাইৰেক্টৰ বা অন্যান্য কৰ্তৃপক্ষৰ ওপৰত, বিষয়াৰ ওপৰত একো ব্যৱস্থা এতিয়াও হোৱা নাই। কিয়? এই বিষয়া সকল তাত থকা অবস্থাত চৰকাৰে তদন্ত কৰিলে সেই তদন্ত 'বগাচ' তদন্তহে হ'ব। এই দুটা কথাৰ ওপৰত মাননীয় মুখ্যমন্ত্ৰী মহোদয়ে এটা স্পষ্টীকৰণ দিব লাগে।

শ্ৰী প্ৰফুল্ল কুমাৰ মহন্ত (মুখ্যমন্ত্ৰী) : মাননীয় অধ্যক্ষ মহোদয়, এই গোটেই কথাখিনি চৰকাৰৰ দৃষ্টিগোচৰ হৈছে। আৰু সেই কাৰণে এটি কৰপাচন বিভাগক এই বিষয়ে তদন্ত কৰিবলৈ দিয়া হৈছে। তদন্ত কাৰ্যত অসুবিধা যেন দেখিলে সংশ্লিষ্ট বিষয়া সকলক আতৰাই দিয়া হ'ব।

সদনত গুণগোল লাগে -

শ্রী হিৰণ্য বৰা : মাননীয় অধ্যক্ষ মহোদয়, তদন্ত কমিটি গঠন কৰি দিয়ক।

Shri Abdul Muhib Mazumdar:- I want some clarifications Mr. Speaker Sir, this is very serious matter. It is for the first time that both sides of the House have demanded thorough enquiry into the matter. I am raising another point. Can the Parliamentary Affairs Minister reply. I am only pointing out the rule that when the Minister-in-charge is absent or otherwise sick or difficulty, the Parliamentary Minister can reply on his behalf. But, the Minister is present and he is to reply the point. It is true the Parliamentary Affairs Minister has been allowed to reply today by the Hon. Speaker. I am drawing the attention for future guidance. In the case when the Minister-in-charge is present, the Parliamentary Affairs Minister cannot take it up. It will create a bad precedence.

I have another point. Since both sides of the House have demanded enquiry, it should be considered that a House Committee be entrusted with the enquiry, and not by any other agency.

সদনত কেইবাজনো মাননীয় সদস্য একেলগে কবলৈ উঠাত কোনো বক্তব্য লিপিবদ্ধ কৰিব পৰা নহ'ল।

সদনত গণ্ডগোল

Shri Abdul Muhib Mazumdar:- To-day, we have accepted the contention of the Parliamentary Affairs Minister, But in future this will create a bad precedence.

ডাঃ কমলা কলিতা : মাননীয় অধ্যক্ষ মহোদয়, আপুনি বলিঙ দিয়াৰ পিচত মাননীয় সদস্য সকলে বিষয়টো আলোচনা কৰিব নালাগে।

Shri Abdul Muhib Mazumdar. The Law Minister was unable to read. (Interruptions)

সদনত গণ্ডগোল

শ্রী গিৰীন বৰুৱা : মাননীয় অধ্যক্ষ মহোদয়, আজি ইমান এটা গুৰুত্বপূৰ্ণ বিষয় উত্থাপিত হৈছে যে ষ্টেটফেডত যিবিলাক চাউল বিলাজ কৰিছে এই বিলাক একেবাৰে নিৰুৎসাহী চাউল, এইটো তদন্ত কৰিব লাগে। আমাৰ চৰকাৰৰ ওপৰত এই কথা সন্দেহ হৈছে এই কাৰণেই যে যোৱা ১৯ এপ্রিল তাৰিখে দৈনিক অসম কাকতত এই সংক্ৰান্তত বাতৰিটো ওলাইছে। কিন্তু তাৰ ইমান দিনৰ পিচতো চৰকাৰে সেই দোষী সংশ্লিষ্ট বিষয়াৰ ওপৰত কোনো বিচাৰ নকৰিলে আৰু শাস্তিও নিদিলে। সেয়ে আমাৰ সন্দেহ হৈছে। সেয়ে সদনৰ সদস্য সকলোৰে গঠিত কমিটি এটা কৰি ইয়াৰ নিৰপেক্ষভাবে তদন্ত কৰিব লাগে।

শ্রী হিৰণ্য বৰা : মাননীয় অধ্যক্ষ মহোদয়, এই কথাটোত আমিও সমৰ্থন কৰিছো। এইটো তদন্ত কৰিব লাগে।

ডাঃ কমলা কলিতা : অধ্যক্ষ মহোদয়, এইটো তদন্ত হ'ব লাগিব আৰু আমি কৈছো যে তদন্ত শেষ নোহোৱালৈকে সংশ্লিষ্ট বিষয়া কেইজন আতৰাই ৰাখিব লাগে আৰু তেওঁলোকক আজিৰ পৰা আতৰাই ৰাখিব লাগে।

**Speaker:-** The matter is very very serious and I will give my ruling on this matter later on.

On 12th May, 1989, the Hon'ble Speaker, Assam Legislative Assembly gave his ruling on this matter.

The full text of the ruling of the Chair reads as follows:-

Hon'ble Members may kindly recall the deliberations in a zero hour matter on 28th April, 1989 regarding a news-item published in Dainik Asom dated 19th of April 1989 under the captions initiated by Hon'ble Member Shri Kamala Kalita, in which Hon'ble Members Sarbashri Nagen Sarma, Ramendra Narayan Kalita, Kumar Deepak Das, Girin Barua, Hiranya Bora and others took part.

The allegations are very serious against the STATFED. Statfed allegedly engaged 58 parties to purchase rice for the current year without issuing any public notices, thereby arousing the suspicion of the Hon'ble Members of foul play. Adding fuel to the fire, it has also come to light, that over and above supplying rice unfit for human consumption, the Statfed was supplied 13 thousand quintals of rice in place of an order for 17 thousand quintals thereby cheating the Statfed a sum of Rs. 13.50 lakhs in this deal alone by short supplying. In spite of the fact that there is a Quality Control Deptt. In the Statfed named by more than a hundred employees the supplier could allegedly manage to supply rice unfit for human consumption over and above the alleged short supply worth about 14 lakhs. The question agitating the minds of the Hon'ble Members of the August House is what is behind this suspicious deal-who are involved in and what interest motivated it? These natural questions demand reasonable answers in the public interest, and if so, how to get it correctly and

impartially?

After going through the proceeding with the due seriousness it deserves I have no other alternative than to come to the conclusion that in pursuance of the strong demands from almost all the Hon'ble Members belonging to both Treasury and Opposition benches the formation of a House Committee is the only way out to remove the doubts created in the minds of the public at large particularly to bring the persons involved in this alleged scandalous affairs to the light, in the greater interest of functioning of our democratic system of Govt. The fourth estate also is seized of the matter as reflected in many editorials and news-items.

For the greater interest of a free and fair enquiry the House Committee which I propose to form should submit and interim report on the floor of the House within 20 days so that the persons who are prima facie found to be involved can be removed by the Govt. Who are in the help of affairs in connection with this scandalous deal as moral and constitutional responsibility demands.

The Committee will be formed with the following Hon'ble Members.

1. Shri Nagen Sarma - Chairman
2. Shri Ramendra Narayan Kalita - Member
3. Shri Digen Bora - Member
4. Shri Kamala Kalita - Member
5. Shri Hemen Das - Member
6. Shri Hiranya Bora - Member
7. Shri Aminimal Islam - Member

The House Committee will confine itself to the following terms of reference:

- (a) Whether tenders were duly called for as per norms?
- (b) Whether the procedure adopted by STATFED in selecting the suppliers on whom supply order of the rice was placed was adequate and appropriate.



- (c) Whether quality check was made before making such a huge payment involving public exchequer?
  - (d) Whether short supply was made as alleged?
  - (e) Whether the process adopted by STATFED in making payments against supply was in conformity with normal trade practices.
  - (f) Who are the persons allegedly involved in this alleged scandalous deal?
  - (g) Whether the steps taken by STATFED on detection of the case were adequate to safeguard the interest of the organisation.
- The Committee will submit its final report within three months time.

