



# Assam Legislative Assembly Debates

## OFFICIAL REPORT

FOURTH SESSION OF THE ASSAM LEGISLATIVE ASSEMBLY  
ASSEMBLED AFTER THE FOURTH GENERAL ELECTIONS  
UNDER THE SOVEREIGN DEMOCRATIC  
REPUBLICAN CONSTITUTION OF  
INDIA

## BUDGET SESSION

VOLUME I

No. 29

The 3rd April, 1968



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JORHAT



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**VOLUME I**

**NO. 29**

**The 3rd April 1968**

**Proceedings of The Fourth Session of the Assam  
Legislative Assembly assembled after the  
Fourth General Election under the Sovereign  
Democratic Republican Constitution  
of India**

**The Assembly met in the Assembly Chamber, Shillong  
at 10 A.M. on Wednesday, the 3rd April 1968.**

**P R E S E N T**

**Shri Hareswar Goswami, B.L. (Cal.) M.A. (Cantab.) Barrister-  
at-Law, Two Ministers, Eight Ministers of State, Three  
Deputy Ministers and Eighty two Members.**



## QUESTIONS AND ANSWER

### SHORT NOTICE QUESTIONS

Re : Strike of the Assam Agricultural College Students

Shri Maneswar Boro asked :

7. Will the Minister-in-charge of Agriculture be pleased to state—

(a) Whether it is a fact that the students strike at Assam Agricultural College is continuing ?

(b) If so, what are the reasons thereof and what steps have been taken by the Government in this regard ?

Shri Lakshmi Prasad Goswami (Minister, Agriculture) replied :

7. (a)—Yas since 19th March, 1968.

(b)—Their demand is that the proposed Agricultural University Bill should be passed in the current session of the Assembly. Government have already decided to introduce the Bill and for that matter the Draft Bill has been sent to the Secretary, Legislative Assembly for introduction, considera-



tion and passing of the Bill. The students were also informed that the Bill would be introduced in the current session of the Assembly and were advised by local M.L.A.s to give up the strike but with no effect.

A delegation of the students of College also came to Shillong and met the Minister on the 14th and 15th of March and the Minister told the students that all steps for introduction of the Bill in the current session of the Assembly had been processed through.

Shri Dulal Chandra Barua : Sir, may I know from the Minister whether the students are abstaining from their classes and dead-lock is prevailing there. May I ask whether it is not proper to intervene the matter and settle the matter amicably with the students before introducing the Bill ?

Shri Lakshmi Prasad Goswami : Sir, after introducing the Bill, information was communicated to them by Shri Jogen Saikia and explained them about the procedure and formalities of passing the Bill. Yesterday, a telegram came from the Deputy Commissioner wherein it is stated that the students are insisting on passing the Bill. The Bill is now the property of the House to pass or to reject.



Shri Dulal Chandra Barua : Sir, has it been also informed the students that the passing of the Bill requires some time as we are to go through certain formalities and cannot be passed by stroke of a pen ?

Shri Lakshmi Prasad Goswami : I passed orders to the Secretary to inform the Principal of the College and to tell the students that the Bill has already been introduced and passing of the same depends on the House to pass or to reject. Govt. has no authority for passing the Bill.

Shri Dulal Chandra Barua : Sir, may I know from the Minister whether students are also informed that the House has got full support on their grievances and there are formalities to pass the Bill, but simply on the wishes of the students, the Bill cannot be passed ?

Shri Jogen Saikia : As regards passing of the Bill I informed the students. I also met the students and explained them the formalities over which a Bill can be passed. It is the property of the House to decide. I have told them that Govt. is doing everything possible from their side and is very keen to introduce the Bill in this Session. This morning also I talked with them by telephone.



Shri Dulal Chandra Baruah : I have already contacted a student day before yesterday and what I come to know from my discussion that some bad people are working behind the scene. May I request the hon.Minister incharge of Agriculture to give the students a written letter explaining the whole position as he has stated ?

Mr. Speaker : This will be an uncommon thing rather, it will encourage some other students after the Bill has been introduced. It is for the House to pass. So, it will not be good for the Minister to write a letter.

Shri Dulal Chandra Barua : Sir, it can be done by the Secretary or the Principal. It should be made clear to them that there are certain procedures and formalities which we are to follow before passing a bill. This Bill will not pass through anybody's whims and so. I request the Minister incharge, Agriculture as well the Chief Minister to convince the students.

Shri Gaurisankar Bhattacharyya : Mr. Speaker, Sir, may I suggest to Minister incharge of Agriculture while before taking decision on the Bill, and need not be informed the students because these boys will



be misguided or misled by some individuals and that whether a Bill should be passed or not as it is upto the Legislators to decide and follow certain formalities. By informing them, it will not do any good rather it will hard them. The Minister can write and advice the students as father or as their guardians to desist from strike.

Shri Lakshmi Prasad Goswami : Sir, the whole position is explained to the students. They came to me on 15th. March and I told them the implication involved in the passing of the bill and it is not possible on my part to pass the bill. I, of course gave an indication to them about the probable date of introduction of the bill. They appeared to be satisfied. They met our Finance Minister and the Chief Minister. But on the 17th. of March they sent a telegram to the C.M. demanding an assurance from him by midnight of 18th. inst. The Chief Minister was away to Delhi. On 19th inst. another telegram was sent by the Principal to the Secretary Agri. stating that students were on strike. I did what was possible on my part, I called all the M. L. As of Jorhat including Shri Barua from the opposition and I explained the matter to them. Shri Saikia, Baruah and Shri Sarma had telephonic talks with the students.

Shri Gaurisankar Bhattacharyya : Who is Shri Sarma.



Shri Lakshmi Prasad Goswami : Shri Debeswar Sarmah. He went to the college, met the students and tried to persuade them to give up the strike, but they insisted. In the meantime I received another letter— a copy of the letter addressed to the Chief Minister— from the Secretary, Chatra Parishad, Jorhat. I replied to the letter and in my reply I made the whole position clear, the discussions I had with the students, the discussions I had with the local M.L.A., the steps taken by the local M.L.As. to persuade the boys to give up the strike. In spite of all these, the students started picketing the college. The Principal closed the college but students tried to create a deadlock in the college by picketing the gates, not allowing the professors and the students to go out even for marketing. Another information came to me two or three days back that the students still insist that the Bill should be passed. I had passed an order to the Secretary to communicate to the Principal that it was not for the Government to assure that the Bill would be passed. After introduction of the Bill information was again sent to them by hon. member Shri Saikia. Even then a telegram received yesterday informs that the students insisted that the Bill should be passed. I informed that since the Bill is now the property of the House I can-



not assure the students that the Bill would be passed. During this period the students have not written a single letter or sent any letter to the Minister concerned.... ..

Mr. Speaker : Are we to understand that it is the teachers who are more interested in the University ?

Shri Lakshmi Prasad Goswami : That can be guessed. But the whole difficulty on the part of the Minister is that they have not written anything direct to the Minister. Since the discussions I had with them on the 14th and 15th and they returned to Jorhat, they have not written anything to the Minister. I feel that I should communicate my orders to the Principal and not to the students....

Mr. Speaker : You also please communicate the wish of the House as expressed by Mr. Bhattacharyya and Mr. Barua. I also associate myself with it. We cannot surrender our sovereign right of legislating to anybody. ( Applause )

Shri Dulal Chandra Barua : Sir, in the meantime, may I repeat, that day before yesterday I got a trunk call from one of my friends belonging to the party in power. Most probably he had contacted the



Chief Minister and I think the Chief Minister has given the views of the House as we have expressed just now. I have also given my views. We are not in a position to give any assurance. Sir, I have learnt that the students had not decided to call off the strike. Till yesterday the House should not surrender to such kind of pressure tactics, which will create a very bad precedent. I suspect that there are some interested people who are instigating the students from behind. I would request the Hon'ble Chief Minister to find out the root cause of this trouble and also who are instigating and misguiding the students.

Mr. Speaker : Very often the students are misguided and if the spirit as expressed today is continued I think the students may be put in their right position.

Shri Phani Bora : May I know whether Government suspect that there are some people behind the scene who are instigating the students ? I want to know whether Government suspect anybody or any group of people who are instigating the students ?

Shri Lakshmi Prasad Goswami : I have no such information.

Mr. Speaker : It is a question of your suspicion.



Shri Lakshmi Prasad Goswami : I cannot suspect anybody. My unenviable position is that I have to take some unpleasant steps because some leaders are Government stipend-holders. It may be necessary to take disciplinary action against them.

Shri Dulal Chandra Barua : This is not the intention of the House.

Shri Lakshmi Prasad Goswami : Some of the leaders may be hand in gloves with the instigators also.

Shri Sadhan Ranjan Sarkar : Have the Government made any enquiry about the persons behind this agitation ?

Mr. Speaker : He has replied just now.

#### STARRED QUESTIONS AND ANSWERS

##### Re : Case of Murder, Dacoity and Theft

Shri Giasuddin Ahmed asked :

\*265. Will the Chief Minister be pleased to state—



- (a) The total number of cases concerning Murder, Dacoity and Theft registered during the year ending 31st December 1967.
- (b) The total number of such cases, investigation of which has been completed and final report or charge-sheet has been submitted ?
- (c) The total number of cases which are still under investigation ?

Shri Bimala Prasad Chaliha ( Chief Minister ) replied :

265. (a)	Murder—	430
	Dacoity—	134
	Theft —	6,263

(b)	C.S.	F.R.	Total
Murder—	186	143	329
Dacoity—	30	57	87
Theft —	2,459	2,745	5,204

(c) Murder— 101

Dacoity— 47

Theft — 1,059



Shri Giasuddin Ahmed : It appears that the progress of investigation is very slow. May I know what steps Government propose to take to expedite investigation of these cases ?

Shri Bimala Prasad Chaliha : In order to give a correct reply I will have to consult and then I can give what specific steps have been taken regarding progress of investigation.

Shri Moneswar Boro : কোনো কোনো মহকুমাত চুৰি-ডকাইতি বেচি হৈছে। subdivision wise সেই বিলাকৰ সংখ্যা জনাবনে আৰু তাক বন্ধ কৰাৰ কি ব্যৱস্থা চৰকাৰে লৈছে। সেইটোও জনাবনে ?

Shri Bimala Prasad Chaliha : পিচত দিব পাৰিম।

Shri Dulal Chandra Barua : Whether it is a fact that due to non-completion of investigation and submission of charge-sheets by the Police many cases are pending and, if so, what definite steps Government have so far taken to expedite investigation and submission of charge-sheets for early disposal of the cases ?

Shri Bimala Prasad Chaliha : On these matters about subdivision wise break-up of crime and the specific steps taken or proposed to be taken for expediting



investigation, I will submit a list later because I do not want to give a vague reply.

Mr. Speaker : The Chief Minister will also note that in reply to (b), it is stated that out of 329 murder cases investigated, charge-sheets have been submitted only in respect of 186. That is, in about 50% of the cases, there is no evidence. The Chief Minister may please enquire about it also.

Shri Kabir Chandra Roy Pradhani : এই Murder কেচ বিলাক গেজে-টেড, অফিচাৰৰ দ্বাৰা enquire কৰা হয় নে?

Mr. Speaker : O. C. বা ভাৰপ্ৰাপ্ত Police S. I. এ প্ৰথমে তদন্ত কৰে।

Shri Kabir Ray Pradhani : Sometimes they submit final report after taking money.

Mr. Speaker : 50 p. c. may be due to faulty investigations or some other reasons.

Shri Mohidhar Pegu : এই হত্যাকাণ্ড চুৰি-ডকাইতি বিলাকৰ যথাযথ ভাৱে অনুসন্ধান কৰিবলৈ Scotland yard ৰ নিচিনা পুলিচ-বাহিনী আদিৰ সংগঠন আছেনে?

Shri Bimala Prasad Chaliha : Scotland yard ৰ যি efficiency



বা নাম সেই হিচাপে আমাৰ পুলিচ বাহিনী হৈ উঠা নাই। কিন্তু এইটো ঠিক যে আমাৰ পুলিচ বাহিনীটো তৎপৰতা বঢ়াব লাগিব।

**Shri Sainen Medhi :** পুলিচ তদন্তৰ তৎপৰতাৰ কথাত এটা কথা মই জানিব খুজিছো যে আমাৰ ৰাজ্যত বহুতো হত্যাৰূপ, ডকাইতি হৈ আছে আৰু অসমত 'ফৰেনচিক' গবেষণাগাৰ বা উন্নত ধৰণৰ ফিঙ্গাৰ প্ৰিন্ট বুৰো আৰু 'বেলেষ্টিক লেবোৰাটৰী' ইত্যাদি নোহোৱাৰ কাৰণে ভাল তদন্তৰ ব্যাঘাত হয় আৰু বহুতো এনেধৰণৰ পৰিক্ষাৰ কাৰণে ৰাজ্যৰ বাহিৰলৈ যাব লগীয়া হয় আৰু সেই অসুবিধাৰ কাৰণেই বহুতো ক্ষেত্ৰত final report দিয়া হয়। এনে স্থলত অসম, ত্ৰিপুৰা মণিপুৰক লৈ তেনেকুৱা এটা সংগঠন স্থাপিত নাইবা অসমৰ আন কোনো ঠাইত, স্থাপন কৰা উচিত বুলি মুখ্য মন্ত্ৰীয়ে বিবেচনা নকৰে নেকি ?

**Shri Bimala Prasad Chaliha :** তেনেকুৱা এটা প্ৰতিষ্ঠান আমাক লাগে। বৰ্ত্তমান আমি এইবিলাক analysis কাৰণে বন্ধদেখালৈ পঠাই দি আছো। কিন্তু তেওঁলোকে specimen বিলাক examine কৰোঁতে কৰোঁতে বহুত দিন লয়। সেই কাৰণে আমি এটা ফৰেনচিক গবেষণাগাৰ ইয়াত কৰাৰ কাৰণে এজন ডিৰেক্টৰ নিযুক্ত কৰিছো আৰু তেওঁ আন আন ৰাজ্যলৈ গৈ চাই আহিছে। আমি সেই কামত আগ বাঢ়িছো।

**Shri Dulal Chandra Barua :** আমাৰ যিটো C.I.D. বিভাগ আছে সেইটো বৰ্ত্তমান উন্নত ধৰণৰ নহয়। গতিকে সেই সম্পৰ্কত এটা পৰামৰ্শ আগবঢ়াই মই কওঁ যে C.I.D.ক এটা special type of training যাতে দিব পৰা যায় তাৰ বাবে চৰকাৰে বিশেষ বিবেচনা কৰি দেৰগাওঁত, Scotland yard ৰ শিক্ষাৰ নিচিনা এটা training ৰ ব্যৱস্থা কৰিলে



এই বিলাক তদন্ত উন্নত ধৰণৰ হ'ব পাৰে বুলি চৰকাৰে নাভাবেনে ?

Shri Bimala Prasad Chaliha : তেনেকুৱা শিক্ষাৰ ব্যৱস্থা কৰিবলৈ আমি details তৈয়াৰ কৰিছো। Scotland yard ত আমাৰ মানুহ পঠিওৱা হয়। প্রশ্নটোত এইটো সেইটোৰ লগত সম্পৰ্ক আছে। Intelligence Branch ক শক্তিশালী কৰোতে ক'ৰপৰা personel পাও আৰু সুযোগ সুবিধা পাও এই বিলাক কথা পৰস্পৰৰ লগত সম্পৰ্ক থকা বিষয়। আমি কথাটো চাই পুলিচ কমিচন নিয়োগ কৰিব খুজিছো।

Shri Giasuddin Ahmed : Whether Government is aware of the fact that the corruption on the part of the investigating officers is one of the causes of delay in submitting final reports in so many murder and other cases ?

Shri Bimala Prasad Chaliha : Yes, Sir, this is one allegation ?

Shri Giasuddin Ahmed : What steps Government propose to take out corruption in this regard ?

Shri Bimala Prasad Chaliha : Whenever such allegations are received, they are enquired into and if found true steps are taken. But unfortunately corruption is done in a manner which is not easily detectable and can be proved. That is the difficulty. There-



fore, this is related to the over all problem of corruption.

Shri Bisnu Ram Medhi : Is there any rule that such cases of murders should be supervised by Gazatted officer of high ranks, and if so, whether it is observed in all cases ?

Shri Bimala Prasad Chaliha : Sir., Gazetted Officers are to supervise and I think they do it but to what extent for that I require notice.

Shri Kobir Roy Pradhani : বহুতো সময়ে দেখা যায় পুলিছে হত্যাকাণ্ড বিলাকতো “ফাচি” লাগি মৰাৰ কথা কৈ case বিলাকত final report দি দিয়ে। অথচ গাঁৱলীয়া মানুহে জানে এইটো হত্যাকাণ্ড কিন্তু পুলিচে এনেকুৱা ৰিপৰ্ট দিয়াত মানুহ নিকপায় হয়— ইয়াৰ বাবে চৰকাৰে কিবা ভাবিছে নেকি ?

Shri Bimala Prasad Chaliha : ফাচি case বিলাকত post mortem কৰা হয় আৰু তাত কিছুমান লক্ষণ আছে যি বিলাক ইয়াৰ পৰা ওলায়।

Shri Kobir Roy Pradhani : পুলিছে টকা খাই তেনেকুৱা ৰিপৰ্ট দি দিয়ে বুলি চৰকাৰে জানেনে ?

Mr. Speaker : Specific case নকলে উত্তৰ দিয়া সম্ভৱপৰ নহব।



**Re : Lakhimi Agricultural Farm in Nowgong**

Mr. Shamsul Huda asked :

\*269. Will the Chief Minister be pleased to state—

- (a) Whether it is a fact that the Government has sponsored an agricultural farm, named Lakhimi in Nowgong with Police employees?
- (b) What is the area of land put under cultivation of paddy of this farm?
- (c) What was the total production of the farm in the year 1967-68?
- (d) What has been the cost of the last cultivation?
- (e) How many employees were engaged in the cultivation at the farm?
- (f) Whether the Government has sponsored any other such agricultural farm of paddy cultivation anywhere in the State?
- (g) If so, in what places?
- (h) Whether the Government has passed any law for employing the energy, time and finance of



the Police Department in agricultural farming under Government ?

Shri Bimala Prasad Chaliha ( Chief Minister ) replied

269. (a) —Yes.

(b) & (c)— A plot of 120 acres in the Jamuna Mow-danga Reserved Forest was given by Government for this purpose.

Out of the 120 acres allotted, 65 acres were brought under cultivation during the season in three different plots. Unfortunately, one plot of about 23 acres was damaged by wild elephants and rhinos and one plot of 10 acres on which mustard was sown did not yield result due to unsuitability of the soil. Paddy grown in the rest of the area of about 32 acres yielded 349.95 quintals.

(d) —Seeds, fertilizer, tractors etc., were supplied by the Agriculture Department. A bill for Rs. 5,524.50 P. has been submitted by the Agriculture Department for the same.

(e) Approximately 150 employees ( Police personnel from leave and casualty reserve ) were engaged in the cultivation at the farm.

(f) & (g)—Yes, Farming on experimental basis by Police personnel under Police Welfare Co-operative Soci-



ety has also been started in Darrang and Lakhimpur Districts.

- (h) — Does not arise as Police personnel on leave and casualty reserve had engaged themselves in the farm on a voluntary basis without any personal interest or gain for themselves.

Mr. Speaker : Did this question come up earlier also.

Shri Bimala Prasad Chaliha : Yes, Sir.

Shri Rothindra Nath Sen : Sir, may I know if the name 'Lakhimi' relates to the holy name of our Agriculture Minister ?

Shri Lakshmi Prasad Goswami : I do not write Lakhimi. I write Lakshmi.

Shri Gaurishankar Bhattacharyya : May I further correct that the Minister's name is Lakshmi Prasad, not Lakhimi. If it would have been Lakhimi, he would have she.

Mr. Speaker : The members will please remember that this question came up before this House once earlier and it was sufficiently discussed. If there is any-



thing else new then put supplementaries, otherwise restrict it.

Shri Sadhan Ranjan Sarker : Whether the entire product has been sold out ?

Shri Bimala Prasad Chaliha (Chief Minister) : Sir, there was another question in this regard and it was replied to before. This paddy or rice is meant to be consumed by the Police personnel as their ration.

Shri Atul Chandra Goswami : তাত যে নবান্ন হৈছিল তাৰকাৰণে কিমান খৰচ হৈছিল ?

Shri Bimala Prasad Chaliha : সেইটো আগতে কোৱা হৈছে যে নবান্নত ৬০০ টকা খৰচ হৈছে।

Shri Dulal Chandra Barua : এই খান পুলিচৰ মাজত বিতৰণ কৰা কথা কৈছে কেবল যি সকল পুলিচে কাম কৰিছিল, তেওঁলোকৰ ভিতৰত বিতৰণ কৰা হৈছে নে; সকলো কাম দৰমহা পোৱা পুলিচৰ মাজত বিতৰণ কৰা হৈছে ?

Shri Bimala Prasad Chaliha : সেই খবৰ মই স্পষ্টকৈ নাজানিলেও মই জনাও, সেই খান পুলিচৰ ভিতৰত বিতৰণ কৰা হৈছে।

Shri Phani Bora : সেই নবান্নৰ কাৰণে মুখ্যমন্ত্ৰী নিজে, ৰাজহ মন্ত্ৰী আৰু



কৃষি মন্ত্রী গৈছিল— তালৈ তেখেতসকল যে গৈছিল, তাৰ কাৰণে  
T. A. লৈছিল নেকি ?

Shri Bimala Prasad Chaliha : মোৰ কথা হল, মই মিকিৰ পাহাৰলৈ  
গৈছিলো। ফিৰি আহোতে তাত সোমাইছিলো সেইখিনিৰ T. A.  
লৈছিলো।

Shri Motilal Kanu : এই বকমৰ স্কীম অন্য ঠাইটো লৈছে নেকি ?

Mr. Speaker : সেই কথা অন্য ঠাইত জনাইছে—অন্য ঠাইতো তেনেকৈ  
খেতি কৰা কথা।

Shri Dulal Chandra Barua : পুলিচ সকলক আইন শৃংখলা বক্ষা কৰা কামৰ  
পৰা বিৰত কৰি খেতি কয় লগাইছে ?

Shri Bimala Prasad Chaliha : এইটো কথা এনেকুৱা—পুলিচ হলেও  
তেওঁলোক মানুহ, আৰু মাননীয় সদস্য সকলৰ বহুতে নেজানে যে  
খাদ্য সংকটৰ সময়ত, পুলিচসকলৰো খাদ্যৰ অভাব হৈছিল। এই  
আঁচনিৰে তেওঁলোকৰ খাদ্য সংকট দূৰ কৰাৰ উপৰিও অবসৰ প্ৰাপ্ত  
পুলিচক benefit দিয়া কথা আছে—এইটো যাৰ নামতেই হওক,  
কৰিলে গাঁৱলৈকো বিয়পিব পাৰে।

Shri Mohidhar Pegu : নগাঁও আৰু দৰঙত পুলিচৰ হতুৱাই খেতি কৰাই  
পোৱা অভিজ্ঞতাৰ পৰা এই কামটোত লাভজনক হৈছেনে আদৰ্শ  
হিচাবেহে ৰখা হৈছে ?



Shri Bimala Prasad Chaliha : উৎপাদনৰ figure টো মোৰ মনত নাই  
অন্য ঠাইৰ অনুপাতে তাৰ উৎপাদন দুগুন হৈছে।

[ Starred Question No. 270 was not put ]

**Re : Financial Allocation in the 4th Plan for the State**

Shri Dulal Chandra Barua (Charaibahi) asked :

\*271. Will the Minister-in-charge of Planning and Development be pleased to state—

- (a) What is the final allocation of fund made by the Planning Commission this year for the implementation of the Fourth Five-Year Plan for the State ?  
( Please state head-wise allocation of fund )
- (b) Whether it is a fact that the Planning Commission refused to give the required fund for the State for the failure of the State Government in successful implementation of Plan schemes during the last three plan period ?
- (c) If so, what definite steps Government have taken in this regard ?

Shri Bimala Prasad Chaliha (Chief Minister) replied :



271. (a)— It is not clear whether the hon. Member wants the information for 1967-68 or for 1968-69. Hence the information is furnished both for the year 1967-68 and 1968-69, in the statement laid on the Table of the House.

(b) — No.

(c) — Does not arise.

Shri Dulal Chandra Barua : Sir, may I know whether at the time of asking for allocation of fund under different heads, the State Government is required to furnish the outturn of the projects to the Government of India or Planning Commission. If so, whether this has been done ?

Shri Bimala Prasad Chaliha : I could not follow.

Shri Dulal Chandra Barua : My question is whether at the time of preparing the memorandum for getting allocation of fund from the Planning Commission under different heads, the output that is derived from the different projects is to be shown in the memorandum to the Government of India or the Planning Commission. If so, whether it is done ?



Shri Bimala Prasad Chaliha : The Hon. Member, I think, means whether evaluation of the past performance is made. That is made. The evaluation is made and that is presented before the Planning Commission as well as to the Working Group of the Planning Commission.

Shri Dulal Chandra Barua : Sir, whether it is a fact that at the time of submitting the last memorandum for the Fourth Five Year Plan, this evaluation figure has not been submitted to them ? If so, why ?

Shri Bimala Prasad Chaliha : It may be that evaluation for one or two projects was not complete. Otherwise, actually this evaluation is continuously made every year.

Shri Dulal Chandra Barua : May I draw the attention of the Chief Minister that the evaluation figures in respect of Industrial Development as well as Flood Control and Irrigation, which are the most essential subjects for the State, were not furnished. If it is so, where is the lacuna ? Why these were not submitted ?

Shri Bimala Prasad Chaliha : I off-hand cannot say definitely that these were not submitted, I will have to look into it, then I can say.



**Re : Retired Members of the Assam Civil Service serving under Foreign Companies**

Shri Dulal Chandra Barua (Charaibahi) asked :

\*272. Will the Chief Minister be pleased to state—

- (a) What is the total number of members of the Assam Civil Service (including Members of the I.A.S. borne in State Cadre ) have accepted service in the foreign companies, private Indian companies in the State of Assam after retirement ?
- (b) How many of them have been residing in the State Capital ?

Shri Bimala Prasad Chaliha (Chief Minister) replied :

272. (a)—Under Rule 26 of the All-India Services ( Death-cum Retirement Benefits) Rules, 1958, previous sanction of the Central Government is required to be obtained by an I.A.S. officer for acceptance of any commercial employment within two years from the date of his retirement. Similarly, under Art-153 (a) of Assam Pension Manual, if any Assam Civil Service Officer wishes to accept any commercial employment before the expiry of 2 years from the date of his retirement, he is required to obtain



the previous sanction of the Governor of Assam to such acceptance.

No officer either of I. A. S. belonging to this State Cadre or of the A. C. S. has applied to us for any permission for accepting service in foreign companies or private Indian companies in the State of Assam within two year from the date of retirement, in terms of the above-quoted Rules. Government would have no information, if any, such officer accepts such employment after expiry of 2 years from the date of retirement.

(b) Does not arise.

**Re : Period of Service required for Confirmation of  
3rd Grade Government Employees**

M. Shamsul Huda (Dhing) asked :

\*273. Will the Chief Minister be pleased to state—

(a) What is the period of service required for confirmation of the service of a 3rd Grade employee under the Government?

(b) Whether it is a fact that under the Deputy Commissioner Nowgong, a large number of cases of



confirmation of the 3rd Grade employees have been pending for the last 15 years ?

(c) If so, what is the number ?

(d) Whether the Government will expedite these cases of confirmation ?

Shri Bimala Prasad Chaliha (Chief Minister) replied :

273. (a) — A third grade employee belonging to the ministerial establishment of a Deputy Commissioner is subject to availability of a permanent vacancy, eligible for confirmation, provided he has completed at least one year of service to the satisfaction of the appointing authority and is considered fit for confirmation by the authority.

(b) & (c)—Eleven cases are pending from 1962.

(d)—Yes.

Re : Monthly System of Sales Tax

Shri Matilal Nayak (Sarukhetri, Reserved for scheduled castes) asked :

\*274. Will the Minister-in-charge of Finance be pleased to state—



- (a) Whether the Government will be pleased to introduce monthly system of sales tax instead of levying 10 (ten) paise on each passenger ?
- (b) Whether the Government is aware that at the present system of taxes Government is incurring huge loss of revenue ?
- (c) When the monthly system of sales tax will be introduced ?

Shri Kamakhya Prasad Tripathi (Minister, Finance) replied :

274. (a) & (c)— There is no sales tax on passengers. As such, the question of introducing a monthly system of sales tax instead of levying 10 paise tax on each passenger does not arise.

(b) — No.

### Re : Supply of dry Tea to Tea Garden Labourers

Shri Durgeswar Saikia (Thowra) asked :

\*275. Will the Minister-in-charge of Labour be pleased to state—



- (a) Whether it is a fact that the tea garden labourers moved Government to supply dry tea to them ?
- (b) If so, when ?
- (c) Whether Government have passed any order on this ?
- (d) If not, why ?
- (e) When a Government decision is expected ?

Shri Kamakhya Prasad Tripathi (Minister, Labour) replied :

275. (a)—Yes, The issue of “supply of dry tea” to tea garden labour was discussed at the 23rd Session of the Standing Labour Committee held in December 1964. It was decided to deal with the matter in the next meeting. The issue came up for discussion at the 25th and the 27th Sessions, but no final decision could be reached.

It is understood that the matter has been placed before the Industrial Committee on Plantations by I.N.T.U.C. and a decision is awaited.

- (b)—The subject was formally raised in the year 1964.
- (c)—No.
- (d)—No orders have been passed by Government as no decision has been taken by the Industrial Com-



mittee on Plantations before whom the matter is pending.

(e)—The question will arise only when views of the tripartite body are announced.

Shri Motilal Kanu : বাগানে চা চুৰি হয় কি না এই বিষয়ে চৰকাৰ জানেন কি না ?

Shri Kamakhya Prasad Tripathi : এই ব্যাপারে দুই পক্ষের decision ব প্রয়োজন। কিন্তু এই বকম কথা সোনা যায়।

Shri Jaganath Sing : মজ ছুৰা যাৰা কম বেতন পায় তারা বাগানথেকে চা পায় না এই কথা কি সত্য।

Shri Kamakhya Prasad Tripathi : কোন কোন জায়গায় হতে পারে কিন্তু ২০% বাগানে কিছু কিছু চা মজদুরদের দাওয়া হয়।

Shri Narendra Nath Sarma : এতিয়াও বহুত মাটি allot করা হোৱা নাই কিয় ?

Shri Mohendra Mohan Choudhury : সেইখিনি ওখ মাটি বুলি মাটি দিয়া সকলেও সেই মাটি লোৱা নাই।

Shri Jaganath Sing : খানাজান T. E. ৰ ex-Tea garden Labour কে জমি দেওয়া হয়েছে কিনা ?



Shri Mohendra Mohan Choudhury : সেই খবর আঁনাৰ কাছে নাই।.

Re ; Realisation of Money by the Subdivisional Officer,  
Golaghat as Requisition Cost of Land

Shri Narendra Nath Sarma (Dergaon) asked :

\*276. Will the Minister-in-charge of Revenue be pleased to state—

(a) Whether the S. D. O., Golaghat realised some amount from the flood-affected and landless people of Langara Chapori of Missamora Mauza in 1963 as the requisition cost of the land belonging to Thorajan Tea Estate ?

(b) The reason for delay in distributing those lands to the people ?

(c) Whether it is a fact that the people concerned had approached the authority more than fifty times in these years on this behalf ?

(d) Whether it is a fact that the Government directed the S.D.O. to allot the land or return the amount with interest to the people ?

Shri Mohendra Mohan Choudhury (Minister, Revenue) replied



276. (a) —Yes.

(b) —The garden authority filed an appeal before the Government and it took some time to dispose of the appeal.

(c) —No.

(d) —No. Government allowed the appeal and directed the S.D.O. to requisition an alternative land offered by the garden authority and to allot the same to the deserving persons.

**Re : Number of Petitions received for Settlement of  
Land in North Lakhimpur**

Shri Gobinda Chandra Bora (North Lakhimpur) asked :

\*277. Will the Minister-in-charge of Revenue be pleased to state—

(a) The number of petitions received for settlement of Government waste land from the people by the Subdivisional Officer, North Lakhimpur during the months of November and December 1967 and January 1968 ?

(b) The number of petitions yet to be disposed of out of them ?



- (c) What instructions have been given to Subdivisional Officer for disposal of these petitions ?
- (d) Whether it is a fact that some families from Majuli said to be erosion-affected people are occupying Government reserved lands without permission in Lakhimpur Mouza ?
- (e) If so, what steps Government have taken to provide lands to these people ?

Shri Mahendra Mohan Choudhury (Minister, Revenue) replied

277. (a)— Sixteen thousand, eight hundred and thirty-eight..

(b)— All the petitions so far received.

(c)— Government have approved the resolution of the Land Settlement Advisory Committee which decided in its meeting held on 20th October 1967 to authorise the Gaon Panchayat Presidents to receive applications from the landless people under their jurisdiction and to send the petitions to Subdivisional Officer through Anchalik Panchayat Presidents by 20th November 1967 to facilitate the submission of petition by landless people to Subdivisional Officer, North Lakhimpur without coming to North Lakhimpur. The Subdivisional Officer has now sent the petitions to the Assistant Settlement Officers for quick enquiry regarding their eligibility for getting settle-



ment of land. All these petitions will be disposed of according to new Land Settlement Policy, 1968.

(b)— Yes, some 26 families from Adi-Elengi Satra of Majuli are occupying the Ghagar P. G. R.

(c)— These 26 families were given land in the dereserved portion of Pabha Forest Reserve. But they did not settle there and instead have encroached grazing land.

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Shri Govinda Chandra Bora : Sir, whether the Government is aware of the fact that 125 families said to be erosion affected people of Majuli have been evicted from Ghagor reserve on 19.3.68 ?

Shri Mahendra Mohan Choudhury : The fact is not with me at the moment. If the honourable member is interested I can supply the information later on.

Shri Jogen Saikia : Sir, in view of urgency of rehabilitating the erosion affected people of Majuli, will Government be pleased to take the matter with the local authorities and direct the S. D. O., Lakhimpur to settle the land ?



Shri Mahendra Mohan Choudhury : It has already been done.

Shri Jagannath Singh : While replying the Minister has said that landless people should apply for land through respective Gaon Panchayat. But in the tea gardens there is no Gaon Panchayat. So, if landless people of tea gardens want to apply, through whom they will apply ?

Shri Mahendra Mohan Choudhury : Generally it is done by the recommendation of the land Settlement Advisory Committee. They receive the applications from the respective Gaon Panchayat. But, in pursuance of the resolution the S. D. O. directs the landless people to submit their applications through the Gaon Panchayat and the Gaon Panchayat will forward these applications to the Anchalik Panchayat and the Anchalik Panchayat will send them to the S. D. O. The S. D. O. will then make enquiry about the eligibility and according to availability of land will be given. In this particular case, the Land Revenue Officer will scrutinise the applications received from the tea garden labourers within his respective jurisdiction.

Shri Jogen Saikia : Sir, will the Minister be pleased to consider making a portion of the land available from



the reserve in question in ghagor for the settlement of erosion affected people of Majuli ?

Shri Mahendra Mohan Choudhury : I cannot give a direct reply to this question. It will be decided by the Land Advisory Committee.

Shri Premadhar Bora : গাওঁ সভাৰ সভাপতিৰ জৰিয়তে যি বোৰ আবেদন পোৱা হ'ল সেইবোৰৰ পৰা landless মানুহৰ লিপি কৰেণে A.S.O. বা মণ্ডলৰ তদন্তৰ Certificate দৰকাৰ নে ?

Shri Mahendra Mohan Choudhury : এইটো চৰকাৰৰ সিদ্ধান্ত নহয়। উত্তৰ লক্ষিমপুৰ Land Settlement Advisory কমিটিৰ সিদ্ধান্ত হৈছে। S.D.O ক দিয়া ১৬,৮০৮ খন মাটিহীন মানুহৰ দৰখাস্ত .L.S.A. কমিটি দাখিল কৰালে আৰু কমিটিৰ অনুমোদন ক্ৰমে গাওঁ পঞ্চায়তৰ পৰা অহা দখাস্তবোৰ মাটিহীন হয়নে নহয় তদন্ত কৰিছে।

Shri Mohidhar Pegu : পাত্ৰ প্ৰভৃতি বিজাৰ্ভবোৰত মাজুলীৰ যি বোৰ গড়া খহনীয়া মাটিহীন মানুহ বসবাস কৰিছে বুলি কৈছে সংশ্লিষ্ট কৰ্মচাৰীৰ গাফিলী আৰু গাওঁ পঞ্চায়তৰ যোগে যাব লগীয়া এই শামুকীয়া গতিৰ বাবেই যে পুণৰ সংস্থাপনত অশেষ অসুবিধা হৈছে, সেই কথা চৰকাৰে স্বীকাৰ কৰেণে ?

Shri Mahendra Mohan Choudhury : এইটো সচা যে বহুত সময়ত গৰাখহনীয়া আৰু বানপানী বিদ্ধ মানুহে মাটিৰ কাৰণে দিয়া দৰখাস্ত তদন্ত কৰোতে সময় লাগে বাবে মাটি পোৱাত পলম হয়।



Shri Phani Bora : মন্ত্রী মহোদয়ে কৈছে যে উত্তৰ লক্ষিমপুৰত Land Settlement Advisory কমিটিয়ে দৰখাস্তবোৰ গাওঁ পঞ্চায়ত সভাপতিক scrutinize কৰিবলৈ দিছে আৰু যাক মাটিহীন বুলি অনুমোদন কৰিছে তাকে মাটি দিছে। এইটো চৰকাৰে ঠিক বুলি ভাবিছেনে? যদি গাওঁ পঞ্চায়ত সভাপতিয়ে মাটি থকা মানুহকো মাটিহীন বুলি কৈ থকা পৰে সেই সভাপতিৰ বিৰুদ্ধে কি action লোৱা হয়?

Shri Mahendra Mohan Choudhury : মাটি থকা মানুহক মাটিহীন বুলি report দিলে তাৰ বিৰুদ্ধে action লবলৈ চৰকাৰৰ ক্ষমতা আছে।

Shri Dulal Chandra Barua : মন্ত্রী মহোদয়ে কৈছে যে Land Settlement কমিটিৰ পৰামৰ্শ মতে বাহিৰৰ মানুহক দিব। মাজুলীৰ বহুত মানুহক পুনৰ সংস্থাপন কৰিব লগা হৈছে। এই ক্ষেত্ৰত গাওঁ পঞ্চায়তৰ লিষ্ট নলৈ D.C. ক লিষ্ট কৰিবলৈ দিবনে?

Shri Mahendra Mohan Choudhury : নতুন ভূমি পট্টন নীতিত এটা ব্যৱস্থা আছে যে গৰাখহনীয়া আৰু বানপানী বিৰুদ্ধে মানুহক পুনৰ সংস্থাপন কৰিবলৈ Land Settlement Advisory কমিটিৰ পৰামৰ্শ নোলোৱাকৈ কৰিব পাৰি।

Shri Jogen Saika : Sir, in view of the fact that the Ghogra reserve referred to by the Minister-in-charge is sufficiently big and not being utilised for grazing purposes. will the Government consider making a portion of it available for settlement with the erosion and flood-affected people?



Shri Mahendra Mohen Choudhury : Sir, I cannot give a direct commitment to that question. It will be decided by the Land Advisory Committee.

Shri Jogen Saikia : Sir, in view of the urgency of rehabilitating the erosion-affected people of Majuli will the Government invoke that provision and direct the S. D. O. to resettle these lands ?

Shri Mahendra Mohan Choudhury : চৰকাৰৰ ফালৰ পৰা প্ৰয়োজন অনুসৰি এইটো কৰিবলৈ ব্যৱস্থা গ্ৰহণ কৰা হ'ব। ইতিমধ্যে বহুত মাজুলীৰ গৰাংহনীয়া লোকক মাটি দিবলৈ ব্যৱস্থা কৰা হৈছে।

**Re : Number of Land Settlement Petitions Pending with  
the Baghbar Police Station**

Shri Ataur Rahman ( Janiya ) asked :

\*278. Will the Minister-in-charge of Revenue be pleased to state --

(a) The number of petitions for settlement of lands pending with the Baghbar Police Station for verification with reference to the National Registrar of Citizen, 1951 ?

(b) How long have these petitions been pending with the said Police Station and reason therefor ?



(c) Whether petitions from persons holding pattas since long before 1947 or other valid documents are also sent to the Police Station for verification?

(d) If so, why ?

Shri Mahendra Mohan Choudhury (Minister, Revenue) replied

278. (a)— Three thousand, three hundred and fifty one.

(b)— These petitions are pending from the year 1965 due to preoccupation of the staff with normal thana work and also due to the Communicational difficulties in the Baghbar Thana area.

(c)— No.

(d)— Does not arise.

**Re : Appointment of Members in the Land Settlement  
Advisory Committee**

Shri Matilal Nayak (Sarukhetri, Reserved for scheduled Castes)  
asked :

\*279. Will the Minister-in-charge of Revenue be pleased to state —

(a) Why thirty to fifty members have been appointed at the land Settlement Advisory Committee of the Subdivisions over and above the M.L.As ?



- (b) Whether the Government is aware that it is difficult to take decision in such sort of public meetings ?
- (c) Whether defeated Congress M. L. As are mostly made members of Land Settlement Advisory Committee ?
- (d) If so, why ?

Shri Mahendra Mohan Choudhury (Minister, Revenue) replied:

279. (a)— In constituting the Land Settlement Advisory Committee, Government was guided by the consideration that it should be as much representatives of the different areas, communities and interest as possible. With this end in view Government have appointed members in the Land Settlement Advisory Committee of the Subdivision.

(b)— Yes, As the present body of the Land settlement Advisory Committee is large, D. Cs and S.D.Os have been requested to constitute working committees for execution of details of recommendations of Land Settlement Advisory Committee.

(c)— No. But defeated M. L. As also have been put in committees.

(d)— Does not arise.



Re : Landless Cultivators in Abhayapuri Constituency

Shri Kandarpa Narayan Banikya ( Abhayapuri, Reserved for Scheduled Caste ) asked :

\*280. মাননীয় বাজহ বিভাগৰ মন্ত্রী ডাঙৰীয়াই অনুগ্রহ কৰি জনাব নে—

(ক) অভয়াপুৰী সমষ্টিত মাটিহীন কৃষক কিমান আছে ?

(খ) তেওঁলোকক মাটি দিয়াৰ কি ব্যৱস্থা চৰকাৰে হাতত লৈছে ?

Shri Ranendra Basumatary ( Minister of State, Revenue ) replied :

280, (a)— No assessment regading the number the landless cultivators has yet been made in Abhayapuri Assembly Constituency. About 1,449 allegedly landless families have, however, submitted petitions so far.

(b)— Enquiry is being made by the local authority for proper assessment of actual landless cultivators and to provide the land according to availability of Government waste land there.

Shri Kandarpa Narayan Banikya : এই কথা সচানে এই দৰখাস্তবোৰ দিয়া ৬-৭ বছৰ হল ?

Shri Mahendra Mohan Choudhury : দৰখাস্তবোৰ বিভিন্ন তাৰিখত দিয়া তাৰ নিতং বিবৰণ মোৰ হাতত নাই।



Shri Kandarpa Narayan Banikya : Land Settlement Advisory

কমিটি বছৰত এবাৰো নবহে হয়নে ?

Shri Mohendra Mohan Choudhury : আমাৰ নতুন নিয়ম মতে দুমাহত

এবাৰ বহিব লাগে।

Shri Bhubaneswar Barman : যিবোৰ ঠাইত নবহে তাত ব্যৱস্থা লোৱা

হৈছেনে ?

Shri Mahendra Mohan Choudhury : এতিয়ালৈকে কোনো অভিযোগ

অহা নাই। অভিযোগ আহিলে ব্যৱস্থা লোৱা হব।

Shri Kandarpa Narayan Banikya : গোৱালপাৰাত ৪ মাহ হৈ গল।

কিয় এবাৰো বহা নাই তদন্ত কৰিবনে ?

Shri Mahendra Mohan Choudhury : মাননীয় সদস্যই বিশেষ কাম

দিলে তদন্ত কৰা হব।

**Re : Calling off the Strike by the students  
of the Assam Agricultural College,  
Jorhat**

Shri Jogen Sakia : Sir, I beg to convey to the House through you that I have just now received a telephonic message from my friend at Jorhat....



Mr. Speaker : He is giving a very good message to the House.

Shri Jogen Saikia : That the students of Assam Agricultural College have called off the strike at 11 P. M. yesterday.

Further information on starred Question No. 219 replied on 28th March, 1968 re: Discontinuation of Advance to Assam Co-operative Bank by the Reserve Bank of India

Shri Lakhshmi Prasad Goswami ( Minister Co-operation ) :  
Sir, there was a question which was kept in abeyance i. e. Starred Question No. 219 asked by Shri Sainen Medhi.

Mr. Speaker : That was kept pending ; tomorrow it will come.

Re : Starvation death of a girl at Dudnai

Shri Sarat Chandra Rabha : মাননীয় অধ্যক্ষ মহোদয়, মই এখন  
টেলিগ্রাম পাইছো—দুদনৈ বিফিউজী কেম্পত খাবলৈ নাপায়।



Mr. Speaker : আপুনি কেৱল টেলিগ্ৰামখন পঢ়ি দিয়ক।

Shri Sarat Chandra Rabha : "One tender girl died due starvation public of Dudnai strongly resented."

Mr. Speaker : You send the telegram to the Chief Minister who will look into it.

**Re : Khasis Back with Pindi Arms**

Shri Dulal Chandra Barua : Sir, may I draw the attention of the Chief Minister to a very important news item that has been published in the Indian Express of yesterday. The news is 'Khasis back home with Pindi arms.' A large number of Khasi tribals are reported to have returned to United Khasi and Jaintia Hills district of Assam from adjoining East Pakistan after procuring explosives and obtaining training in sabotage and subversion, it is learnt authoritatively. Therefore, Sir, it is a very important matter.

Mr. Speaker : The Chief Minister will look into this.

**Re : Death of an arrested person after in-human torture**

Shri Sahadat Ali Jotdar : অধ্যক্ষ মহোদয়, ময়ো এখন টেলিগ্ৰাম পাইছোঁ; কিছু কথা এই সম্পৰ্কত কব খুজিছোঁ।



Mr Speaker : When you asked for permission, I told you not to make a speech. You just read out the telegram.

Shri Sahadat Ali Jotdar : "One person arrested on 28th evening died 29th ultimately due inhuman torture (stop) Do needful".

Mr. Speaker : Send the telegram to the Chief Minister.

Re : Pending Question

M. Shamsul Huda : মোৰ ১১৬ আৰু ১৩০ নং প্ৰশ্ন দুটা Pending হৈ আছে।

Mr. Speaker : I think Mr. Mahendra Choudhury will take note of Question Nos. 113 and 130 to see that they are replied.

Re : Destruction of shops at Silghat by the A.S.O.  
Kaliabor.

Shri Atul Goswami : অধ্যক্ষ মহোদয়, যোৱা ৩০/৩/৬৮ তাৰিখে কলীয়া-বৰৰ A. S. O. ই শিলঘাটৰ কিছুমান দোকান .....

Mr. Speaker : আপোনালোকক মই আগতেই কৈছো যে 'জিৰ' (Zero)



‘আব্রাহত’ ( hours ) কিবা প্রশ্ন উঠাব খুজিলে মোক আগতে  
জনাব লাগে ।

**Shri Atul Goswami :** হাতী লগাই ভাঙি দিছে ; মই তালৈ গৈ দেখি .....

**Mr. Speaker -** You please take this up with the Revenue Minister.

**He :** A Statement submitted to the Chief Minister

**Shri Kandarpa Narayan Banikya :** I submitted to the Chief Minister a statement but it is very much regretted that no reply is given.

**Mr. Speaker :** Did you submit it here in the House ?

**Shri Kandarpa Narayan Banikya :** You asked me to submit it to the Chief Minister.

**Mr. Speaker :** Did you do so in the House ?

**Shri Kandarpa Narayan Banikya :** I read in the House.



**Calling Attention To A Matter Of Urgent  
Public Importance: Water Scarcity  
At Shillong**

Mr Speaker : Now, there is a Calling Attention by Rani Manjula Devi.

\*Rani Manjula Devi : Sir, I beg to call the attention of the Chief Minister under Rule 54 of the Rules of Procedure and Conduct of Business in Assam Legislative to the alarmingly growing scarcity of water in the town of Shillong and acute shortage during the dry months in Laitumkhrah ward and the letter of the Chairman of the Shillong Municipality with enclosures in this connection expressing his apprehension about the inevitable water famine in near future may create a dangerous situation.

Sir, I just want to say one word. Repeatedly it has been stated that the source of the perennial water has been drying up for the last few years due to deforestation or some other cause and because of innumerable construction of house. Unless some other alternative arrangement is made for water supply something like diverting water supply from the Barapani Lake, I am afraid the situation will be very dangerous and the entire population of Shillong will be faced with water shortage.

\*Shri Bimala Prasad Chaliha ( Chief Minister ) : Sir, Shillong water system

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\*Speech not corrected



is based on tapping of water from perennial springs originating from Shillong peak and adjacent Catchment areas. The water supply in Shillong uptil now was from two sources i.e. the sources developed by the Public Health Engineering Department and those of the Shillong Municipal Board. From 31st January, 1968, the Public Health Engineering sources have also been taken by the Municipal Board and now there is an amalgamated water supply depending upon both the sources. It is at present under the control of the Municipal Board.

( At this stage, at 1109 hrs. the Speaker left the chamber and the Deputy Speaker occupied the chair )

2. The total volume of water required for Shillong is roughly about 30 ( thirty ) lakhs gallons per day. As against this, the total availability of water during six months of the rainy season is in the neighbourhood of 47 lakhs gallons per day from both the sources. During the next three months ( November, December & January ), the total availability is in the neighbourhood of 30 lakh gallons per day from both the sources which is just sufficient to meet the demand. During the remaining dry months, the quantity of available water drops down from 11 to 14 lakh gallons per day from both the sources. This would show that during the dry months, the availability of water is less than half of the requirement.



3: The sources from which the Municipality has been obtaining its supply of water are :

(a) Wah 'alynnoh.

(b) Wabrisa, Laitkor Forest.

(c) Madan Laban Riat Laban.

The Public Health Engineering Deptt. took up a scheme for augmenting the water supply scheme. The scheme was prepared by M/S Jewel Filter Company, Calcutta, and the work on the scheme was started in 1957-58. The scheme was completed at a total cost of Rs. 30.55 lakhs. This amount has been issued as a loan to the Municipality and is to be repaid within 30 years. The source of water supply of the scheme executed by the Public Health Engineering Department is Umjasai spring near the Shillong Peak. As already pointed out the scheme has been handed over to the Municipality.

with a view to maintaining the water supply at Shillong and suburbs, certain areas have been earmarked for maintenance as Green Blocks. The names of these Blocks and their areas is as follows :

Green Block No.1	—	500 Acres.
Green Block No.2	—	300 „
Green Block No.3	—	300 „
Green Block No.4	—	370 „
Green Block No.5	—	160 „
Total		<hr/> 1630 acres.



# CALLING ATTENTION TO A MATTER OF [ 3rd April URGENT PUBLIC IMPORTANCE

All these Blocks were handed over to the United Khasi-Jaintia Hills District Council in the year 1959 after the passing of the United K. J. Hills Autonomous District (Management and Control of Forests Act, 1958, In 1960, however, by an executive order, the District Council authorised the Chief Conservator of Forests to manage as the Council's Agent Block Nos. I & II. The management, control and administration of the remaining three Blocks continue and still remain with the District Council.

Apart from the Green Blocks, there is a catchment area consisting of reserved forests maintained by the Forest Department at the following places :

1. Upper Shillong	—	1264.3 acres
2. Riat Laban	—	468.3 acres
3. Laitkor	—	782.2 "
4. Shyrwat	—	101.8 "
5. Short Round	—	262.2 "
6. Riat Khwan	—	817.4 "
Total		3696.5 acres.

These forest are being looked after by the Forest Department

The indiscriminate felling of trees has occurred in the forests under the Green Blocks. The District Council had passed the United Khasi-Jaintia Hills Autonomous (Man-



agement and control of forests) Act, 1958, which provides for management and control of forests. Under the Act, certain areas are declared as protected forests or Green Blocks and there is a restriction against the removal of forest produce from the protected forests, Green Blocks, etc. without the order in writing of the Forest Officer of the District Council which can be given only on previous receipt of royalty on such timber of forest produce at rates as may be prescribed by the District Council. Section 14 of the Act provides for penalty of a fine which may extend to Rs. 200/- and in default of payment of fine, imprisonment which may extend to two months. The enforcement of the Act has not, however, been satisfactory as would appear from the gradual denuding of the forests.

The Government are aware of the problem, With a view to sufficiently augmenting the availability of water, the public Health Engineering Department is preparing plans and estimates for taking up of the Umtyngar scheme (at a distance of 14 miles from Shillong). The plans and estimates are likely to be ready within a few months time and the work will be taken up at the earliest. The scheme is based on the tapping of perennial springs and the estimated cost will be in the neighbourhood of rupees one crore and twenty lakhs. The question of acquisition of the Green Blocks with a view to their preservation is also being considered. The Fire Brigade aut-



authorities have also been requested to allow their vehicles for use in carrying water to distribute to the citizens in times of emergency as and when requested by the Municipal Board.

As already indicated, the problem of water supply in Shillong is very difficult and becomes acute during the dry season. Govt. are seized of the problem and propose to take long term measures such as the execution of the Umtyngar scheme, acquisition of land in the Green Blocks. It is expected that with the implementation of these measures, the problem will be solved. Meanwhile, it is hoped that with co-operation of the District Council in regard to rigorous enforcement of the restrictions against felling of trees and by the best possible economy in the use of water, the problem could be faced during the interim period till the Umtyngar water supply scheme materialises.

In this connection it may be mentioned that this year the rain fall during the months from November to March is very poor compared to the previous years. The comparative figures which we have got from the Matereological office about the rainfall are as follows :

1963-64	—	903	Milimetres
1964-65	—	621	„
1965-66	—	981	„
1966-67	—	1523	„

And this year the rainfall was only to the extent of 186 Milimetre. Therefore this year the problem is more acute.



## No Confidence Motion

Shri Phani Bora : Mr. Deputy Speaker Sir, we had a 'no confidence' motion yesterday and it was said that at 2 O'clock in the afternoon something would be said. But even to-day nothing has been said. I do not know how many days we are going to sit and therefore, it is time that if it is to be discussed, it is discussed. I want to know the fate of it.

Mr. Deputy Speaker : Mr. Speaker is studying it and I think he will give his opinion in the afternoon.

( Mr. Speaker came and occupied the Chair )

Mr. Speaker : So far as the 'no confidence' motion is concerned, it mentions other things also and therefore I have to be very careful in giving my ruling because it may create a precedence. I am studying it from this morning and I hope I will be able to give my ruling in the afternoon.

**The Assam (Sales of Petroleum Products including motor spirit and Lubricants) Taxation (Amendment) Bill, 1968**

Now, I have received a message from the Governor about the Bill Mr. Tripathi wanted to introduce yesterday. It says "I hereby convey m



**THE ASSM ( SALES OF PETROLEUM  
PRODUCTS INCLUDING MOTOR  
SPIRIT AND LUBRICANTS )  
BILL 1968**

[ 3rd April

recommendation under Article 207 of the Constitution of India for introduction in Assam Legislative Assembly the Assam ( Sales of Petroleum products including Motor spirit and lubricants ) Taxation Amendment Bill, 1968."

Shri Kamakhya Prasad Tripathi : Sir, I introduce the Bill.

( The Bill was introduced with the leave of the House )

(Secretary, Assembly read out the title of the Bill)

**The Assam Finance (Sales tax) Amendment  
Bill, 1968**

Shri Kamakhya Prasad Tripathi ( Minister, Finance ) : Sir,  
I beg leave of the House to introduce the Assam Finance ( Sales Tax ) ( Amendment ) Bill, 1968.

Mr. Speaker : The question is that leave be granted to introduce the Assam Finance (Sales Tax) (Amendment) Bill, 1968. I have received a message from the Governor. It says "I hereby convey my recommendation under Article 207 of the Constitution



of India for introduction in Assam Legislative Assembly — The Assam Finance (Sales Tax) (Amendment) Bill, 1968”.

Shri Kamakhya Prasad Tripathi : I beg to introduce the Bill.

Mr, Speaker : Motion moved is that the Assam Finance (Sales Tax) (Amendment) Bill, 1968, be introduced.  
(The Secretary then read out the title of the Bill)

Mr. Speaker : Now in the name of Shri Gaurisankar Bhattacharjee, Shri Hiralal Patwary. Shri Shamsul Huda, Shri Bhadreswar Gogoi, Shri Pitsing Konwar, Shri Abala Kanta Goswami, Shri Sailen Medhi, Shri Maneswar Boro, Shri Premodhar Bora, and Shri Rathindra Nath Sen, there is an amendment. Are you moving it ?

Shri Gaurisankar Bhattacharyy : Yes Sir. I beg to move that in clause 2 proviso, (i) of paragraph (c) the letters and figures “Rs. 3,000” shall be substituted by the letters and figures “Rs. 3,500”. Secondly, that in clause (2), in proviso (ii) of paragraph C. the letters and figures “Rs. 3,000” shall be substituted by letters and figures “Rs. 4,500”.

Sir, here these two amendments refer to the

\*Sp ech not corrected



TEH ASSAM FINANCE (SALES TAX)  
AMENDMENT BILL 1968

[ 3rd April

proviso under clause 2 of the bill. These proviso make certain exemptions. The first proviso-also it appears in the original bill that no Agricultural Income Tax shall be payable on a total agricultural income which does not exceed Rs. 3000/-. That is to say though by clause 2 (B) a) it has been said that there will be no tax on income upto Rs. 1500/- only. And though in clause 2 (B) (b) it has been said that on the next Rs. 3500/- of total income there will be a tax of 4 paise in a rupee. An exemption is sought to be given to those income which does not exceed Rs. 3000/-. Our amendment seeks to raise this exemption limit from Rs. 3000/- to Rs. 3,500/-. The financial consequence is not much but then it means a gesture. While the matter was being discussed yesterday and the day before yesterday it was agreed also by the Finance Minister that the present structure of taxes particularly on the poor peasantry is not very rational, nor is it very helpful for the State Copper. It was agreed that it would be better if those who are hardhit, those who are very poor are exempted from taxation. In other words it will be only appropriate if those who cannot bear the burden are not given the burden and those who can bear the burden of taxation are asked to bear it. That being the accepted or acceptable proposition by this amendment we only propose to introduce



zesture in that direction. The Finance Minister was pleased to see that the entire tax structure of the country is under examination of the Government. As is very well known the Government of India had appointed a Committee under the Chairmanship of Mr. Bhutalingam and that Committee completed its labour. We do not know as yet what are exactly the recommendations but so far as the summaries have been published they show that the country's taxation experts have also arrived at a decision that for a healthy economy in our country and for really carrying out the fundamental principle laid down in the Constitution in Chapter IV it is necessary that the poor be given some relief and the rich be made to pay a portion of the riches that they have been able to amass.

Sir, in this connection I cannot but refer to the very spirit of the Constitution of India. Sir, without going into the specific provision let me place before the House the fundamentals of the matter. There are two very important parts in our constitution, Part III and Part IV. Part III pertains to the Fundamental Rights of the individuals, and Part IV pertains to the Fundamental rights of the State. In other words, what should be the State policy as laid down in Part IV of the constitution of India. The only difference between part III and part IV is that the provisions under part III of the constitution of India the articles that are



those under part III they are justiceable. In other words if there is any enforcement of article or any provision under any one of the articles contained under part III of the constitution of India and anybody who feels agrieved as not the right to come to the court and the court has got the right and power to give a judgement on that. Now, our constitution also enjoins that the judgements given by the Supreme Court and High Court in different States and the Courts there under to be enforced by their executive and are to be respected by the legislatures so long as the legislatures do not make any other law under the 4 walls of the constitutional provisions. Here the fundamental point is that so far as the Constitutional provisions appearing under the articles contained in part III of Constitution are concerned here the Courts or Supreme Court the sovereignty in these respect lies in the Courts.

The judiciary here is the supreme but then our country is following a system of political democracy here., none of the two sovereigns of the State is supreme, here all of them, though interconnected and independent to another. If part 4 would have been enforceable by law in the court of law then supremacy of the sovereignty of the State would have been vested in the judiciary. That would mean the sovereignty of the people or the legislators would not have been supreme to its sphere. The executive before



in its sphere, the conducting power would have been from judiciary which is impossible. Here the article part 3 of the Constitution had been enforced but rule 4 had not been enforced by law in the Constitution. These advices had established in phase that the Govt., the executive Government or the Ministry should not think the provision laid down in article of the Constitution under part 4 and there only idle wish. The framers of the Constitution who had framed the Constitution and who incorporated these provision in the Constitution, they are quite alive of the article itself. Therefore, they have made it clear that this will be a guiding line of the State policy and therefore, that administration that executive Govt. will be failing in their duties if they do not make any provision in the country of part 4 of the Constitution seriously if they do not implement it. It is unfortunate that although there was a transfer of power as early as in 1947, though there was the Constitution of free India as early as 1950, we are still following the power of taxation which was laid in as early as 1938. That was the time when we are under the foreign Govt and that was in the direction of hierarchy. That is control power from power vested in the Govt, under the control of the elected legislators and again some powers which were vested to the



Governors by the legislators. Therefore, under the Constitution of India that provision is gone. We should make alive and say that there is no provision in the Constitution of India to get land under article 4 as I said things were different in 1938. That was Congress Coalition Govt. That Planters Raj had passed Agricultural Incometax Act and this will amply prove if we go and see the proceedings of legislations of the year that the main purpose intends of that people of legislators were to get some money from these who benefitted crores of rupees and they are Tea Planters and all the Tea Planters are foreigners. When we go through the proceedings of those legialators, we find that the Congress Leaders in those time were very dynamic and there was no existence of any legislation whereby, the Planters were benefitted and super-benefitted.

So far the back-bone of Assam's economic was concerned, it was the Tea Estates, it was these Tea Estates and they hed covered thousand and thousand of acres of fertile lands. These lands and they are not to pay anything for these and given free. When the Britishers came to Assam to drive the foreigners they just planted themselves here and during these days, many people have left their hearts and homes and quite



a vast area become uninhabited. Therefore, free-simple grants were given particularly in four districts of Upper Assam and there by, vast tracks of free lands are settled with the foreigners by free-simple grant. These foreigners came to Assam as foreigners but they became masters, because, they got it free. Not only without price, they are not paying revenue. So to say, a very nominal revenue was being paid but making the whole benefit out of the developing the tea industry in Assam. Tea Industry in Assam is the richest in the whole of India. The huge benefit mostly derived from these tea. Another huge benefit they derived was the Jute. If Assam was the home of tea, Bengal became the home of Jute. In Hoogly quite a large number of jute Millers are going up. The legislators of Bengal are strong enough than that of Assam Leaders. Assam Leader were weak and they understood little the about economic affairs of Assam but the Congress Leaders of Bengal they had some idea of economic affairs and so, the patriots of Bengal, the Congressmen of Bengal not only had that patriotism but also had some ideas of economic affairs as well. So these people, i. e. the Congressmen of Bengal had head and heart both whereas in Assam the Congressmen although they had enough of heart lacked in head, or



had not enough of that. So at that time Bengal built up its case and made a strong representation that so far as income from jute is concerned, that must be given to the province. At that time this was not called State but 'province.' So under the Provincial Autonomy under Government of India Act 1935, the Bengal patriots could argue their case well, could mobilise the public opinion well and could drive the point home to the Government of India and to His Majesty's Government in England that the Excise Duty and other duties coming from the sale-proceeds of jute should go to the provincial exchequer and not to the Central exchequer. The result was that probably 72 p. c. I am not quite sure of the percentage but it is something like that—was assigned for that province. The position was, by and large, as producer of jute and earner of this Excise Duty, Assam was a minor partner, and so was Bihar. We had a very minor share of the jute production at that time. Yet because of the tough fight mainly lead by, or I should stubbornly led by Bengal patriots, we too began to get some share on the sale-proceeds of jute. Not that Assam was absolutely oblivious to this matter, although our voice was very weak. Some memorandum were submitted to the authority and one of those



memorandum was signed by late Lokopriya Gopi Nath Bardoloi and Shri Fakhruddin Ali Ahmed. Through this memorandum there was case presented to His Majesty's Government and also to the Central Government at Delhi. That so far as the income accruing from tea is concerned, well, that or at least the major part of that should be given to the tea producing State. It was for the first time stated that these tea producers got vast tracts of land free, not only free but this entire tea industry in Assam has been built without any cost or without any loss, but entirely at the cost of thousands of poor inhabitants of the country mostly drawn from tribal areas of the Northern India, more particularly from Chota Nagpur area. All these things were ably represented in the Memorandum: It was the land of this country, it was the lives of the people of this country and the toil, labour and the sweat of the people of this country which built up this industry, and therefore we were entitled to get a major share of the duties that are received from the tea industry. But then though that case was presented, the case could not be very well built up and very strongly faught, and we therefore did not get it. Through there was a victory of provincial autonomy in case of jute, there was no such victory in case of tea. Bengal



also played a minor part in tea cultivation in Doars and in Jalpaiguri district. There was a little bit of cultivation of tea in Kerala also but these were at that time considered insignificant in comparison with Assam tea estates. So if anybody was to fight it and won it, it was the Government of Assam and the people of Assam at that time. We are now regretting the weakness on the part of our fore-runners. But at any rate, that wrong was sought to be remedied to some extent by the Congress Government and took this progressive step, even though that was not purely a Congress Government but a coalition Government. It was therefore dubbed and characterised as the 'Predatory Junta' by that agency of the British Government, viz. the 'Statesman' in an editorial with that caption. Now, why am I saying all these things? Why am I looking to the past matters? Have I really grown so old that instead of looking forward, I am looking backward? Certainly not, that is not so. The point is, I am asking the Congress legislators, where is that dynamism which their elders showed in 1948? Where is that feeling for the poor, where is that hatred for the exploiting class and the exploiters? Is it not a pity that though you wear the same mantle of the Congress to-day, call yourself a Congressmen continue to profess and hold the same principle.



and stick to the same organisation, why could you not raise yourself to the same level as many of your elder statesmen could do in 1938 when you to also at one time raised the banner of revolt against all sorts of exploitation hand in hand with them? Are you not now ashamed of sticking to the same position as it obtained in 1937? While it is good to respect the hoary past, while it is true that we should be proud of our past achievement and adhere to what was good, we should always try to build up a new a still better future. But in this respect it seems that we are just in the same place wherefrom we started and have not been able to go a step forward. So far as my Amendment is concerned, it is only a humble beginning. I do not say that by raising the exemption level from 500 to 3,500 I propose to bring a qualitative transformation of the people.

I am not saying that. All that I am saying is that let us take a direction. It will be only a step. Probably next year we shall be able to take a few subjects more. Say, for example, I am to start for Gauhati and just riding my car, but then it is not taking the Gauhati road, but taking the way towards Jowai, then more the car will go, the further I will be away



from Gauhati. But if at the start the car takes the way to Gauhati, as the wheels go round and more they will go, the nearer I will be to Gauhati, or it may be that my car refuses to move and I remain where I am. I do not say that our Finance Minister has proposed to take a reverse course. I am not saying that he has brought a proposal whereby he wants to take a reverse direction. My complaint is that even a man of his dynamism has refused to move and has proposed to remain static. That is my complaint. Now this is a matter of ordinary common sense that there can be nothing static in this universe. The universe revolves and nothing can remain static. So though apparently it appears that it is static, we have not taken a retrograde step. The fact is that in a sense this staticism is an indication of decay. I wish the Finance Minister will be pleased to appreciate it and will at least give the green signal towards dynamism, towards movement, and I beg again to repeat, Sir, that raising of this slab from Rs. 3,000 to 3,500 is in fact from a realistic point of view is not a very important departure, but then it is just a green signal. This is just an indication, it is just a direction and I hope he will accept it.



Then I come to the second part of my amendment. That is in respect of paragraph (a) and (b) under Clause 2. The original proposal in respect of paragraphs (a) and (b) is that Agricultural Income Tax payable shall not exceed half the amount by which the total agricultural income exceeds Rs. 3000, i. e. here he has made the limit also Rs. 3000 and I propose to raise it to Rs. 4,500. This amendment in a sense is consequential to my first amendment wherein I said that the exemption limit should be not Rs. 1500, but Rs. 3,500. Now here you will be pleased to find that if there be a complete exemption upto Rs. 3,500 or Rs. 3000, then so far as the collection is concerned, I beg to submit that it should go a step further and that in respect of the Agricultural Income Tax payable under (a) and (b) should be at least upto Rs. 4,500. If that be done all these three will be in conformity. Of course I do admit, if my first proposition comes, then the amount of force of the argument in favour of the second also becomes weaker. In that sense, these proposition are inter-dependent or at least inter-related. I, therefore, do not propose to take any more time in explaining further this second part of my amendment. I beg only to repeat and request that the Fin-



ance Minister will be pleased to show a gesture and I have taken his words seriously when he has said that when the Government of India will come to a decision with regard to the recommendations of the Bhutalingam Commission, though that Commission resolution so far my information goes, does not cover the State tax structure directly because that was not a part of their terms of reference, yet that being the guide line for the whole country, I hope our Government will in to and without hesitation and reservation accept the recommendations of the Bhutalingam Commission at least so far as they are accepted by the Government of India in their own sphere. With these few words, Sir, I commend both my amendments to be accepted by the House.

Shri Dulal Chandra Barua : Mr. Speaker, Sir, while supporting the amendment put forward by my esteemed leader from this side, I want to make only a few observations in this regard. As has been stated by our leader, the Hon. Finance Minister has taken a plea on the Finance Commission that has been appointed by the Government of India and which have been empowered to review the tax structure not only of the Government of India, but also of the other States, including the State of Assam. If it is so, Sir, then I am afraid that if the source is exhausted by the Govt. of India in respect



of levying taxes, then the aim for which this Commission has been set up and the expectation that we are having more grant or more aid or more share of revenue from the Government of India may be to some extent frustrated. Therefore, this aspect has to be considered very carefully. If suppose the procedure which we are following now in respect of collecting or imposing taxes in the form of Agricultural Income Tax and other Taxes is changed by the Bhutalingam Commission and it gives certain recommendation for reorienting the entire tax collecting system and tax levying system, then there will be a little bit of difficulty to accept the change-over.

Therefore, the suggestion in this regard from my side is if we are to actually depend mainly on the recommendation of the Finance Commission appointed by the Government of India, then whether we could await till that. I am asking for certain clarification from the honourable Minister—whether government of Assam will be in a difficult position if we put forward sufficient arguments in respect of getting more share from the Government of India. According to the provision of the constitution, we are to maintain certain ratio of standard in respect of imposing or levying taxes. In India our State seems to be the highest taxed State in comparison with other State of India. Sir, in this connection, I would like to refer to a book written by Mr. N. A. Palkhivala, The



title of the book is "The Highest Taxed Nation." Here, regarding Taxes on Individuals, it is mentioned

"The most expensive hobby of Indians is work. Our rates of incometax on individuals are the highest in the world at the appropriate slabs, being excelled in some brackets only by Ceylon. An individual is assessed at the rate of 88.12% on his unearned income above Rs. 75,000 per annum' and at the rate of 82.5% on his earned income above Rs 1,00,000. In addition to these confiscatory rates of income-tax, there are Wealth-tax which goes up to 25% and Expenditure-tax which touches 20%. Comparative data establish that we impose heavier taxes on honest enterprise and endeavour than any other country,"

Therefore, my whole contention is that as one of the highest taxed Nation, we are at the bottom in respect of economic development, industrial development and other developments. On the other hand, we are paying the highest taxes in Assam. As I have said, there was 66 p. c. increase since 1965. I want to know from the honourable Finance Minister, who is considered to be expert in Economics .....

Shri Kamakhya Prasad Tripathy, Minister : This book is written by a Swatantra Party man.

Shri Dulal Chandra Barua : No matter who has written



it, but the fact is there. In the same book, regarding direct tax policies, it is mentioned—

“Our direct tax policies suffer from five pernicious defects which can be easily remedied but which the Government has so far resolutely refused to tackle :

- (i) Absolute uncertainty, changes in laws and rates of tax, which are as unpredictable as they are frequent.

Sir, at the time of imposing taxes, we must see that it should be of permanent basis, but the writer has suggested some other points on this score.

- (ii) Complexity which verges upon incomprehensibility.

- (iii) Excessive and cumulative burden which make dishonesty immeasurably more rewarding than integrity and hard work, and make India the highest taxed nation.

The fact is, Sir, that we are paying both direct and indirect taxes, though the amount may be small. This writer has impressed me very much. He said that there is a serious psychological set back which may dissatisfy the honest



sentiment of the cultivators and the common people, today this way, tomorrow that way and day after tomorrow on different way—on this commodity and that commodity and so on so forth. At the same time Government of India is declaring that they are at the verge of bankruptcy. What the common people will think? They will think that the Government is not in a position to provide money, because they have no money. On the other hand, they are harassing the common people in different ways and different forms. Most of the indirect taxes are paid by the consumers and the most of the consumers are the common people. So, the burden will fall on the common people. Therefore, it affects the agricultural development and industrial development of the country. Therefore, I feel that instead of waiting for the recommendation of the Bhootalingam Commission, our State Finance Commission should be set up earlier to give a stream-line instead of collecting taxes as it is.

In No (iv), the writer says—

“Injustices inherent in fatuous laws ; and arbitrary provisions which stem from individual whims and are not based on any discernible principle of legislation or taxation.



In No (v) An administration marked by petrification of discretion and paralysis of the will to do justice.

Sir, I would not like to go into details of other points suggested by the writer. There should be certain stable system in respect of levying taxes. Sir, if we agree to the proposal of taxes that have been put forward by the Finance Minister in respect of agricultural income, we must see that we will be able to realise them. There is frustration and they are harassing the common people that is why there are so many movements, so many protest days etc. I fully agree with the contention of members from this side that there should be some stable system of imposing taxes. While imposing certain taxes, government must give some means to earn the taxes. In respect of agricultural tax, you are imposing taxes but you are not giving lands. As you are asking something from the people, you must give something in return.

The Government should give something not to the desired extent but to some extent so that the per capita income of the poor people can be raised, and only after that the imposition of taxes should come. Apart from the legal aspect we have moral obligation also, As one side has completely failed to bring the poor people to a certain standard. In view of that I do not see how we can go and asked them to pay more taxes in different



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forms. Therefore my whole suggestion is that this amendment may be considered and see that unless the people come to a certain standard when they can pay they are not taxed. Our amendment is that in cl. 2 proviso (1) instead of Rs. 3000/- it should be raised to Rs. 3500/-; in clause 2 proviso (1) the letters and figures Rs, 3000/- should be raised to Rs. 3500, in proviso (ii) Rs. 3000/- should be raised to Rs 4500/-, so that the poorest section of the rural agricultural population are not affected at this stage by this Act. They may be taxed at a later stage when their per capita income is raised through different development schemes, but at this stage the Finance Minister, I hope, will consider my observations and accept the amendments.

Shri Kamakhya Prasad Tripathi ( Minister, Finance ) :

Hon'ble Member Shri Gourisankar Bhattacharjee in a very learned speech lasting for more than 45 minutes full of historical and constitutional references tried to convince us on a very minor point. I would submit that the learned speech did not set any target before us but as is usual with learned men' immediate is always friollin. What he has stated in the closing part of his speech is quite correct that by the amendment to "ba that is, Rs. 1500 should be raised to 3500/- then 2b Rs. 3500/- should be raised to



Rs. 3600/-, then proviso (i) that Rs. 3000/- should be raised to Rs. 3500/- and that Rs. 3000 should be raised to Rs. 4500/- has provided a structure, i.e. the whole tax structure should be changed to this pattern. If we agree to the amendments to cl. a and b of B in that case as a corollary we shall also have to change the provisos (i) and (ii) of C as he has now proposed because that would then provide a correct structure; but as it is known that the amendments moved yesterday 2 Ba and 2Bb were lost or withdrawn—the first was lost and the second withdrawn. Therefore, it should be expected that so far as the proposals now before us for consideration are also virtually withdrawn because otherwise if we do not have A and B in that case there will not be a balance in the tax structure. Therefore, I would humbly submit that the Hon'ble Members after they had made the speeches will not press for these amendments otherwise what they have meant will be lost. Two members have quoted—one has quoted Palkiwalla which is a book published by the capitalists, the Swatantra Party. Shri Bhattacharjee was speaking on behalf of the poorer section. Obviously that is a contradiction. Mr. Palkiwalla's suggestions were mostly with regard to income-tax, secondly he has stated that India is the highest taxed nation in the world; the tax



at the top will be 82%, and if we take the wealth tax and other taxes it comes to 112%. Indian tax system is very progressive. If your income is Rs. 100, you are to pay Rs. 112 percent. This is the in-built social justice in the tax structure.

Shri Gaurisankar Bhattacharyya : Is it not a little queer that if I get an income of Rs. 100/- I shall have to pay tax at 112. Is not that some sort of an impossibility ; possibly a probability that while I have shown my income as Rs. 100/- that is only the seen or shown income and I have probably 400 unshown and unseen income. If really Rs. 112 is taken not out of Rs. 100 but really out of Rs. 400/-.

Shri Kamakhya Prasad Tripathi : The social intention of this high rate of taxation is not so much to catch merely the income but also the wealth,—reduction of wealth is intended.

Shri Gaurisankar Bhattacharyya : I have accounted for some wealth and I have kept a bigger amount unaccounted for which is generally known as black money, and, as a matter of fact India has not only set an example of being apparently the most



heavily taxed nation but really India is one of the countries where there is probably the largest unshown and unseen black money.

Shri Kamakhya Prasad Tripathi : Therefore, Palkiwalla says that one of the social consequences of the higher rate of taxation has been that income has gone downwards into the black market. There are two views of income—one is the white and the other black, and more we tax at the top more it goes to the bottom. That is one of the views of Palkiwalla.

Shri Dulal Chandra Barua : My point is that we are not concerned with party affiliations of any of the writers. We are concerned with the writings of a person on a certain subject.

Shri Kamakhya Prasad Tripathi : Why does the hon. Member get excited ?

Shri Dulal Chandra Barua : I am not excited.

Shri Kamakhya Prasad Tripathi : I am merely commenting what the Book has said.



**Shri Dulal Chandra Barua :** My question is that we are not concerned with the party affiliations of any of the writers; we are concerned with the writing on a certain subject.

**Shri Kamakhya Prasad Tripathi :** It is quite proper. I am giving you the background. But I am only telling you that what you have asked for in this amendment is a minor matter. Why I am not agreeing. Shri Bhattacharyya wants to say that I am static and out-dated; I am outmoded that I do not react to the circumstances. I am not reacting, this is my difficulty and I fully agree with you that I have not reacted. Hon. Shri Bhattacharyya said 'you react and take steps in the right direction one, two, three' four five. Hon. Member, Shri Barua said that there should be fixity and staticness in tax structure for a long time while quoting from Palkiwalla.

**Shri Dulal Chandra Barua :** The Hon'ble Minister has misquoted me. I am only telling that there should be a system.

**Shri Kamakhya Prasad Tripathi :** You are quoting Palkiwalla.



Shri Dulal Chandra Barua : But Palkiwalla has only said that permanent system should be there:

Shri Kamakhya Prasad Tripathi : Palkiwalla ultimately has said that there should be a fixity in tax structure. What did I say yesterday. I said that there should be a fixity in tax structure. Tax is not meant for one individual.

Shri Gaurisankar Bhattacharyya : Will it not be a little harsh if not injustice to Mr. Palkiwalla in respect of his political affiliation to say that Palkiwalla said that it should be static.

Shri Dulal Chandra Barua : Why should the Minister misquote him ?

Shri Gaurisankar Bhattacharyya : So far as Palkiwalla is concerned, Palkiwalla has shown five weaknesses or five defects and he calls them pernicious defects in our tax structure. Firstly, he says that our taxes are uncertain.

Shri Kamakhya Prasad Tripathi : Is it necessary to read them now because I have read them.

Shri Gaurisankar Bhattacharyya : Secondly he says that



in many cases they are too complex and incomprehensive; thirdly he says that there is excessive and accumulative burden; fourthly he says that there are certain injustices inherent in the laws and lastly he says that there is petrification of tax in the hands of the administration. These are the five attacks which Palkiwalla makes. He has not said that tax should remain static. In his own way, he also said that it should be moving.

**Shri Kamakhya Prasad Tripathi:** I am thankful that the present question improves matters. What I have been saying that all this tax structure is going to be revised, may be in course of this year. There must be correspondence between the income-tax and the agricultural income-tax, and for this reason we do not propose to revise it now. We propose to revise it in the light of what the Govt. of India decide. The second question was with regard to the rich capitalists, who are the tea garden owners whether we have taxed them sufficiently or not. You will see from C (c) that our highest tax rate is 60 per cent. Now this is the highest agricultural income-tax in any State in India, more than Bengal, more than Mysore, more than Madras and more than Kerala. Therefore, to



say that Assam Government has dealt lightly with the bigger industrialists like tea garden owners.....

Shri Gaurisankar Bhattacharyy : But they do not depend on tea !

Shri Kamakhya Prasad Tripathi : After all, the rate of tax has been fixed as standard in the whole country. If Assam Govt. tax tea more than that, to that extent the capital will fly. Therefore, I say we have not dealt lightly with the tea industry in Assam.

The third question was with regard to what Shri Barua has said 'why not we change this, and is it because of the Finance Commission ? I agree. Because with 13 crores deficit, I cannot agree to give tax relief otherwise naturally the Finance Commission will come to think that I increase my deficit. Now, obviously if once the Finance Commission begin to suspect our intention, they are likely to do injustice to us. Therefore, I do not want to give them the impression that the Assam Govt. is trying to reduce the tax income it is for this reason that we have not brought any change in the tax structure. In the light of the Finance Commission, we will be in a position to change the tax structure. Therefore, I would request hon. Members not to press their amendments.



Shri Gaurisankar Bhattacharyya : Only one information whether the Government has got a copy of the Boothalingam Report. If it has whether a copy of the report will be made available to the hon. Members ?

Shri Dulal Chandra Barua : I want one clarification. What actually is the tax system that is being followed in this State? Is it progressive or regressive ?

Shri Kamakhya Prasad Tripathi : So far as the tax system is concerned, Assam's tax system is one of the progressive tax systems in India. It is true that our tax system has grown as a super-structure and it will take some time for a complete change-over. As Shri Bhattacharyya has said that the whole tax structure has become very unrationalised and unscientific and one of the suggestions of Shri Bhattacharyya is to rationalise the tax structure. If you see the income-tax returns you will feel extremely irritated. Therefore, steps have been taken to rationalise the tax structure as well as to find the real tax structure and our position in the light of the present tax structure as has been suggested by Boothalingam. Now, it is for the Govt. of India to decide and for States to follow.

Shri Gaurisankar Bhattacharyya : As a matter of fact, these amendments are more less consequential to the previous amendments, and the previous amendments being either lost or withdrawn, I



do not think it will serve any purpose in pressing the amendment. So, I beg leave of the House to withdraw the amendments.

Mr. Deputy Speaker : Has the hon. Member leave of the House to withdraw his amendment. The amendment is by leave of House withdrawn.

#### ADJOURNMENT

The House then adjourned for lunch till 2 P. M.

( AFTER LUNCH )

#### Ruling by the Speaker

Mr. Speaker : My ruling is complete but typing of two pages still remains. Therefore, let these two pages come.

#### The Assam Finance Bill 1968

Mr. Speaker : Now, I put the question. The question is that clause 2 of Assam Finance Bill do form part of the Bill.

( clause 2 of Assam Finance Bill, 1968 forms part of the Bill )



Now, Clause 3.

Shri Sailen Medhi : Mr. Speaker, Sir, I beg to move that in clause 3- the words "Raw Jute and" appearing in between the words "of" and "Raw Hides" shall be deleted.

Shri Kamakhya Prasad Tripathi : Sir, on a point of order. This is Finance Bill and it merely lays down the rates of taxes as a result of the passing of the Purchase Tax Act. Therefore obviously this amendment cannot be moved without first amending the Purchase Tax Act.

Mr. Speaker : Purchase Tax Act is not before the House and therefore you will have to wait.

Shri Kamakhya Prasad Tripathi : Sir, Purchase Tax Act has already been passed and that Act enables the Government to lay down rates of taxes on raw jute and raw hide. Therefore, this clause 3 only lays down the rate of tax and it cannot be amended without first amending the main Act,

Mr. Speaker : So far as the Purchase Tax Bill is concerned, it had already been passed and it enables the Government to levy tax on raw jute and raw hide. Clause 3 only deals with the rate of taxation. So far as the rate are concerned, you can bring amendments to the rates but you cannot bring amendment for deletion of Jute. Do you understand the point ?



Shri Sailen Medhi : Government has brought this Finance Bill to impose tax on raw jute and raw hide, The Purchase tax Act itself mentions about the imposition of tax on raw jute and raw hide.

Mr. Speaker : Therefore, if you want to exclude jute from taxation, you have to amend the Purchase Tax Act first.

Shri Sailen Medhi : We want that no tax should be levied on raw jute.

Mr. Speaker : But that Act has already been passed and it has become an Act and it is there in the Statute Book. Therefore, unless you amend that Act how can you move this amendment ?

Shri Sailen Medhi : That Act is also coming for amendment.

Shri Kamakhya Prasad Tripathi : No Sir.

Mr. Speaker : The Purchase Tax (Amendment) Bill does not say like that.

Shri Dulal Chandra Barua : Sir, here we are concerned with the present Bill and the present Bill seeks to lay down the rates of tax on raw jute and raw hide.

Mr. Speaker : Clause 3 fixes the rate of tax and so you can bring any amendment on the proposed rate but you cannot say that raw



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jute should be exempted from taxation because the Purchase Tax Act gives the Government power to impose tax and that Act is already there in the Statute Book. Unless that Act is amended, how can you amend this Bill ?

Shri Dulal Chandra Barua : Sir, I want to have a clarification. Whether the Purchase Tax Act has been given effect to ? It has not been given effect to.

Mr. Speaker : That does not mean that the Act has been removed from the Statute Book. The Act is still there.

Shri Sainen Madhi : Sir, we want to do just here in this Bill because this Bill lays down the rates of tax.

Mr. Speaker : I have seen the Purchase Tax ( Amendment ) Bill which will come before the House for consideration. There is no Povsion like that in that Bill.

Shri Dulal Chandra Barua : Then are we to understand that this clause is defective ?

Mr. Speaker : Why ? Clause 3 lays down the rates at which the tax will be levied and collected on the purcaase of raw jute and raw hides and skins under the Assam Purchase Tax Act, 1967 shall be three percent advalorem. So, it only fixes the rate. Therefore, unless you remove raw jute from the origi\_



nal Act, how can you move this amendment ? Raw jute comes here because it is there in the Act.

Shri Sainen Medhi : Sir, the original Act itself has come for amendment Under Section 2 (1) there is a proviso that for the year ending on the thirty-first day of March, 1968 the rates shall be specified below and is the same as is given here.

Mr. Speaker : That occasion has not yet come. That bill is waiting for consideration. Here raw jute has come because of that Act. Now unless you remove from the main Act raw jute and raw hide how can you bring this amendment here ?

Shri Sainen Medhi : But that has not been implemented.

Mr. Speaker : After all, this is a legislative body and we are not concerned with implementation. We are concerned only with legislation. Therefore, if a Bill has become an Act and has become a part of the Statute Book, you have to amend that Act. Just because it is not implemented it does not become a dead Act.

Shrs Dulal Chandra Barua I want to know from the Hon'ble Finance Minister why this rate was not fixed earlier in the Act.

Shri Kamakshya Prosad Tripathi : If the hon. member looks at the original Act he will see that last year it laid down a rate of



Rs. 5 per quintal. The same Act laid down that hereafter the rates would be fixed annually as per the Finance Act. Why was it done ? The hon, members themselves said that the price of jute goes up and down and it would not be wise to fix one rate for all years to go. In due deference to their wishes I agreed that annual rates should be fixed by the Finance Act. So, to-day we are fixing the rate for the coming year by the Finance Act. It was according to their desire that there was an enabling clause in the original Act and under that enabling clause we are fixing the rate now. Under the original Act the House has already agreed to tax raw jute and raw hide. The only thing left for the future was the rate, which is now being fixed. Having once agreed to tax raw jute and raw hide, if you now want to remove these commodities from the ambit of taxation you go against the main Act.

Shri Dulal Chandra Barua ; Under the main Act, the rate was fixed for one year. What is the harm in continuing that rate ?

Mr. Speaker : You will have to move an amendment for that purpose.

Shri Sailen Medhi : Considering all these aspects, we withdraw the amendment.

(The amendment was, with the leave of the House, withdrawn)



Mr. Speaker : The question is that clause 3 forms part of the Bill.

The motion was adopted

Mr. Speaker : The question is that the Short Title and Preamble forms part of the Bill.

The motion was adopted:

Shri Kamakshya Prasad Tripathi : Mr. Speaker, Sir, I beg to move that the Assam Finance Bill, 1968, be passed.

Mr. Speaker : Motion moved.

Shri Dalal Chandra Barua : Mr. Speaker, Sir, I want to speak only on two points. When Government is sponsoring a jute mill in the co-operative sector in our State if at this stage any tax is levied on jute it will be a great impediment to the progress and development of such a jute mill. The production of jute in this State is very limited and we are not in a position to take up extensive cultivation of jute throughout the State. The Agriculture Department has also not succeeded by its different plans and programme to



intensify the cultivation of jute. The present quantum of production is not sufficient to meet the requirements of even one jute mill when it is started. Government should therefore seriously consider whether the levy of tax on jute at this stage will not hamper our industrial progress in that particular direction. Instead of levying taxes haphazardly we should wait for some time and see whether production increases sufficiently.

With regard to hides, the Industries Department is very keen on starting some factories. There are some people—not capitalists under whose grip the State is now run and the party in power is run, because they will never come down to such kind of business—there are some local indigenous people who are willing to start some such industries. If we now levy tax on this commodity it will discourage them and the little incentive that we find in our people may be seriously hampered. May I, therefore, suggest to the Hon'ble Finance Minister to weigh these things very carefully before levying taxes on these two commodities ? We should have these two considerations viz., (1) that the jute industry must be developed in the State and (2) nothing should be done to discourage the local people for starting industries based on raw hides. If Government



levies taxes on these two commodities this will be a great impediment to the progress of these two industries through which we can solve to some extent the local unemployment problem. With these few observations, I request the Hon'ble Finance Minister to consider the points I have raised.

Shri Kamakhya Prasad Tripathi: Sir, the hon. Member forgets that this Bill was passed last year and all the observations which he has made now were quite relevant last year in passing or not passing the original Act. One the hon. members have passed the Act what would the Finance Minister do? You have commanded him to levy the rates annually by the Finance Act. Under your command I am merely levy the rates only. Having once commanded me to levy the tax and saying "don't levy" is only stultifying yourself.

Therefore, all these arguments are no longer valid. It is a valued consideration that jute and hide should be taxed. You decided that jute shall have to be taxed under the Finance Tax and I had no other way but to levy. I am carrying out your desire. Last year levy was Rs. 5 per quintal. This year accord-



ing to the decision of the Govt. of India we have reduced it. Second question of the hon. Member is whether it will affect the industrial development if jute and hides are taxed. I do not think it will affect because what will happen is that the tax will come out of either the producers of raw jute and the purchaser of raw jute. A part of it will be absorbed by the producers and purchasers so that the floor price of jute will be the same. If the floor price of the jute is the same on that basis the industry at Silghat will thrive. Now, the transport cost of jute from Assam to Calcutta is Rs. 7 per maund average. If it is Rs. 7 per maund then the people who will purchase it at Silghat will get less than the Calcutta price. Therefore, just mill at Silghat will be able to run more economically than Calcutta. With regard to hides, the present hides go out of Assam because there is no big tannery in our State. It goes as far as Madras and from Madras these are exported outside. Government of India itself advised 3 per cent levy in all the States of India. All other states are going for a levy of 3 per cent then what will happen in case of Assam if we don't tax? In that case who will get it, the Government of India will get. Moreover, So



the incidence of taxation on the hides exported outside or inside will be the same. Therefore, it will not affect any industrial development. Third question is whether Govt. of Assam has done anything for improvement of jute cultivation. The State Government has been doing its best. We have already invested about 13 lakhs of rupees for the jute cultivation. We have also taken some steps for improvement of rating arrangement for jute. We are also financing the jute cultivators. Thirdly, the Govt. of India has come forward with price support programme. So if the price tends below the cultivation price the Govt. will come forward. The Govt. has also come forward for improvement of the cultivation. The Govt. has tried very hard to improve the quality. and for that purpose better quality seeds has been brought to this State. Therefore, I request the Hon. Members to assist us in passing this legislation so that our capacity to assist may be increased. A poor man like me alone cannot do it. I seek your indulgence in this respect.

Shri Atul Chandra Goswami : মন্ত্রী মহোদয়ে মৰাপাটৰ ওপৰত যিটো টেক্চ লগাব বুলি কৈছে কিনোতা সকলে সেইটো বাদ দি মৰাপাট কিনিব সেই কথা চৰকাৰে বিবেচনা কৰিছেনে ?



Shri Kamakhya Prasad Tripathi : কৰিছো ।

Shri Dulal Chandra Barua : মন্ত্ৰী মহোদয়ে যিখিনি কথা কলে শুনি  
বৰ ভাল লাগিল । কথাটো লৰা জনা হোৱাৰ আগতেই নাম  
ৰখাৰ নিচিনা হৈছে, কাৰণ ইয়াত বৰ্ত্তমান কথাত মন নিদি  
ভবিষ্যতত কি হব ভবা হৈছে ।

Shri Kamakhya Prasad Tripathi : মাননীয় সদস্য সকলে জানে  
হিন্দুস্থান—পাকিস্তান হোৱাৰ পাছত আসামত মৰাপাট উৎপাদনত  
উচ্চ স্থান পাইছে ।

Mr. Speaker : Is it a debate or a duet ?

Shri Kamakhya Prasad Tripathi : It is a duet, Sir.

Mr. Speaker : The question is that the Assam finance  
Bill, 1968 be passed.

( The motion was adopted )

Shri Kamakhya Prasad Tripathi : Mr. Speaker, Sir, I beg  
to move that the Indian Stamp.....

**Ruling by the Speaker On the No-Confidence Motion  
against the Minister, Panchayats.**

Mr. Speaker : No, no, I am giving my ruling on the No-  
Confidence Motion.



The Notice under Rule 133 (1) of the Rules of Procedure and Conduct of Business of the Assam Legislative Assembly against the Minister of Panchayat and Community Development raises some important issues which might have bearing on such motions in future. Hence I have tried my best to study the matter from all aspects and the delay caused for this was unavoidable. This motion raises the following issues :

1. Whether under our Constitution in the Assembly Rules, a no-confidence motion can be moved against an individual Minister as opposed to the whole council of Ministers ?

2. What is meant by substantially identical motion as referred to under Rule 269 (1) of the Rules of procedure and conduct of Business in the Assam Legislative Assembly ?

3. Whether Rule 133--(i) Conflicts with Article 164 (2) ? So far as the Rules are concerned the relevant rules in the Lok Sabha and in our Assembly are 198 (1) and 133 (1) respectively. Rule 198 (1) speaks of a Motion expressing want of confidence in the Council of Ministers. There is no provision in the Lok



Sabha Rule for moving a No-Confidence Motion against an individual Minister. But so far as Assam Rules are concerned, these are very clear. It reads as follows :

"A motion expressing want of confidence in the whole Ministry or an individual Minister or a motion disapproving the policy of the Ministry in a particular respect may be made with the consent of the Speaker and a subject to certain restrictions."

These Rules are framed under the Constitution for the conduct of the Business of the House. Under Article 75 (3) and Article 164 (2) the Council of Ministers are collectively responsible to the House of the people and Legislative Assembly of the State respectively. Before independence Executive was not responsible to the Central Legislature. Secondly, there was no provision in the Rules or standing orders of the Central Legislative Assembly for moving of a motion of No-Confidence. After enactment of the Indian Independence Act, 1947 Cabinet became responsible to the Constituent Assembly and provision was made for the first time in the rules for moving a Motion of no-confidence against the Council of Ministers. That rule is 24 (2) of the Consti-



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tuent Assembly rules, 1947. In the States, however, after the 1935 Act, the Ministry became responsible to the Legislature and the rules were incorporated in the rules of the State Assembly for moving a vote of no-confidence against a Ministry as a whole or against a particular Minister. In that sense the principle of collective responsibility and responsibility to the Legislature in the State is earlier than that in the Centre. In the British Parliament the collective responsibility of the Cabinet has long been acknowledged and there are instances when not only the whole cabinet has been censured but even individual Minister has been censured. Each Minister is responsible for the efficiency of his own department and a Minister's acts may be disavowed and his resignation called for, or felt to be necessary. The Commons have at times broken through the armour of collective responsibility and insisted on that of the individual, thus preventing a resignation of the whole cabinet as put by Mr. Keith in his Constitutional Law at page 156. Normally a vote of censure on any one department is regarded as a vote of censure the whole Cabinet and the Ministry either resigns or appeals to the country. Very often individual Ministers resign voluntarily or the Prime



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Minister or the Chief Minister as the case may be calls for his resignation if anything wrong is found in his department, for his mis-conduct or for his opposition to the collective policy. Thus Mr. Montagu in 1922 resigned for his failure to recognise the solidarity of the Cabinet by publishing a telegram from the Govt. of India on his own responsibility. Or a Minister may resign excepting technical responsibility, and relieving the Govt. thereof as did Sir A. Chamberlain in 1917 on the question of Mesopotamian fiasco. Instances of Mr. S. Hume, Mr. Charchill, Mr. Eden, Mr. Profumo, Mr. Dolton are before us. In India Chanaukham Chetri resigned because through an error of judgement he gave instructions to withdraw a group of cases which have been referred to the Incom Tax Investigation cases. Shri Lalbahadur Shastri resigned because of a serious Railway accident in 1950, Shri T. T. K. resigned in 1958 following an enquiry into the Mundra Deal. Shri A.P. Jain resigned because of a strong criticism of the food situation in the Country in 1959, Shri Krishan Menon had to resign at the time of Chinese aggression and Shri K. D. Malaviya did as following an enquiry about an activity of a firm supposed to have related to him.



Shri Gulzarilal Nanda resigned in 1964 following a violent demonstration near the Parliament House. So far as the policy of individual Ministers are concerned Late Dr. S. P. Mukherjee resigned as he had difference with the policy of the Govt. regarding Hindu Minority in Pakistan. So Dr. John Mathai because of the difference on fundamental principle of policy. Such resignation by individual minister in response to public demand or because of the fundamental difference with the collective policy can only keep democracy alive and healthy. If a recalcitrant Minister does not resign the only course is either for the Prime Minister or the Chief Minister to make him resign or request the President or Governor to dismiss him. If this course is not resorted to, a vote of no-confidence is moved against the whole ministry. In India so far as the Lok Sabha is concerned there is no scope for moving a no-confidence motion against an individual minister and only course open is to move a no-confidence motion against the Council of Ministers.

In our State Assembly there is a specific rule already referred to. Under it, it is possible to move a non-confidence motion against an



individual Minister. In the event of the Motion being passed, if the Cabinet does not wholly associate with the policy and action of the Minister concern, the Ministry need not resign. The Chief Minister can ask the Minister concerned to resign and in his refusing to do so ask the Governor to dismiss him. Dr. Ambedkar in his memorable speech on this point in the Constituent Assembly said "The only sanction through which collective responsibility can be endorsed is through the Prime Minister. In my judgement collective responsibility is endorsed by the enforcement of two principles. One principle is that no person shall be nominated to the Cabinet except on the advice of the Prime Minister. Secondly, no person shall be retained as a Member of the Cabinet if the Prime Minister says that he shall be dismissed. It is only when members of the Cabinet both in the matter of their appointment as well in the matter of their dismissal are placed under the Prime Minister, that it would be possible to realise our ideal of collective responsibility". He further said "As I explained a little while ago, if the Prime Minister does happen to appoint a Minister who is not worthy of the post, it would be perfectly possible for the Legislature



to table a motion of non-confidence either on that particular minister or in the whole Ministry and thereby get rid of the Prime Minister or of the Minister if the Prime Minister is not prepared to dismiss him on the call of the Legislature." Therefore, although article 175 and 164 speaks of collective responsibility it is possible to remove an unworthy Minister by tabling a motion of no-confidence. But the motion must be very clear and fix the quilt on the Minister concerned as opposed to the Council of Ministers as a whole.

In my view therefore, till our rules are amended, we are to be guided by the rules and under our rules an individual Minister can be censured.

This rule 133 does not conflict with article 164. However Rules Committee of our House may go into this matter and remove and conflict suppose or real.

Rule 266 speaks of substantially identical motion. Mr. M.M. Choudhury, Minister for Parliamentary Affairs pleads that substantially identical refers to not to the words or content but to the effect and in that view he wants to submit that if a motion of no-confidence is



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brought against a Ministry as a whole in a Session in the same session second motion of no-confidence cannot be moved against a particular Minister as it will lead to the resignation of the whole Ministry, As I have stated earlier a motion of no-confidence against a particular Minister need not lead to the resignation of whole Council of Ministers unless the whole Cabinet identified his policy or action. It may also be visualised in the event of misconduct of the Minister that Minister alone has to be censured and House would be competent to move a no-confidence motion for the removal of such Minister if he is not removed already. In the present case even assuming "substantially identical" means identical in effect it is not so as there are two alternatives are open to the Chief Minister either to submit the resignation of the whole Council of Ministers or for the individual minister to resign. Whereas in the censure motion on the whole Council of Ministers there is no other alternative except for the Cabinet as a whole to resign.

In the present instance no-confidence motion is sought for the failure of the Minister to fulfil the desire of the people in the matter of Pancha-



yat administration and Community Development and his conspiracy to utilise the coming Panchayat election against his political opponent.

Which policy of the Minister is likely to create disorder and chaos in the coming Panchayat election. The no-confidence motion on the whole Ministry was moved on 21st February listing the following causes for the no-confidence motion :

- 1) To defend the honour of the National Flag of the Republic of India on the 26th January, 1968 at Gauhati,
- 2) to maintain peace at Gauhati on the 26th January, 1968.
- 3) to safeguard the property and dignity of citizens.
- 4) to bring the real culprits to book.
- 5) to Prevent the forces of disruption and disunity which are raising their heads in Assam.
- 6) to solve the unemployment problem in the State, and



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7) to solve the problems of the teachers with employees, peasants and workers.

It is clear that the contents of these two motions are wholly different and they cannot be said to be substantially identical. Similarly as I have said earlier the effects are also not identical.

This leads to the final question whether the motion is in order on other counts. The motion has two parts one is regarding the failure to fulfil the desire of the people in the matter of Panchayat administration and Community Development and the other his policy to utilise the coming Panchayat election against his political opponents which policy of the Minister is likely to create disorders and chaos in the coming Panchayat election. If the motion is scrutinised properly it will be found this is a censure of the policy of the Government as a whole regarding the Panchayat Administration and Community Developments. During the Demands for Grants such failure to fulfil the desire of the people was never discussed. Even during the debate on the Appropriation Bill this was not mentioned by anyone. In the previous no-confidence motion—this was not



referred to. It is difficult to say that the Minister has his own policy regarding Panchayat Administration and Community Development apart from the collective policy of the Govt. Therefore this is a censure motion against the whole Ministry. Secondly, conspiracy to utilise the coming Panchayat elections against the Minister's political opponent was raised during the zero hours of 30th March, 1968. I suggested a meeting of the Political Leaders and the Ministers to come to a settlement. The Minister reported about this meeting on 1st April but no decision could be taken due to difference of opinion amongst the Leaders. It appears from the statement of the Minister that he was ready to abide by the unanimous decision of the Leaders, and it is difficult to find that he is conspiring to utilise the coming Panchayat election. Further the decision to hold the election is also the decision of the Cabinet as stated by the Minister. Therefore, if there was a conspiracy it was the conspiracy of the whole Cabinet. A particular Minister cannot be taken up either for the policy of the Ministry to fulfil the desire of the people in the matter of Panchayat administration and Community Development, nor alleged conspiracy to utilise



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the coming panchayat election. It is difficult to isolate the Minister from the Cabinet as a whole as there is no specific allegation or Misconduct as in the case of Profumo in England. The head of the Ministry is particularly responsible. There must be some individual Minister apart from the Cabinet to pick up the Minister and hold him responsible for his policy or action. There is no such thing or at least there is no mention of such in the explanatory note. Further Section 11 of the Assam Panchayat Act, 1959 is very clear. Of course, the State Government may by notification for reasons stated therein can extend the term of office and postpone the election but it is also the decision of the Cabinet as a whole and a particular Minister cannot be censured for following the provisions of the Act. I, therefore, hold the motion to be out of order.

Shri Phani Bora : Mr. Speaker, Sir, I have very carefully listened to your learned ruling on this matter, and towards the concluding portion of your ruling you were kind enough to refer to the contents of the no-confidence motion and you are kind enough to say that the point of conspiracy has not been brought out or mentioned during the previous discussions. Sir, as the question was introduced in the House at the zero hour it was not possible to establish the case by laying the relevant facts, it can only be done if the motion is allowed.



Shri Jagannath Singh : Sir, on a point of order.....

( Shouts from the opposition benches and counter shouts from  
Congress benches )

Shri Phani Bora : Sir, what I wanted to say is that in the zero hour it was not possible to substantiate it more specially as you said that the zero hour cannot be utilised for that purpose. But as regards the conspiracy, Sir, that there has been a well-laid conspiracy to deprive the political opponents of the Minister in taking part in the Panchayat elections, I have no doubt about it, and if I place the facts at my disposal before the House I am sure not only that you will be convinced of the conspiracy but even the Minister himself will not be able to deny that.

Mr. Speaker : Mr. Bora, what is your point, are you discussing my ruling ?

Shri Phani Bora : Sir, I want to place the facts before you. You have Sir, observed that if it is a conspiracy of the Minister, it is the conspiracy of the whole Cabinet. But my point is that nobody in the Cabinet excepting the Panchayat Minister alone is aware of these things. Certain President of a particular Panchayat...( At this stage some Members from the Congress Benches stood up to speak something, but in the meantime a state of confusion prevailed and nothing could be heard ). ( Some voices from opposition benches—Sit down, sit down. )



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Mr. Speaker : Order, Order. If anybody is to sit down, he will do so at my bidding.

(A voice from opposition bench—But he is already on the leg.)

Shri Jagannath Singha : Sir, you have given a ruling, and I think the matter is closed. Therefore there should not be any further discussion.

Shri Phani Bora : That is a matter for the speaker to decide and not for you.

Sir, I have got documentary evidence to prove that the Minister-in-Charge of the Panchayats called certain President of a certain Anchlik Panchyat and asked there people that the election will take place, and that all the arrangements should be made secretly and that notices according to the rules should not be published for public and they should be kept secret, So that so many difficulties may be created at the last moment. (Shri Lakshmiprasad Goswami-All these are fake and imaginary charges). Although the Members of the Cabinet are not aware of these things, the Minister was indulging in all these sort of things without their knowledge. Therefore it a case of conspiracy by a particular Minister. So many things were done, so much money was spoiled. We want to decentralise power, we want to democratise the administ-



ration. But when this is a matter of taking the entire people into confidence.....

Mr. Speaker : So, Mr. Bora it will therefore be the best thing for you to bring a no-confidence against the whole Ministry.

Shri Phani Bora : But in this session I cannot do it because the rule prevents it.

Mr. Speaker : I have given my interpretation on the words 'substantially identical'.

Shri Dulal Chandra Barua ; Sir, you have given a very learned ruling on this issue and have been kind enough to give a guideline for all of us when towards the last part of your ruling you have indirectly suggested the way that we should move a no-confidence motion. Still there is time and that part of your ruling is instructive also.

Mr. Speaker : I was only guided by the speeches here and the Explanatory Notes.

Shri Dulal Chandra Barua : We are, Sir quite aware that we cannot go beyond the rules and we are all governed by the rules. We are thankful to you for the last part of your ruling giving us instruction as to in what way we should submit that no-confidence and holding that there is ample scope for us



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to bring in a no-confidence motion. Again Sir, we are going to do that.

**The Indian Stamp ( Assm Aamendment ) Bill 1968**

**Shri Kamakhya Prasad Tripathi ( Minister, Finance ) :** Mr. Speaker Sir, I beg to move that the Indian Stamp ( Assam Amendment ) Bill, 1968 be taken into consideration.

**Mr. Speaker :** The question is that the Indian Stamp ( Amendment ) Bill be taken into consideration.

( Put to voice vote ; the motion was adopted ).

**Mr. Speaker :** As there is no amendment, I put that the clauses in the Indian Stamp ( Amendment ) Bill do form part of the Bill.

The Short-Title and the preamble of the Bill do form part of the Bill.

**Shri Kamakhya Prasad Tripathi :** Sir, I move that the Indian Stamp ( Amendment ) Bill be passed.

**Mr. Speaker :** The question is that the Indian Stamp ( Amendment ) Bill be passed. ( The motion was adopted )



## **The Assam National Parks Bill, 1968**

Shri Mahendra Mohan Choudhury ( Minister, Revenue ) : Mr, Speaker, Sir, I beg to move that the Assam National Parks Bill, 1968, be taken into consideration.

Mr. Speaker : I have a message from the Governor of Assam. "I recommend under Art. 207 (3) of the Constitution that the Assam National Parks Bill, 1968 be taken into consideration by the Assembly".

Shri Prabhat Narayan Choudhury : I move an amendment.....

( Voices—It is on the considerations stage, how an amendment can be moved ? )

Mr. Speaker : He will move an amendment to refer the Bill to the Select Committee. At the consideration stage also, a Member can say that the Bill be referred to the Select Committee or be circulated for eliciting public opinion.

Shri Prabhat Narayan Choudhury : Sir, I beg to move the following amendment to the Motion that the Assam National Parks Bill, 1968 be taken into consideration :

"That the Assam National Parks Bill, 1968 be referred to a Select Committee consisting of the following Members :

1. Minister-in-Charge.



2. Shri Narayan Chandra Bhuyan, M. L. A.
3. Shri Sarat Chandra Goswami, M. L. A.
4. Shri Narendra Nath Sarma, M. L. A.
5. Shri Dhani Ram Rongpi, M. L. A.
6. Shri Dulal Chandra Barua, M. L. A.
7. Shri Atul Chandra Goswami, M. L. A.
8. Shri Rahimuddin Ahmed, M. L. A.

Five Members to form the quorum and the report to be submitted by the 31st May, 1968."

Shri Lakhyadhar Choudhury : I want to add another three Members.  
They are

- (1) Shri Kabir Chandra Rai Pradhari.
- (2) Shri Azad Ali.
- (3) Shri Kamini Sarma.

Mr. Speaker : Give it in writing.

Shri Sailen Medhi : Sir, we are bringing an important bill before this House and so we should know ....

Shri Mohendra Mohan Choudhuri. ( Minister, Revenue ) Sir, on a point



of order, unless the amendment moved by Shri Choudbury is disposed of, I think he cannot move this.

Mr. Speaker : There is only one main motion that the bill be taken into consideration. He is speaking on the consideration motion.

Shri Sailen Medhi : I am trying to justify whether this Bill should go to the Select Committee or not. What is the purpose of this Bill ? In the Declaration of intention to constitute National Parks at Section 3 ( 1 ) it "says that "Where it appears to the State Government in respect of an area to be defined under the provisions of section 8 by reason of its floral, faunal, scenic or other interest or its natural beauty or its educational, scientific, archaeological, zoological or historical association or importance, that it is desirable to take measures for preserving, protecting and enhancing the natural beauty and/or importance of the area and for providing facilities for the enjoyment thereof by persons resorting to it the State Government may declare, by notification in the official Gazette, their intention to constitute the area as a National park.

Here again in the Statement of Objects and Reasons, which the hon. Minister has given, we have found, that the purpose for which this Bill has been brought into this House is that "World famous Kaziranga Wild Life Sanctuary is the home of the rare species known as the Great Indian one-horned rhinoceros, of which there are nearly 400 accor-



ding to the census carried out by Mr Juan Spillet in 1967.

“The animal is the constant target of unscrupulous poachers because of its highly valuable horn. In order that the problem of its preservation may receive better attention from the nation, it is deemed necessary to declare it a National Park which means an area dedicated under statutory provisions for all time to conserve the scenery and natural and historical objectives of national significance and to conserve wild life therein and to provide for the enjoyment of the same in such a manner and by such means as will not impair their enjoyment for further generations. Once an area is declared a national Park, it cannot be changed in any way except by Resolution or Act passed by the Legislature.

“Kaziranga wild Life Sanctuary attracts tourist from all over the world. Its elevation to the status of a National Park is likely to attract more tourists, since, as National Park it will receive more publicity outside the country.

So there are three purposes to bring this Bill. The first purpose is to declare the Kaziranga Game Sanctuary as a National Park to preserve the wild life which are on the verge of extinction. Secondly, that it may



receive publicity outside the country to attract more tourists, and thirdly that it may receive assistance in measures for protection of the wild life inhabiting the Park from foreign organisation dedicated to preservation of wild life. With these three purpose, we have brought this bill into this House. When in our country we are not able to protect our human lives and there is insecurity and danger, still then we are going to protect the animals. Of course, I know that they are on the verge of extinction and the human population is not on the verge of extinction. Sir, for preservation of the wild life of Kaziranga, we have some provisions from the beginning under the Forest Manual and Forest Acts. So when inspite of the provisions which are already there when the wild life is not protected, by bringing this bill to the House, the purpose will not be served. Here in the statement of objects and reasons it has been given that it is deemed necessary to declare it a National Park which means an area dedicated under statutory provisions for all time to conserve the scenery and natural and historical objectives.

But, here in the Bill itself we have seen nothing. In the first point of the Bill the Government try to show that to preserve the wild life and animals of rare species in our sanctuaries,



it has to be declared as Nation Park. But, Sir, we have seen that even with the help of the Forest Act and Forest Manual, Government totally fail to preserve the wild life, whether they will be successful if it is declared to be a National Park."

The second point is that to attract tourist from all over the world it is to be declared as Nation Park. Here, Sir, I would like to say that we have in our sanctuary the famous one-horned rhinoceros which is not only famous in India but all over the world. People all over the world know that one-horned rhinoceros are only found in Assam and it is also very valuable. It is a rare species. But I am sorry to say that only for the publicity purposes as it is mentioned in the Statement of Objects and Reasons that Kaziranga wild Life Sanctuary attracts tourists from all over the world—its elevation to the status of a National Park is likely to attract more publicity outside the country, the Bill has been brought. If this Bill comes to an Act and if this National Park is formed, I am sure it will not be improved much. Sir, I am surprised to know that upto now there is no Information Centre in New Delhi from our Government about this sanctuary, where the State Government could have given publicity



to the people outside the State and the world. But our Government fail to do that. They have not yet opened any Information Centre for the purpose like Mysore and other States of the country. Still our Government say that unless we pass the Bill and bring it to the standard of National Park, it is not possible to get publicity all over the world.

Thirdly, to welcome the foreign organisations which are dedicated to preservation of wild life and animals, our Government's view is that it is necessary to bring this Bill. But, Sir, I would like to say that to welcome this organisation to come here and assist us in this respect, the necessity of bringing the Bill is of little importance. If we are sincere, if our Government machineries are well equipped, if the functioning of the whole Act and Rules which are still in existence are effectively implemented, then there will be no need of bringing a new Bill for the purpose. Sir, this objection is not a new thing. So, this National Park Bill should be considered very carefully. Sir, the only purpose for bringing a new Bill is to constitute it to a National Park. But instead of bringing it to that standard we may still have ample opportunities to keep these wild animals in Kaziranga and



other sanctuaries very efficiently. We have seen in no other countries, not to speak of India, there is any National Park to preserve animal alone. We have seen that in England and specially in America they are keeping National Parks. But these parks are not only to preserve the rare species of animals, they are for other purposes. In England there are National Parks which are established in accordance with National Park Act of 1949. Those parks are not for preserving wild life but for the purpose of zoological, archaeological and historical purposes. The characteristic of the Bill which was passed for this purpose, is to provide some facilities for outstanding natural beauties, open air recreations etc. Therefore, the National Park is a very important feature there. These National Parks are managed by private owners. Government make agreement with the private owners and the Government duty is to see that they develop the land given for the purpose for keeping outstanding natural beauties, landscapes etc. There are two purposes (1) they are for preservation and enhancement of natural beauties and (2) for public enjoyment. For public enjoyment, Government used to give Car Parks, Camping areas, Caravan areas, Information Centres thereby to attract tourists and consequently to gain foreign



exchange and other resources. But, here we are keeping it only for the purpose of safeguarding the wild life of those species which are at the verge of extinction. Sir, only to preserve wild life, I do not think, a bill has to be brought. Here in the Financial Memorandum, it is shown that the expenditure are expected mainly on staff expansion and acquisition of land for constituting Nation Park in Assam. Here, financial implication for improvement is very less. So far as the acquisition of land and other things are concerned, unless Government is determined to develop the natural beauties, educational and scientific, archaeological, zoological and historical monments and other national significance, bringing of this kind of Bill is out of question. Sir, inspite of the Forest Manual, Forest Rules, C. R. P. C., I. P. C. , a great number of poaching is going on unabated in Kaziranga sanctuary. Shikaris can go and kill rare species of animals without much restriction, but our machineries are so week that they cannot prevent them from doing so. So, unless we strengthen the existing forces of the Forest Department, Police Department and Home Guards, it is not possible for us to stop poaching and preserve our rare animals. Sir, we have seen huge number of one. horned rhinoceros and other rare animals



are killed by secret hunters inspite of our having efficient Forest Department and efficient Police Department and thereby we are losing a substantial portion of our State exchequer. Sir, it is the duty of the Government to preserve these rare species of animals.

Here, in the Bill have seen that there is an Advisory Committee and that Committee will be headed by the Chief conservator of Forests.

If the whole Forest Department is brought here for implementation of the Act for preservation of wild life in the State the purpose of the bill will be defeated. Therefore, the whole bill should be circulated for eliciting public opinion and for consideration as to how this bill could be made effective. Unless we are sincere to our purpose and unless the efficiency of the different department who are responsible for implementation of this bill is ensured, I am afraid that this bill will serve no useful purpose. Sir, we had many bills passed into acts like the Adhiar Protection Act, but we have seen that these acts are not implemented properly. It is due to the slackness of our Government, due to the failure of the whole Governmental machinery these acts could not be implemented, and, I am afraid this bill will also meet with



the same fate: Sir, with these words I want to submit that the bill should be circulated for eliciting public opinion insted of sending to a Select Committee to consider it very carefully.

Mr. Speaker: Yours is for eliciting public opinion?

Shri Sailen Medhi: Yes, Sir.

Shri Kamini Mohan Sarma: মাননীয় অধ্যক্ষ মহোদয়। আমাৰ দেশত “নেচনেল পাৰ্ক” তৈয়াৰ কৰিবৰ কাৰণে যিখন বিল চৰকাৰে উত্থাপন কৰিছে আৰু তাৰ দ্বাৰা বন্য পশু বক্ষণৰ ব্যৱস্থা কৰিবলৈ চিন্তা কৰিছে সেইটো ভাল কথা কিন্তু ইয়াৰ আগতে আমি চিন্তা কৰিব লাগিব যে আমাৰ যি জনসাধাৰণ আছে যাৰ আমোদ-প্ৰমোদৰ কাৰণে ব্যৱস্থাটো গ্ৰহণ কৰিব সেই জনসাধাৰণৰ জীৱন ধাৰন মানদণ্ড হ্ৰছল হৈছে নে নাই। কিন্তু যিখন ৰাজ্যত গোটেই খন “নেচনেল পাৰ্ক” হৈ পৰি আছে—কাৰণ এই ৰাজ্যখনত ভগা ঘৰ আৰু খেৰ নথকা চাল আৰু পচা খাল-পুখুৰীয়ে ভৰি আছে। দুৰ্গন্ধত মানুহ চলিব নোৱাৰে। এই ৰাজ্যত বঙা-বগা পদুমফুল ফুল থকা জাকে জাকে বনৰীয়া হাহ চৰি থকা বিলাডোঙাসমূহ আছে। পাহাৰ নদী আদিৰ মনোৰম দৃশ্য গোটেই ৰাজ্যতে ভৰি আছে। সেই কাৰণে গোটেই ৰাজ্যখন আমাৰ “নেচনেল পাৰ্ক” হৈ পৰি আছে। সেই ক্ষেত্ৰত আমি কাজিৰঙাত নাইবা আন আন অৰণ্যভূমিত বন্য জীৱন্ত বক্ষাৰ কাৰণে উদ্যোগ কৰা যুক্তিযুক্ত হৈছে নে নাই য’ত মানুহ ১/২ সাজ লগোন দি নিজৰ জীৱন শেষ কৰিবলগীয়া হয় তাৰ অভয়াৰণ্যত এক শিঙৰ গড় আৰু অন্যান্য জন্তু বক্ষাৰ কাৰণে টকা খৰচ কৰিম নে নাই সেই বিষয়ে



জনসাধাৰণৰ মতামত লব লাগিব। আমি কেইজনমান ধনী মানুহৰ আমোদ-প্ৰমোদৰ কাৰণে পৃথিৱী প্ৰসিদ্ধ এক শিঙৰ গড়টো বন্ধা কৰিব লাগিব। কিন্তু ইয়াৰ আগতে এই ৰাজ্যখনত ৯৯% জৰাজীৰ্ণ জনসাধাৰণৰ মতামত লব লাগিব। গতিকে জনমতৰ সপক্ষে আবেদন জনাই মই মোৰ বক্তব্য সামৰিলো।

Shri Dulal Chhandra Barua : Mr. Speaker, Sir, After going through this Bill I have been reminded of one Assamese proverb. It also reminds me of another proverb This bill would have been more effective if it could have been adopted 10 years earlier. This bill has been brought by the Minister-in-charge of Forests with a view to protect the wild life of the Kaziranga Wild life Sanctuary. This again reminds me of another Assamese proverb. There is nothing in this bill which provides for development of that particular area. This bill has also failed to give us a clear indication as to what revenue earning there would be. When we are putting in the amendments for circulating the bill for eliciting public opinion, our purpose is that unless we can educate the people as to in what way they are to love the wild animals as their own domestic animals, unless we can inculcate in them that this is their own property there could not be any preservation of the wild life. Simply by observing wild Life Protection Week



we cannot solve the problem, it will not educate the people to love the wild life and to keep them away from illegal poaching which is going on today unabated. (At this stage the Speaker left the Chamber and Shri, Rathin Sen took the chair). You know, Sir that nearly 50 to 55 percent animals living in the sanctuary were either killed or died during the last four years due to heavy floods. The Government in this bill has introduced no provision for doing research as to..... in what way, the productivity of rared animals like rhinoes can be increased. But no attempt has so far been made by the Government till to-day. As I have said, there are various aspects of the thing which will have to carefully considered. The first one is, as I have said, that the people must be educated to accept these animals in the area as their own property. This provision must be made in the Bill and we, the people's representatives with the help of the local leaders, specially in the surrounding areas, must go and propagate the manner in which they are to behave in the matter of maintaining the sanctuary and the animals there; and in what way they are to protect the animals from the poachers. That step must be taken for successful implementation of this Bill. Only on that score the Bill is to be



referred for eliciting public opinion and more particularly, the Bill which has been prepared by the Department is not exhaustive. Most probably, no help has so far been taken either from the foreign experts or the experts in this particular line available in the country and the experts who are maintaining such kind of national parks here or outside the country. This is to be carefully looked into and their advice must be taken seriously. Therefore, before coming forward with this Bill, these considerations ought to have been there, and to my mind, the Govt. in the Forest Department, by bringing this Bill they are making themselves a laughing stock, because it is not a question of protecting the life of wild life or rhinoes, as encroachments are going on for years together. Mr. Chairman, Sir, all jungles and forests have been cut down and the people are cultivating the land but no action has been taken so far by the Govt. to prevent such encroachments. Now, Sir, you can just imagine how this Government in a position to protect and preserve the wild animals, when it failed even to protect the life of their own staff. Mr. Charman, Sir, I think you have heard that recently one Forester has been killed by the poachers, and you will be surprised to find that these poachers are not ordinary people. These are big guns and



under the garb of the Congress misrule, they are doing all these things: But till to-day this Govt. have failed to deal effectively with these culprits. Sir, I am sorry that in the year 1962, a case has been detected and two or three local gentlemen have been involved and probe was made, but because he happened to be a big Congressman's brother, he has escaped and no action has been taken.

Shri Mahendra Mohan Choudhury : In 1962, no such case was detected.

Shri Dulal Chandra Barua : Yes, just after I became an M. L. A. and you know it also, Sir.

Shri Mahendra Mohan Choudhury : There is another case about which I shall make a reference tomorrow.

Mr. Chairman : The Hon'ble Minister has said that there is another case and he will make a reference about it.

like

Shri Mahendra Mohan Choudhury : Shri Barua made a sanetuae to certain case about detection of it is marns in the Dum Dum Airport some time tained : assure the House that I am giving the



information tomorrow. Except that I don't think there is any other case.

Shri Dulal Chandra Barua : If necessary, I will give the names. Sir, I think you will also remember that we have raised this question in the second session of the Assembly after 1962 General Elections. That is why my whole contention is that there is a big ring from Sadiya to Dhubri, from here to China, from here to Russia, from here to United Kingdom—which is working. Unless the ring is checked and broken no rule can be made effective for making this sanctuary into a National Park.

Sir, again here the Govt. was so careful for the maintenance of this Sanctuary. I think you have heard that rhino horns have been taken away from the officer almirah in the Tourist Lodge there. But no detection has so far been made. This clearly shows that the officers of the Forest Deptt. might have some unholy alliance with those traders. Otherwise we have the prosecution and no proper action can't to protect against those poachers or against Charman, Sir, traders of rhino horns. Sir, as I think one Fore- by bringing this Bill will not be achers, and you simply show that the Govt. is these poachers are in respect of maintaining that the big guns and



National Park but in actual practice it will not serve the real purpose. I will simply give one instance in order to prove my contention in this regard: One person has been appointed there as warder to look after the Game Sanctuary. But you will be surprised to hear, Sir, that this man has been completely demoralised by this Department. But now they are ready to spend more money. But I am sure, if they have given sufficient incentive to the qualified people who have been put there in-charge of the Sanctuary such a thing would not have happened. That man has been completely doomed in respect of his prospect, his promotion and pay scales. I am giving this instance only to show that the Govt's intention is only of getting publicity in the newspapers that Govt. is very keen to do so. But in actual practice, they are not sincere. Now, here we have found that if this Sanctuary can be properly maintained in the form of National Park, then it will be a very good source of income to the State's exchequer as has been getting by some of the foreign countries like Great Britain, United States as well as Canada. These countries are maintaining these sanctuary as revenue sources for the State whether it is maintained by the individual or is maintained as National Parks or Stat-owned Parks.



In this way they are actually bringing gold from outside the country.

In the same way, Sir, this park can also bring gold to the State provided sufficient precaution and measures are taken from time to time. As I have said, Sir, the provision for a Research Centre ought to have been there in the Bill but it is not there. I have already said that about 50% to 55% of the animal have either died because of flood or been killed when they cross over to Mikir Hills. Therefore a complete Research Cell should be established there with Zoologists and Veterinary experts for the proper care of the animals. Sir, I have often found an old Rhino moving about in the street and it does not care either man or vehicles. He was about to die and I do not know what has happened to this animal. Even if it is not already dead, it will be killed some day because it is not afraid of anything and it moves like a domestic animal. But no step has been taken from the side of the Forest Department for the Protection of this animal. Therefore, such a Research cell is very necessary. They will examine the food, population of the animal and find out means as to how to develop the animal.

Sir, the management of the sanctuary, at present, is the responsibility of three Departments and therefore, it has become nobody's business. Now, in the explanatory note it has been said that to attract more tourists to see these



reared animals for their enjoyment as well as for its big publicity it is being done, and at the top of it the Forest Department is there to see things. Sir, I have a suggestion to make in this respect. We have seen that there are some departments which are practically redundant, for example, the Directorate of Tourism. It has practically no function. Even if some foreign tourists come, they are not easily available. Therefore, my suggestion is that the management of these national parks should be the responsibility of one Department only, and not three departments. If Government is keen to maintain the National parks properly then they should combine the Departments of Tourism and Publicity into one Department and it should be under the Charge of a Minister. If this is done then there will be proper co-ordination between the Department of Publicity and Tourism. At present we find that if one Department goes to the East, the second goes to the West and the third goes to the North. Therefore, I suggest that the department of Tourism and the Publicity should be combined and redesignated as Director of Publicity and Tourism, and the management of the National Parks should be given to this Department, and the Department of Forest should be there for supervision only. Sir, at one time Assam was known as the beauty queen of India and K.&J. Hills as the beauty queen of Assam. But what has happened to these places? Many trees have been cut down



and jungles have been removed and the whole area has been made barren. If Government is sincere to maintain the beauty, they should take steps to do proper plantation in those areas and they should not allow any encroachment in these areas. The Forest Department should be asked to look after the forest and their preservation and also for new plantation so that proper beauty can be maintained. Sir, there are some places which are absolutely dry and if proper plantation is made then these places will be better and animal can take shelter there during the dry season. Sir, if you go to Kaziranga during the summer and if you do not drive your vehicle carefully there, you may kill some animals. There are small deers and other animals which stand on the road because there is no place for them to take shelter. There are some marshy land at Kaziranga sanctuary and I suggested to some officers that they should construct some artificially high lands so that at the time of flood the animal may take shelter there, but nothing has been done uptill now. There is no such provision in this Bill also.

Then Sir, even if the beauty of the National park is maintained, where is publicity ? I suggest that there should be information centre not only at Kaziranga but also at Gauhati and these centres should be fully equipped with all the backgrounds of the animals as also other amenities, as we have seen in other place like Maharashtra and Gujarat. There should be such a centre at Gauhati because Gauhati is the gate way of Assam, and the centre should be fully



equipped, if we want to attract foreigners. At the same time I fully endorse the contention of Shri Sailen Medhi that we are lagging behind in this respect although Assam has many resources ; it has its traditional culture, its beauty and so on. But we are not in a position to focus it outside the State. Only the foreigners have come forward here at their own initiative and only through them some publicity has been made. But from our side nothing so far been done. Therefore, I feel that when Delhi is an inter-national centre, and I have suggested at the time of taking part in the discussion on Appropriation Bill on last Saturday, that every State except Assam is having their own information centre with efficient staff and officers we should also have one of this kind. of information centre there immediately. Sir, if we go even to Bihar House or other Houses in Delhi we will find that at a glance you can study the background of the cultural tradition of all States, its natural resources and animal potentialities etc. But we are very unfortunate in this regard. Though we are richest in India in respect of wild animals, though we are richest in our culture we are not allowing or we are not focussing it to the people of India or to the people of world about our potentialities. Therefore, I urge upon the Govt, to open up such kind of information centre in a bigger scale, in a different manner so that we can attract the foreign tourists inside the country thereby earning foreign exchange and reputation. Sir, I happened to be at Gujarat very



recently. I could know that the people there are keeping constant contact with Russia, America and other foreign countries to study about game sanctuary etc. They are inviting experts from different country, annually or monthly batch by batch just to take their advice in this respect. By taking that advantage they also sending their own people to Russia, America, to learn things and exchange their views in respect of maintaing their cultural traditions. Therefore, I feel that these Institutions should be organised on a proper footing. I have been told that a proposal is there and the Finance Deptt. rejected the proposal and I request the Minister-in-charge of Revenue who is happened to be the Deputy Leader of the House, that these matters should be taken up very seriously and as quickly as possible establish an Institution in New Delhi. As I have already said if it is entrusted with Publicity Department this will be very helpful. We were having different Publicity Officers in different Subdivisions and districts. I am really very sorry that our people of Cachar District are not aware, what is Kaziranga. Not to speak of focussing it outside even our own people do not know about the Kaziranga Game Sanctuary. Therefore, I urge upon the Govt. to open more informations centers in the District and subdivisional level so that our people from all districts and subdivisions may know what really Kazirange is.

Mr. Chairman ( Shri Rothindranath Sen ) : Govt will say what is this ignorance is not excuse.



Shri Dulal Chandra Barua : I know when these animals are found in Nowgong District, nobody does any harm, except a few exceptions, but as soon as they cross the Mikir Hills they have been killed. Therefore the consciousness of the people should be raised, so that people do not kill these animals rather they preserve them. I am not going to say that Mikir Hills people have done it, But the information what I have given is correct. Sir, another aspect is that if we are thinking to convert it to a National Park the management should not be entrusted to the officials rather it should be semi-official. During the last 20 years the A. C. F. and C. C. F. involved directly or indirectly in destroy of our animals and they never tried to preserve them. Therefore, the Government must explain to the People what is a law, what is the idea behind it, what will be its impact on the character of the people, it is no use of passing this bill so haphazardly. Afterall Government's intention is that when a law is passed it should be honoured by the people. In Russia they used to chalk out some programme and try to educate the people about the value of a bill or a law, And actually when people are prepared to accept it then only it is passed, and implemented. Therefore, I urge upon the Govt. before passing it, it should be circulated to all corners of Assam and try to educate the people what is the aim of the bill, what it is going to do, so and so forth. With that end in view Sir, we brought this amendment.



**Shri Premadhar Bora :** চেম্বাৰমেন মহোদয়, এই বিলখন হৈছে 'বাহিৰত বৰ চুৰিয়াৰ ফেৰ ভিতৰত ধকুৱাৰ বেৰ" আজি যদি মুখ্যমন্ত্ৰী ইয়াত থাকিলহেঁতেন তেনেহলে এইবিল কেতিয়াও আনিবলৈ নিদিয়ৈ। অসমত প্ৰাকৃতিক দৃশ্যৰে মনোৰম। সেই মনোৰম দৃশ্যৰে পৰিপূৰ্ণ অসমক কৃত্তিম পদ্ধতিৰে আৰু মনোৰম কৰিবলৈ গৈ পৰিত্ৰতাৰে নষ্ট কৰিব বুলি ভয় হয়। নামটো Assam National Park বুলি কৈছে যদিও International Park কৰা হলেহে ভাল আছিল। যদি National Park নাম দি ভাৰত চৰকাৰৰপৰা টকা আনি আমাৰ বনজ সম্পদৰ উন্নতি সাধন কৰে তেনেহলে কবলৈ একো নাই।

সৰুকালত আমি হাবিত ফুৰিবলৈ যাওতে মনত পৰে বনৰীয়া শহা, হৰিণা আদি ওচৰ পালে নপলায়; কিন্তু হাতত বন্দুক আদি থকা মানুহৰ গম পালে পলায়। ইয়াৰ পৰাই বন্যজন্তুৰ স্বভাৱ বা আচৰন বুজিব পাৰি যে কৃত্তিম আচৰনৰ দ্বাৰাই প্ৰকৃততে অভয়াৰন্যৰ জীৱ-জন্তুক মুক্ত পৰিবেশ দিব পৰা নাযায়। সেইদৰে 'নেচনেল পাৰ্কৰ নামত ভাল ভাল বাগ্‌ট', ঘৰ, জিৰণি ঘৰ আদি দি মানুহক আকৰ্ষণ কৰিব পাৰিলেও জীৱজন্তুক সিহঁতৰ আবাস ভূমিৰ পৰা দূৰ্গতিৰ আড়াল কৰাৰে ব্যৱস্থা হ'ব। সেইকাৰণে মই ক'ব খুজিছো যে বনৰীয়া জীৱজন্তু বিলাক আমাৰ সম্পদ আৰু সেইবিলাক যাতে আমাৰ কৃত্তিম পৰিবেশৰ দ্বাৰাই ভয় নাপায় তাৰকাৰণে বিশেষ চিন্তা কৰিব লাগে। কাজিৰঙাৰ গড় অকল অসম বা ভাৰতবৰ্ষৰেই নহয় — ই পৃথিৱীৰ আপুৰোগীয়া সম্পদ। এই বিলাকৰ ওপৰত যাতে কৃত্তিম ব্যৱহাৰ নহয় তালৈ চাব লাগে আৰু সেই কাৰণেই মই চৰকাৰৰ এই বিলখনৰ বিৰোধীতা কৰিছো।

**Shri Gaurisankar Bhattacharjee :** Mr. Chairman, Sir, the bill has been presented and said that this Bill should go to the Select



Committee which will scrutinize the different clauses and suggest necessary amendments and thereafter there will be amendments, and in the amended form, the bill will again be presented to the House for consideration. Then what is the use of presenting the bill here now ? In the face of it why should an alternative amendment is necessary and alternative motion should come ? Why, the Bill should be circulated for eliciting public opinion ? Does it mean that the people of Assam donot want a National Park more than one National Park ? There is some doubt in our minds that the people of Assam donot atleast want the elevation or promotion of the Kaziranga Game Sanctuary, the status of a National Park. If that would have been so, I would suggest that this motion for eliciting public opinion is unnecessary but that is not so.

This morning, I was reading an history of the Franco Russian revolution of 1870 on the eve of that war. A French Statesman of that time namely Olivia, he had given a statement. He said, from this day begins a greater responsibility and we accept it with a lively heart. From this day there begins a great responsibility and we are taking the responsibility in a very strong heart. Now, having gone of the provision of the Assam National Park Bill, I am tempted to compare our Minister incharge of this Bill with the French Statesman Mr. Makia Olivia. The title and objective is same but when we go through the provision, do that really conform to the title and objects and reasons ?



There is a Roman story, an ancient Roman story and according to that story, the Roman legend amongst the Romans, there was a God or should I say a 'demon' God 'Silverus' and from that 'word' 'Silvenus', we get the word silver. That Roman God, he was a sort of a fawn, some sort of a deer, and sometimes identified with the satyr of the Greeks. He was by habit very illusive, uncanny and full of wiles, He used to live engulfed in the vast expanses of the forests outside the tillage. Due to that reason this wily cunning forest god used to be called and from that name comes the adjective silvan. Now when we come to the objects and Reasons presented by the Minister in charge I am reminded not only of the silvan beauty of the forests of Assam but also of the great love for the flora and fauna of this region on the part of the Minister. He has started saying that the world famous Kaziranga wild Life Sanctuary is the home of the rare species known as the great Indian one horned rhinoceros. We understand his love towards the rhinoceros when he gives it the epithet the 'great'. Yes rhino is a very great animal to use the word of the Minister or to use a word of common parlance a big animal, although it may not be as big as the Mammoth but big enough and there also no doubt that it is a rare animal. But one thing we know that



in this long history of the earth while the mammon has become extinct the greed for riches still persists and therefore it is to be seen as to whether we want the one-horned rhinos for its own sake or for the sake of the people, particularly the people of Assam. Now Sir, he has given us a count also when he says that there are about 400 of the species only and that the horns of the rhino are valuable and costly. I do not know whether by going through the simple arithmetics we shall find the keeping of the rhinos in the long run to be more profitable or benefit the sanctuary. But as in the case of man, so in the case of people it is truism that man does not live by read alone. We do feel that there is shortage of food in our State and in the country as well, and therefore we have been demanding more lands should be brought under the plough and that the ploughmen should be given not only the land but also the where-withal to produce more food. But that is not the be all and end all of human life and human civilisation. The human civilisation has another aspect, and that aspect is the aspect of culture, the aristhetic aspect, the moral aspect and so on. So the question of the National Park is not purely a question of rupees or paisas, sterling or dollar, foreign exchange, hard-



currency or soft. The question of the National Park in my humble opinion has an aspect of national culture, as aspect of the nation's aesthetic sense. That being the case, we need not only need the beautiful rhinoceros but many other packs of animals including the deer and the buffalows. It is true that it is the human habit or a fashion to go in for the unknown, to search for the rare. The rhinos have become valuable and a beast of protection not because it is very beautiful animal to look at but because it is rare. Therefore looking at from that aspect of the matter the rhinoceros should be protected not only from the point of view of our aesthetic sense but from the point of view of preserving it for the people all the world over. Any way the rhinoceros alone or the animals alone? These trees, the creepers, the bushes and shrubs, the greenery that exists in Assam as in other parts of the country should be an aspect of the purpose of the Bill. If we are to do that we should make a place or places where all the animals, the birds, forests, trees, creepers, shrubs and bushes may flourish. But then, after saying so, what do we find? As I referred to Monsieur Levant, "I say, why do I say?" This one Kaziranga is to be protected. But then in the first clause of the Bill they seek to extend this Act only to Sibsagar, Goalpara,



Kamrup, Nowgong, Darrang, Sibsagar Lakhimpur and Cachar Why? Can you imagine that we shall exclude Mikir Hills and protect Kaziranga? Can you imagine that possible? Is not Mikir Hills on the vicinity of the present wild-life sanctuary and the proposed National Park? So, where is the guarantee and where is the barrier to the animals escaping to that contiguous region and being destroyed and being poached or being driven further off. So it is just an omission, it is either deliberate, or it is a grave omission.

Shri Mohendra Mohan Choudhury : It is deliberate.

Shri Gaurisankar Bhattacharyya : I am told by the Minister that the omission is deliberate.

Shri Mohendra Mohan Choudhury : I want to explain.

Sir, because the Mikir Hills comes under the District Council, according to the Constitution, the State Government has no authority over any land other than the forest reserve of district areas included in the District Councils, and as Mr. Bhattacharyya has referred to, the vicinity of Mikir Hills is quite close to Kaziranga. I think it is an open land and that land cannot be acquired by us for the purpose of the



sanctuary without the consent of the District Council. That matter is under correspondence and as soon as a decision is taken, the difficulty which have been pointed out by Shri Bhattacharyya will be overcome.

Shri Gaurisankar Bhattacharyya : That is why I was going to say that it is something like a British colony. This was so reported by a British Statesman. It was stated how is it that you could make so vast a country like India a colony. The British statesman is reported to have replied, we get the Indian as our colony in absolute earnestness. Now probably they are forming a nation. I am now stunned to hear that it is deliberate, but then if you go and examine step by step, you will see that they have already divided the State of Assam. They have already declared hill State or hill States. Sir, this is the last thing. In a small way, you go to the Secretariat, you will find it has got completely two wing, one is Hill Secretariat and the other is Secretariat for the rest of the people. Go to the development, you will find complete separation, you can see the planning apparatus completely separate. You go to the Advisory Council, you will see that it is completely separate. Gradually, step by step, they are keeping us the descendants of the opium eaters in a state of complete absent-



mindfulness and unalert. This Government in conspiracy with Delhi has already created and conceded a separate Hill State. I was only going to point it out in the Bill itself. At the time when the Constitution of India was framed for various reasons they have already given Kashmir a special status allowing them to have their own Constituent Assembly and thereby thereafter inviting a host of troubles. Similarly, step by step this Congress Government has already dissected Assam and formalisation is only a matter of days.

Therefore, I suggest that the bill be circulated for eliciting public opinion: If you know that during the rainy season, the marshy lands of the Northern part of the Kaziranga Game Sanctuary become submerged by the rising tides of the Brahmaputra, if you know that quite a part of it becomes uninhabitable for the animals, if you know that quite a number of them cross the National Highway and go to the Southern side, if you know that quite a number of animals go higher up in search of dry places and close to Mikir Hills, why did you not first of all make arrangement with the District Council of the Mikir Hills, why did you not first of all take their consent, why did you not use the good offices of the Governor who is here, why did you



not use the good offices of the Government of India and Shrimati Indira Gandhi in particular, and after making all arrangements come with the Bill ? Now have you considered these things that you may pass this Bill and ultimately so happens that the District Council may not agree to part with any part of their land and say that you did not wait for our opinion or decision and you hurried through a piece of legislation and want to impose on us a fait accompli. Further- more, another thing, the Congress Government ought to have understood that up till now the saner section of the Mikir and North Cachar Hills have not been swimming in the tide of separatism. They want to live with the rest of Assam, but then while the saner section of these parts of the State are with the people of Assam, the propagandists and agitators of the separatist movement of the United Khasi and Jaintia Hills and Garo Hills are not sitting idle, they are trying to infiltrate into those areas as well and they have already made some headway amongst some section of the youth and they have already tried their best to discredit the saner leadership of these two districts as being completely one with the Utkhar rulers of Assam. That propaganda is already going on. Not only that, a huge sum of money is coming



from the C.I.A. and these separatists have already been financing some people of the Lakhimpur and Sibsagar districts to raise a separatist movement. These people have been pouring money even in the Kokrajhar Subdivision and some other excluded belts and blocks. They are trying to discredit the saner sections of the leadership of these regions. Why do you want to place those leaders who are already in some kind of difficulty in greater difficulty. What would have been the difficulty if you would have waited for eliciting not only the opinion from the plains districts, but also the opinion of at least the Mikir Hills District. If the matter would have gone to them also and if they have said, yes it is in our own interest that there should be a National Park and we will help in this case prior to the presentation of the Bill, that would have been fair and that would have strengthen their position vis-a-vis the disruptionists who are out to destroy the unity and integrity of the State of Assam. It may now appear that you are trying to make a mountain of the mole hill. Sir, have you seen a procession of the white ants. If you see, you will find that at first only the vanguard scouts come and loiter here and there and they will try to find out the vulnerable point or spot and then you will find the procession of the white



ants following them. They will eat up the whole lot, in the way it was done in the Khadi Bhandar that Rs. 72,000 worth cloths were eaten up.

So, I do not leave any scope for the scout the army of white ants, because once they get a vulnerable point, they will not leave it at that they will spread. Sir, I find it extremely difficult to understand why should the Government bring this bill at all, so long the Government cannot get the consent of the Mikir Hills District. They will be in an embarrassing position if their consent is not taken: This is my first point.

( Voice-How many points you have got ? There will be ten more )

Sir, out of eleven points, I have touched only one. Now, I am going to clause 2. In item No. 7 of this clause it is mentioned as "National Park" and the title of the Bill is also—"The National Park Bill Act". What do you mean by "Assam"? If you mean the whole Assam you cannot confine the scope of the whole bill only to plains districts of Assam. Now, another thing is about the forests of Mikir Hills. I do not know, rather I am not sure, whether the area immediately contiguous to the present Kaziranga game sanctuary and within the Mikir Hills is a Khas area or reserve area.



Shri Mahendra Mohan Choudhury, ( Minister ) : It is Khas area.

Shri Gaurisakar Bhattacharjee : Even if it is a Khas area, so far my knowledge goes, Government may make some reserve out of the Khas area,

Shri Mahendra Mohan Choudhury, (Minister): There is some difficulty.

Shri Gaurisankar Bhattacharjee : Let us not to go into details of it. because we may be losing the knowledge in the forest of knowledge or losing the point in the wisdom of forest. Sir, when you speak of National Park, you must have got the concept of a Nation. What is a Nation ? What is your view about it ? Whether you are taking it in a restricted sense or usually accepted political concept. If it is usually accepted political concept, then I beg to submit that the provision as laid down in clauses III and IV do not make a happy reading, which provisions in my humble mind require drastic change and that drastic change will not be able to be made within the scope and ambit of the present bill and for this a Select Committee is bound to be constituted. This



is only possible if a body of expert is formed as a Select Committee. Again we find that the Bill is not properly adopted because some of the provisions are contrary to one another. Sir, if the Select Committee finds that there is incongruity in the very purpose and aim of the bill, and the Statement of objects and Reasons are not prepared by the framer properly, then this will have to be redrafted or reconsidered. I am anticipating that answer from the Minister.

Chairman : Order, Order. Mr. Bhattacharjee will continue tomorrow. The House stands adjourned till tomorrow.

## ADJOURNMENT

The Assembly then adjourned till 10 A.M.  
on Thursday, the 4th April, 1968.

SHILLONG.

The 3rd April 1968.

U. Thabildar,  
Secretary Legislative Assembly, Assam.



