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# Assam Legislative Assembly Debates

## OFFICIAL REPORT

FIFTH SESSION OF THE ASSAM LEGISLATIVE  
ASSEMBLY ASSEMBLED AFTER THE FOURTH  
GENERAL ELECTIONS UNDER THE SOV-  
EREIGN DEMOCRATIC REPUBLICAN  
CONSTITUTION OF INDIA

## AUTUMN SESSION

## VOLUME II

## NO.3

The 28th August, 1968



सत्यमेव जयते

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Proceedings of the Fifth Session of the Assam  
Legislative Assembly assembled after the  
Fourth General Elections under the  
Sovereign Democratic Republican  
Constitution of India.

The Assembly met in the Assembly Chamber, Shillong,  
at 10 A. M. on Wednesday the 28th August 1968

PRESENT :

Shri Mohi Kanta Das, M. A., B. L., Speaker, in the  
Chair, Eleven Ministers, Six Ministers of State, Three  
Deputy Ministers and Sixty-five Members.

**QUESTIONS AND ANSWERS**

STARRED QUESTIONS

( To which oral answers were given )

*Re :* Refusal for Milling Paddy by the Millers of  
Nowgong

M. SHAMSUL HUDA asked :



\*4. Will the Minister-in-charge of Supply be pleased to state—

(a) Whether it is a fact that the Rice Millers of Nowgong in 1968 refused to mill the paddy of the Government procured through the Food Corporation of India and the Apex Marketing Co-operative Societies?

(b) If so, what were the grounds of their refusal?

(c) Whether Government took any steps on the Rice Millers for their refusal?

(d) If so, what was that?

Shri RAMESH CHANDRA BAROOAH (Minister, Supply) replied -

4. (a)—Yes. A number of millers refused to enter into milling agreement with the F. C. I. in the beginning of the season.

(b)—The millers' contention was that they were unable to give an out-turn of 65 per cent rice from winter coarse Sali paddy procured by the F. C. I. in Assam.

- (c) & (d) The F. C. I. refused to enter into milling contract with any miller who is unable to give an out-turn of 65 per cent rice from coarse winter Sali paddy. Ultimately, most of the millers were convinced that it was possible to give an outturn of 65 per cent fair average quality rice from winter coarse Sali paddy procured by the F. C. I.

Mr. Speaker—There are few outstanding questions. I request the hon Members to ask less number of supplementaries so that we can do justice to every starred question given by the Members.

M. Shamsul Huda—Whether the Minister will be pleased to let us know if hoarding and black-marketing played any part in the food crisis during the last year?

Shri Ramesh Chandra Barooah—There is no material before us to hold that hoarding and black-marketing played any role.

M. Shamsul Huda—Whether Govt. will make an enquiry to this effect.



Shri Ramesh Chandra Barooah—I do not think there is any material for enquiry.

Shri Giasuddin Ahmed—Whether there was any de-hoarding operation by the Department?

Shri Ramesh Chandra Barooah—Actually there was no de-hoarding operation but some selective seizures.

Shri Dulal Chandra Barua—Is the Government aware of the fact that the Deputy Commissioner, Kamrup and the Deputy Commissioner, Sibsagar started de-hoarding operations throughout the districts? If so, how the Minister can say that there was no de-hoarding operation?

Shri Ramesh Chandra Barooah—I said there were some selective seizures of paddy.

M. Shamsul Huda—What factor led to the seizures?

Shri Ramesh Chandra Barooah—Just to step up procurement.

M. Shamsul Huda—What was the out-turn asked by the Govt. from the millers?

Shri Ramesh Chandra Barooah—It is 65 per cent.

Shri Dulal Chandra Barooah—Whether this 65 per cent outturn is received by the Government from the mills?

Shri Ramesh Chandra Barooah—Yes. The F.C.I. is giving paddy only to those mills who are giving this out-turn.

Jonab Rahimuddin Ahmed—Is that 65 per cent including khudi or excluding khudi?

Shri Ramesh Chandra Barooah—It must not include khudi.

Shri Hiralal Patwary—Is it a fact that most of the mills are giving inferior quality of rice to consumers? Whether Government has made any assessment on that?

Mr. Speaker—This is not relevant.

Shri Hiralal Patwary—Sir, F.C.I. has fixed 65 per cent of out-turn, but what is the quality of that 65



per cent that they will give ? Whether Government has given any kind of defination of the out-turn ?

Shri Ramesh Chandra Barooah—I think hon. Member's question is whether as a result of fixing 65 per cent the quality of rice has deteriorated. Up till now this is not our experience. We have however asked the F.C.I. to check up. As a matter of fact when good Paddy is given to mills and when the machinery is efficient 65 per cent can be given.

Shri Hiralal Patwary -Is it a fact that the millers are confusing for the 3 per cent moisture cut ? Whether the Government have allowed the millers this 3 percent moisture cut and it is for Sali or Ahu ?

Shri Ramesh Chandra Barooah—Sir, it might be in the case of Ahu.

Shri Sailen Medhi—Is the Government aware of the fact that there is an allegation that the F.C.I does not supply paddy to the extent to get 65 per cent out-turn but they supply more than that quantity to get 65 per cent out turn ? That is in place of 100

quintals they supply 103 quintals to get 65 per cent out turn? Is the Government aware of the fact? If not, will the Government enquire into the matter?

Shri Ramesh Chandra Barooah—I am not aware of the matter. I will just enquire from the F.C.I.

M. Shamsul Huda—Whether it is a fact that some millers of Gauhati are ready to give 28 k.g. of rice out of 40 k.g. paddy?

Shri Ramesh Chandra Barooah—I am not aware of that.

Re • Issue of Permit for carrying paddy from Nowgong

Shri PHANI BORA asked :

\*5. Will the Minister-in-charge of Supply be pleased to state —

(a) Whether it is a fact that one firm or individual of Shillong was given a special permit



to purchase and carry 10,000 quintals of paddy from the district of Nowgong?

(b) If so, for what purpose the special permit is issued?

(c) How many such permits were issued in the State?

(d) Whether it is in conformity with the procurement and supply and rules of the Government of Assam?

Shri RAMESH CHANDRA BAROOAH (Minister, Supply) replied :

5. (a)—No.

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

(c)—Two permits were issued in favour of two persons to carry 7.40 quintals and 11.10 quintals of paddy respectively from their own

land in United Khasi and Jaintia Hills District to Shillong via Kamrup District for personal consumption.

(d)—Yes.

Shri Phani Bora—Sir, the hon. Minister has said that two persons of Khasi-Jaintia Hills were allowed to carry paddy through Kamrup district. From where it is not clear.

Shri Ramesh Chandra Barooah—From their own land in Khasi-Jaintia Hills via Kamrup. There are places in Khasi-Jaintia Hills wherefrom if one has to come to Shillong he shall have to pass through Kamrup district.

Shri Sadhan Ranjan Sarkar—Whether the Minister is aware of the fact that one person named Martin Narayan of Shillong has been give a permit for 1000 quintals of rice to be carried from Nowgong to Shillong ? It was discussed in his presence at Nowgong ?

Shri Ramesh Chandra Barooah—I shall have to look into it. This question relates to paddy and not to rice.



Shri Sadhan Ranjan Sarkar— It is rice, Sir. Minister was present when that gentleman approached and how can he deny it?

Shri Phani Bora :—There should not be any attempt to draw a fine distinction between rice and paddy. The Government policy with regard to rice and paddy is the same. Therefore, the question is whether it is a fact or not that a certain persons from Shillong or from the Khasi—Jaintia Hills were allowed to bring some amount of paddy or rice from the district of Nowgong, who allowed it and whether it is in conformity with the policy of the Government that is being pursued?

Shri Ramesh Chandra Barooah:— I did not say I would not reply. I only sought your permission whether to reply. I am replying. Regarding this, I will explain. Shrimati Rasoida Sohtun, a member of the Assam Khadi and Village Industries Board, submitted a petition to Government on 6th March 1968, through the Deputy Commissioner, United Khasi and Jaintia Hills, to bring 10,000 quintals of hand-pounded rice from Lonkagaon paddy Husking Co-operative Society Ltd, Nowgong, to Shillong for sale in

the border areas. Her application was recommended by the Deputy Commissioner, United Khasi and Jaintia Hills and that was also recommended by the Secretary of the Assam Khadi and Village Industries Board, Gauhati. On receipt of the application and the recommendations, the Deputy Commissioner, Nowgong, was advised to verify the stock-in-hand of hand-pounded rice with the Lonkagaon Paddy Hasking Co-operative Society Ltd. and to allow movement of hand-pounded rice to Shillong to the extent of availability of stock. The Deputy Commissioner issued a permit for 596 quintals of hand-pounded rice with intimation to Deputy Commissioner, United Khasi and Jaintia Hills. It appears that Shrimati Sohtun moved only 440 quintals of hand-pounded rice and distributed the same under the supervision of the Deputy Commissioner, Khasi and Jaintia Hills, at fixed prices and in areas specified by him. This is the fact.

Shri Dulal Chandra Barua :— The Minister has said that a permit was issued to a certain individual to carry 1,000 maunds of rice from the district of Nowgong. Though the Minister wanted to make a distinction between rice and paddy, the whole point is issuing of such Permits whether for rice or for



paddy. May we know from the Hon'ble Minister whether it is a fact that such kind of permit was issued to that particular individual and, if so, under what circumstances it was issued ?

মাননীয় অধ্যক্ষ মহোদয়, মোৰ এই কথাটো মোৰ নিছৰ যদিও লক্ষ্য 'Paddy husking co-operative'ৰ পৰা চাউল আনিবলৈ Permit দিছে। তেওঁলোকৰ লগতে কেইজনমানে আগৰ য'ত য'ত চাউলৰ 'Stock' আছে তাৰ পৰা মোনে ৬২, টকা দৰে চাউল কিনিছিল। তাৰ পিচত মই তেওঁলোকক শুধিলো যে আপোনালোকে 'permit' ক'ত পালে ? মই এই খবৰটো D. C. ক দিছিলো আৰু D. C. এ চৰকাৰৰ লগত যোগাযোগ ৰাখিছিল। মন্ত্ৰী মহোদয়ে এই কথাটো জানেনে ?

Shri Ramesh Chandra Barua :— I would like to know what exactly he wants to know.

Shri Rothindra Nath Sen— May I know from the Hon'ble Minister of Supply whether it is to his knowledge that Mrs. Rasoida Sohtun is the District Congress President of Shillong ?

Shri Ramesh Chandra Barooah :— She is, of course a member of the District Congress, but I do not know if she is the President.

M. Shamsul Huda :— এইটো কথা সচানে যে অকল ঢেকিচ'টা চাউল আনিবলৈ দিয়া হৈছে। কিন্তু তাৰ পৰিবৰ্ত্তে বজাৰৰ পৰা কলৰ চাউল হে আনিছে ?

Shri Ramesh Chandra Barooah :— এইটো কথা সচা নহয়। চৰকাৰৰ পৰা D. C. ক কোৱা হৈছিল যে ঢেকিচ'টা চাউল আনিবলৈ দিব In respect of this quantity only. This was also Hand Pound rice. সেই কাৰণে মিলৰ পৰা অনা কথাটো হুঠে।

Shri Phoni Bora : মন্ত্ৰী মহোদয়ে কোৱা কথাটো সচা আৰু মিলৰ পৰা অনা কথাটোও সত্য। চাউলৰ Quota আছিল ১ হাজাৰ মোণ। কিন্তু D. C. ৰ Quota ঢেকিচ'টা চাউল আছিল মাত্ৰ ৪৪০ মোন। এইটো আৱিষ্কাৰ কৰাৰ পিচত D. C. এ Quota ৰ পৰা অনাটো বন্ধ কৰি দিলে। বাকীখিনি কলৰ পৰা অনা হ'ল। এইটো কথা সচানে ?

Shri Ramesh Chandra Barooah :— মিলৰ পৰা অনা প্ৰশ্নটো হুঠে।

Shri Pitsing Konwar :— Hand Pounding centre তাত কিমান আছে ?



Shri Ramesh Chandra Baruah :— এইটো প্রশ্ন মোক  
নকৰি খাদি মন্ত্ৰীক কৰিলে ভাল হব।

Shri Sadhan Ranjan Sarkar :— May I know whether before issuing the permit to that particular lady the Minister ascertained the food situation at Lanka? Another point is whether this particular quantity of hand-pounded rice was available in Lanka?

Shri Ramesh Chandra Barua — This application was recommended by the Khadi Board and the Khadi Board is allowed to procure hand-pounded rice. The permit was issued to her after proper enquiry. At that time we did not think that the rice situation there was so bad that no such permit could be issued.

Shri Dulal Chandra Barua :— Before issuing such kind of permit may I know whether Government made any assessment about the availability of rice in that area?

Shri Ramesh Chandra Barua :— Yes, Sir, the quantity available was taken into consideration.

Shri Pitsing Konwar :— Hand-pounding centre  
তাত কিমান আছে?

Shri Ramesh Cnandra Barooah :— এইটো প্রশ্ন মোক  
নকবি খাদী মন্ত্ৰীক কবিলে ভাল হব।

Shri Dulal Chandra Barua :— May I know whether she was the only applicant for such permit or there were others and, if so, why this particular lady was selected for collecting rice from Lanka?

Shri Ramesh Chandra Barooah — Her application is there.

Shri Dulal Chandra Barua : Whether there were other applicants?

Shri Ramesh Chandra Barooah :— I am not aware of that.

Shri Phani Bora :— Is it not a fact that in the name of hand-pound rice there is a racket going on, particularly in the district of Nowgong?



Shri Ramesh Chandra Barua :— I have no specific information, though I hear about it. Therefore, we see that proper enquiries are made before issue of permits.

(Many Members stood up to put supplementaries)

Mr. Speaker : Already enough supplementaries have been put and I cannot allow more. If you think that this is a very important question, you can raise a half-an-hour discussion on this. Let us go to question No. 6.

Shri Dulal Chandra Barua :— Sir, we could not get proper replies from the Minister, Supply on the two vital questions. The first question was : Whether the Government is aware of the fact that licences were issued to individuals to collect mill rice at Lanka for Shillong. Minister has evaded reply. The second question was : Whether it is a fact that the particular lady was selected because she happens to be an active member of the Ruling Party although there were other applicants ?

Mr. Speaker : There might be more important questions involved. Full justice cannot be done within the short space of time. Therefore I allow a half an hour discussion.

*Re: Shifting of the Capital of Assam*

শ্রীমতিলাল নায়েক সুধিছে :

\*৬। মাননীয় মুখ্যমন্ত্রী মহোদয়ে অনুগ্রহ কৰি জনাব নে—

(ক) অসমৰ ৰাজধানী চিলঙৰ পৰা তুলি নি সমভূমিৰ যি-কোনো জিলাত এই ৰাজধানী নতুনকৈ পতাৰ কিবা প্ৰস্তাৱ আদি পাই থকাটো সত্য নে ?

(খ) যদি পাইয়েই আছে, ইয়াৰ বিহিত ব্যৱস্থা লোৱাত ইমান দৈৰ্ঘ্য কিয় ?

(গ) ৰাজধানী স্থানান্তৰ কেতিয়া কাৰ্য্যকৰী কৰিব ?

(ঘ) ৰাজধানী ভৈয়ানলৈ স্থানান্তৰ কৰা কামটো এতিয়াৰ পৰা আৰম্ভ কৰি পাঁচ বছৰৰ ভিতৰত সম্পূৰ্ণ শেষ কৰাৰ ব্যৱস্থা কৰিব নে ?

মুখ্যমন্ত্রী শ্রীবিমলাপ্ৰসাদ চলিহাই উত্তৰ দিছে :

৬। (ক)—হয়, পাই থকা হৈছে ।

(খ)—এই সন্দৰ্ভত যোৱা ১৯৬৭ চনৰ মাৰ্চ মাহৰ ৩০ তাৰিখে অসম



বিধান সভাৰ বাজেট অধিবেশনত মাননীয় সদস্য শ্ৰীহুলাল চন্দ্ৰ বৰুৱাই উত্থাপিত কৰা প্ৰস্তাৱৰ বিষদ আলোচনা হয়। সেই আলোচনা ১৯৬৮ চনৰ জানুৱাৰীৰ ৩ তাৰিখৰ অসম গেজেটৰ ষষ্ঠ খণ্ডৰ ২৭২ পৃষ্ঠাৰ পৰা ৩০২ পৃষ্ঠালৈ প্ৰকাশ পায়। তালৈকে মাননীয় সদস্যৰ দৃষ্টি আকৰ্ষণ কৰা হ'ল।

(গ) ওপৰত উল্লেখ কৰা মতে এই প্ৰশ্ন হুঠে।

(ঘ)—ওপৰত উল্লেখ কৰা মতে এই প্ৰশ্ন হুঠে।

Shri Hiralal Patwary : আমাৰ মুখ্যমন্ত্ৰী ডাঙৰীয়াই গেজেটৰ কথা কৈছে সেইটো আমি চান। কিন্তু চৰকাৰে ইয়াৰ পৰা গুৱাহাটীলৈ বাজধানী স্থানান্তৰ কৰিবৰ কাৰণে চিন্তা কৰিছে নেকি ?

Shri Bimala Prasad Chaliha : মই আগতেই কৈছো তেনেকুৱা কথা এতিয়া চিন্তা কৰা নাই।

Shri DulaI Chandra Barua : বৰ্তমান দেশৰ বাজনৈতিক পৰিস্থিতি আৰু financial condition লৈ চাই আমাৰ বহুবিলাক অফিচ আৰু বাজধানী একেলগে উঠাই নিবপৰা সম্ভৱ নহয়—যদিও বাজধানী ইয়াত থকাত ভৈয়ামৰ বাইজৰ কোনো উপকাৰ হোৱা নাই এই কথা চৰকাৰে চিন্তা কৰি চাইছেনে? গতিকে সেই কথাৰ লক্ষ্য ৰাখি বাজধানী স্থানান্তৰৰ সম্পৰ্কত মুখ্যমন্ত্ৰী মহোদয়ে কিবা সিদ্ধান্ত কৰিছে নেকি ?

Shri Bimala Prasad Chaliha : বাজধানী স্থানান্তৰৰ সম্পৰ্কত কোনো কথাই আমি ভবা নাই আৰু আমাৰ ফালৰ পৰা বাজধানী উঠাই নিয়াৰ কথা বিবেচনা কৰা নাই। কিন্তু dispersal of offices আমি সমৰ্থন কৰিছো, আৰু কিছুমান অফিছ ইতিমধ্যে স্থানান্তৰ কৰা হৈছে, লাগতীয়াল চাই আৰু কিছুমান অফিছ স্থানান্তৰ কৰা হব।

Shri Dulal Chandra Barua : মুখ্যমন্ত্ৰী ডাঙৰীয়াই বৰ্তমান পৰিস্থিতিৰ কথা কৈছে। মই মুখ্যমন্ত্ৰী ডাঙৰীয়াৰ পৰা জানিবলৈ বিচাৰো যে ইয়াত বাজধানী থকাত শাসন যন্ত্ৰটো ভালদৰে চলোৱাত যিখিনি অসুবিধা হৈছে সেইটো চৰকাৰে চিন্তা কৰিছেনে?

Shri Bimala Prasad Chaliha : সেইটো মই স্থানৰ দোষ বুলি নাভাবো।

Shri Hiralal Patwary :— ছিলাঙলৈ অহাযোৱা কৰাত আমাৰ জন সাধাৰণৰ বহুত টকা খৰছ হয়। এসময়ত বৃটিছে ছিলাঙত বাজধানী পাতিছিল, কিন্তু আমাৰ প্ৰশ্ন হৈছে এইটোৱেই যে চৰকাৰে বাজধানী স্থানান্তৰৰ কথাটো কিয় আওকাণ কৰিছে কাৰণ বিভিন্ন জিলাৰ পৰা ছিলাঙলৈ অহাযোৱা কবোতে জনসাধাৰণে যথেষ্ট বৰকমৰ অসুবিধা ভোগ কৰিব লগা হয়। গতিকে গুৱাহাটীত বাজধানী হলে পাহাৰ অঞ্চল নিয়ন্ত্ৰণ কৰা আৰু অসমৰ জনসাধাৰণকো নিয়ন্ত্ৰণ কৰাটো যে সহজ-সুচল হব এই কথা চৰকাৰে বিবেচনা কৰিছেনে?



Shri Bimala Prasad Chaliha :—অধ্যক্ষ মহোদয়, এই বিষয়ে মাননীয় সদস্য সকলৰ বিভিন্ন মত থাকিব পাৰে। কিন্তু মই ভাবো গুৱাহাটী ছিলং এতিয়াৰ পৰা অনান্য ঠাইৰ দৰে হৈছে। প্ৰদেশ এখনৰ উন্নয়নৰ লগে লগে বহুবিলাক ব্যৱধান আঁতৰি যাব আৰু কিছুমান আৰ্চনি কাৰ্য্যকৰী হোৱাৰ লগে লগে নতুন নতুন অনুস্থান গঢ়ি উঠিব। সেইকাৰনে সকলোবোৰ অফিছ স্থানান্তৰৰ কথাটো বৰ প্ৰয়োজনীয় নহয়। কাৰণ গুৱাহাটী ছিলং প্ৰায়ে সংগ্ৰহ হৈছে।

Shri Promode Chandra Gogoi :—মুখ্যমন্ত্ৰী ডাঙৰীয়াই ইয়াৰ আগতে কৈছে যে কিছুমান অফিছ গুৱাহাটী লৈ স্থানান্তৰ কৰা হৈছে আৰু এতিয়া মই মুখ্যমন্ত্ৰী মহোদয়ৰ পৰা এইটো জানিবলৈ বিচাৰো যে কি কি অফিছ গুৱাহাটী লৈ স্থানান্তৰ কৰা হৈছে আৰু কি কি অফিছ স্থানান্তৰ কৰা হব?

Shri Bimala Prasad Chaliha :—Conservator of Forest, Director of Land Records Office গুৱাহাটীলৈ স্থানান্তৰ কৰা হৈছে, আৰু Director of Fishery Office আৰু Director of Veterinary Office তাত আছেই।

Shri Kamini Mohan Sarma :—মাননীয় মুখ্য মন্ত্ৰী ডাঙৰীয়াৰ পৰা জানিবলৈ বিচাৰো যে Flood Control Office টো ছিলঙত বন্ধাৰ কি উদ্দেশ্য থাকিব পাৰে? Flood ভৈয়ামত হে

হয়। গতিকে Flood Control Office টো কিয় ভৈয়ামলৈ উঠাই নিয়া নহব? অতি সোনকালে ইয়াক উঠাই নিয়াৰ ব্যৱস্থা কৰিবনে?

Shri Bimala Prasad Chaliha :—ইয়াৰ ভিতৰতে এটা কথা আছে Secretariat Office টো একে ঠাইতে থাকিব লাগে। Secretariat টো disperse কৰিব নোৱাৰি। কাৰণ Flood Control Office ৰ Chief Engineer জন হল সেই বিভাগৰে চেক্ৰেটৰী। গতিকে এই সকলোবিলাক কথা বিবেচনা কৰি Flood Control Office টো স্থানান্তৰ কৰিলে নানা বেমেজালি ঘটাব আশঙ্কা কৰি office টো ছিলঙতে ৰখা হৈছে।

Shri Hiralal Patwary :—শিক্ষা বিভাগত District Council ৰ তলত থকা প্ৰাথমিক স্কুল সমূহৰ শিক্ষক নিয়োগ কৰা যুটীয়া অফিচটো ছিলঙত ৰখাৰ কাৰণ কি—মুখ্যমন্ত্ৰী মহোদয়ৰ পৰা জানিবলৈ বিচাৰো?

Shri Bimala Prasad Chaliha : District Council য়ে প্ৰাইমেৰী স্কুলৰ বাবে বেলেগকৈ শিক্ষক নিয়োগ কৰিলেও Elementary Education Board ৰ Office টো কেৱল 'ভয়ামৰ বাবেই বুলি কোৱাটো ঠিক নহব। কাৰণ সম্পূৰ্ণ টকাপইছা ইত্যাদি বিলাক Elementary Education Board ৰ যোগেদি তেওঁলোকে পায় আৰু হিচাব পত্ৰও তেওঁলোকে ৰাখে। আৰু আৱশ্যকীয় পৰামৰ্শবলীও এই বৰ্ডৰ জৰিয়তেই তেওঁলোকে পায়।



**Sri Matilal Nayak:—** ইয়াত যিবিলাক ঘৰ আছে এনেই আছে ইয়াৰে কিছুমান জুইয়ে পুৰিছে আৰু আন বিলাকত Office ৰ উপযোগী।

**Sri Bimala Prasad Chaliha:—** সেইকথা বেলেগ ইয়াত যি সিদ্ধান্ত হৈছে সেই সিদ্ধান্ত হিচাবে মই কও যে Capital Shifting ৰ বৰ্ত্তমান কোনো প্ৰস্তাৱ নাই; কিন্তু Office স্থানান্তৰিত কৰাৰ কথা আছে। কোন কোন Office স্থানান্তৰিত কৰা ভাল হ'ব সেইটো বিবেচনা কৰিব লাগিব।

**Shri Phani Bora:—**Chief Minister এ কৈছে যে আমাৰ ৰাজধানী স্থানান্তৰিত কৰাৰ কথা ভবা নাই। কিন্তু Office কিছুমান কামৰ সুবিধাৰ কাৰণে বিকেন্দ্ৰীকৰণ কৰাৰ কথা ভাবিছে আৰু সেই হিচাবে দুই এটা অফিচ স্থানান্তৰিত কৰিছে আৰু য'ত যেনেকৈ দৰকাৰ হয় সেইমতে কৰিব লাগে। বিকেন্দ্ৰীকৰণ কৰোতে প্ৰায়বোৰ অফিচ গুৱাহাটীত হোৱা পাইছে। গতিকে ৰাজধানী গুৱাহাটীত কৰাৰ কথা কেই ভাবিছে নেকি?

**Shri Bimala Prasad Chaliha:—**সেইটো ভবা নাই; আনহাতে ধৰক Conservator of Forest Office যোৰহাটলৈ নিয়া হৈছে আৰু বাকী বিলাক অফিচ গুৱাহাটীলৈ গৈছে।

**Shri Hiralal Patwary:—**মুখ্য মন্ত্ৰী মহোদয়ে জনাব পাৰিব নে যে দৰং জিলাত কি কি অফিচ দিয়া হৈছে?

Mr. Speaker : Chief Minister has already stated that the transfer of these offices would be in phases, and now if the Hon. Members go on asking questions about individual institutions, then there will be no end of it.

Shri Hiralal Patwary :—That is why Sir, I want to know from Government whether they are thinking of Shifting any Office to Darrang.

Shri Bimala Prasad Chaliha :— I want notice of that question, Sir.

Shri Dalal Chandra Barua :— In view of the fact that Government has already created a separate wing for the development of the Hill areas, such as the offices of the Chief Engineer, P.W.D. (R&B), the Commissioner for Hill Areas, Joint Director of Education for Hill areas etc., I want to know from the Government the nature of the difficulty they apprehend in the matter of transferring those offices to the Plains which exclusively concern the development of the plains areas ?



Shri Bimala Prasad Chaliha: As I have already stated Sir, it is our policy to disperse the offices; we want it. But as regards the timings and places, that I cannot say in course of a reply to a question.

*Re :* Co-ordination between the army and the Civil Administration in Mizo Hills

Shri L. CHINZA asked :

\*7. Will the Chief Minister be pleased to state—

(a) Whether there is a satisfactory Co-ordination of efforts between the army and the Civil Administration in Mizo Hills in putting down the rebellion there ?

(b) If not, who is responsible for it and how does the Government propose to bring the situation under control ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

7. (a)—Yes.

(b)—Does not arise.

Shri Dulal Chandra Barua : In view of the Chief Minister's reply that there is satisfactory coordination between the Army and the Civil Administration in Mizo Hills, may I know from Government whether it is a fact that due to lack of proper co-ordination between the Civil and the Military administrations, specially in the Medical Department, the Military Wing declined to offer medical treatment to the local people there?

Shri Bimala Prasad Chaliha :— No, Sir, that is not a fact. As a matter of fact, the Army Medical Branch has offered medical facilities to a large number of people. May be that on occasions when they are engaged otherwise, they cannot do it.

Shri L. Chinza :— Is it a fact that for want of co-ordination between the Military and the Civil Administration the Aijal Treasury remained without money for some considerable time thereby putting the Government servants to a very embarrassing position?



Shri Bimala Prasad Chaliha : Sir, when it is a question of air-lifting difficulties may sometimes arise. The Air Service there is operated by helicopters and there are also certain priorities to be given in such cases as of carrying of injured persons etc., first priority is of course always the operational necessities. Sometimes weather conditions also create difficulties. Therefore there are occasions on which the Air-Force inspite of their desire to help us, find it difficult to provide space for civilians. But I can tell the Hon. Members that now when the Aijal-Silchar Road is very heavily damaged and closed for more than 20 days, our supplies to Mizo District have been carried by air with the help of the Air-Force.

Shri L Chinza : — Is it not a fact that the D. C. at Aijal would not go to the Brigade H. Q. there for any official discussion and the Brigadier also in his turn would not like to come to the D.C. for any discussion ? So is it not desirable that the higher authority should make some arrangements for these two officers to meet altern alternatively at two places ?

Shri Bimala Prasad Chaliha : — I do not think so, because the Army has their own way of doing things. There are higher Officers to co-ordinate matters. There,

I know, the General Officer Cominanding frequently visits Aijal and stays there to look after all matters of coordination.

M. A. Musawwir Chaudhury : Inspite of the coordination in between the Military and the Civil Administration is it not a fact that a large number of civilians have gone under-ground and are creating hostilities there ?

Shri Bimala Prasad Chaliha :— How does it arise, Sir ?

Shri Giasuddin Ahmed : May I know Sir, the procedure that is followed in the matter of co-ordination in between the civil and the military administrations ?

Shri Bimala Prasad Chaliha : This co-ordination is brought about at different levels, for example, in Shillong discussions are held between the Chief Secretary and the G.O.C., and in the district level there are arrangements for having discussions between the Army and the Civil authorities, and similarly at all



different level. I am now not in a position to give all the details but co-ordination and discussions take place at different levels

Shri A. Thanglura :— While the Central Government are trying to make experiments in Assam on several matters by and large as disclosed from events, I would like to know from the Hon. Chief Minister whether the officers of the Army and Civil Administrations are agreed on the question of the training-ground and the play-ground in Mizo Hills ?

Shri Bimala Prasad Chaliha : I have no reasons to accept the proposition mentioned by the hon. Member.

Shri Dulal Chandra Barua : Whether it is a fact that on the question of mainbenruce of order of precedence by both the Deputy Commissioner and the Brigadier stationed there, they refuse to discuss things with each other, for which subordinate officers living there have to suffer ? Is it a fact that the Deputy Commissioner, Mizo Hills complained to the Chief Secretary to this effect and if so, whether Government has taken any step to make proper co-ordination in the district level so that civil population can live peacefully ?

Shri Bimala Prasad Chaliha :—I would not say that there was no occasion in which there were differences. May be there were some differences and these I said were sorted out at different levels.

Shri L. Chinza :—Whether the Chief Minister is aware that the halipad at Nongpan was constructed by Civilian authority but Civilian authority are not allowed to enter it by the Military authority?

Shri Bimala Prasad Chaliha : I am not aware of it.

Shri Giasuddin Ahmed :—Will the hon. Chief Minister make enquiry into the matter?

Shri Bimala Prasad Chaliha :—All right.

Shri Sailen Medhi :—On one occasion in the last Session hon. Member, Mr. Choudhury from this side put a question regarding the death of a Police Officer in special and doubtful circumstances and the Chief Minister promised to make an enquiry into it and give the findings of the enquiry to



this House, but is it a fact that due to lack of co-ordination the Chief Minister has not been able to give the correct information as yet.

Shri Bimala Prasad Chaliha—NO, Sir. A judicial enquiry by the Additional Deputy Commissioner has been ordered.

Shri Dulal Chandra Barua—This had been discussed in this House in the last Session and our suspicion is that the police personnel was killed by a Military personnel. Whether it is a fact that due to the refusal for participation by the Military Officers that enquiry could not be pursued?

Shri Bimala Prasad Chaliha—My last information is of the decision to entrust the A.D.M. to make a judicial enquiry.

*Re :* Collection of Water Tax by the Bhutan Government

Shri PRABHAT NARAYAN CHOUDHURY asked :

#8. Will the Chief Minister be pleased to state—

(a) Whether the Government is aware that the Forest Department of Bhutan Government is collecting Water Tax varying from Rs. 100 to Rs. 300 periodically from Indian National of Parkijuli village of Tamulpur Circle of Nalbari Subdivision and all other areas bordering Bhutan Hills for allowing use of water flowing to Indian Union from Bhutan Hills?

(b) Whether it is a fact that in view of the above arrangement prevailing now, the Government of Assam instead of allowing Indian National to make payment of Tax direct to Bhutan Government will take up the question of payment direct to this Government?

(c) Whether Government propose to enquire the matter thoroughly and take necessary steps in this regard?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

8. (a) - Yes, but exact amount of such levy of water tax is not known.



(b) & (c)—The matter was duly enquired into and has since been referred to the Government of India for taking up with the Government of Bhutan.

Shri Prabhat Narayan Choudhury—Will the State Govt. see that the Bhutan Government do not collect directly taxes from the Indian nationals and has the State Government in the meantime intervened in this matter and made some alternative arrangements in the matter with the Bhutan Government ?

Shri Bimala Prasad Chaliha—We cannot intervene ourselves. We have to approach the Govt. of India for this and actually we have reminded the Govt. of India about this. The thing is that there are certain streams flowing from Bhutan and in the upstream the tax is collected. We are taking up this matter with the Govt. of India.

Shri Prabhat Narayan Choudhury—In this connection, I have seen a number of receipts issued by Bhutan Govt. for collecting such taxes. The Chief Minister has said that he has no such information

in hand. Will the Chief Minister enquire into it and for that purpose I have got a receipt with me which I will hand over to the hon. Speaker?

Shri Bimala Prasad Chaliha—We know that they collect money, but we do not know the exact amount they have collected.

Shri Prabhat Narayan Choudhury—Will the Chief Minister enquire about the same from at least the receipt I have got with me which I am handing over to the Speaker for handing over to the Chief Minister?

Shri Bimala Prasad Chaliha—The hon. Member may pass on that.

Shri Kandarpa Narayan Banikya—Whether Govt. of India has authorised Government of Bhutan to collect the tax directly by them?

Shri Bimala Prasad Chaliha:—I have no information like that the Bhutan Govt. is collecting taxes by the direction of Govt. of India.



Shri Kandarpa Narayan Banikya:— Has Govt. of Assam lodged any objection ?

Shri Bimala Prasad Chaliha:— This matter cannot be directly done with the Govt. of Bhutan. We are to move Govt. of India and we have done so and Govt. of India will take up the matter with the Govt. of Bhutan.

Shri Dulal Chandra Barua:— When such instances of collecting taxes by Bhutan Govt. came to the notice of this Govt. and when Govt. of India has been informed about this ?

Shri Bimala Prasad Chaliha:— I will have to find out from papers. At the moment I cannot give the information.

Shri Shamsul Huda:— For how long Bhutan Govt. is collecting such taxes ?

Shri Bimala Prasad Chaliha:— For a pretty long time this practice is there.

Re : Jack Board Factory

Shri DULAL CHANDRA BARUA asked :

\*9. Will the Minister-in-charge of Industries be pleased to state -

(a) Whether it is a fact that the Jack Board Factory at Tinsukia has been closed down since 1964 ?

(b) If so, what was the reason for the closure of the same ?

(c) Whether any step Government has so far taken to start the factory again ?

(d) If not, why ?

Shri BISWADEV SARMA (Minister, Industries) replied :

9. (a)—No. ( The factory was started in the month of January, 1964 ).

(b) Does not arise.

(c) Does not arise.



(d) Does not arise.

Shri Dulal Chandra Barua—Is it not a fact that the factory started in January 1964 was closed down in the month of December 1964?

Shri Biswadev Sarma,—No, Sir.

Shri Dulal Chandra Barua—Whether it is a fact that the Factory was closed down, if so what are the reasons for its closing down? May I say that the statement given by the Minister that the factory has not been closed down is not correct?

Shri Biswadev Sarma :—No, it is correct.

Shri Dulal Chandra Barua—Whether the factory was closed down some time after its opening?

Shri Biswadev Sarma :—No, it was not closed down. Sometime in 1965 it was closed down for a short time.

Shri Dulal Chandra Barua :—Whether it is a fact

that the Tinsukia Jack Board Factory is not working now ?

Shri Biswadev Sarma :—It is working at present.

Shri Dulal Chandra Barua :—Since when it is working ?

Shri Biswadev Sarma :—Since 1967, it is working.

Shri Bhadra Kanta Gogoi :—সেইটো চলি থকা অৱস্থাত আছে নেকি ?

Shri Bishwadev Sarma :—হয় ।

Shri Mohidhar Pegu : এই factory টো চৰকাৰী খণ্ডত নে বাজহুৱা খণ্ডত কৰা হৈছিল ?

Shri Biswadev Sarma :—Small Industries Development Corporation যে দিছে ।

Shri Bhadra Kanta Gogoi :—ইয়াৰ Managing Director ৰ নাম কি ?



Shri Biswadev Sarma : Shri Dilip Goswami.

Shri Dulal Chandra Barua:— Sir, may I know from the hon Minister when the factory was closed ?

Shri Biswadev Sarma:— The factory remained closed in the year 1965.

Shri Dulal Chandra Barua:— If the factory was closed, may I know from the honourable Minister how long it has been closed ?

Shri Biswadev Sarma:— It is about a year.

Shri Giasuddin Ahmed:— Sir, may I know what are the reasons for closing down the factory ?

Shri Biswadev Sarma:— The main reasons for closure of the factory are non availability of market and raw materials.

Shri Jagannath Singh:— Sir, once the Minister said that it was closed and then again said that it

was running. I could not follow the honourable Minister. May I know how many workers of the factory were affected due to closure of the factory?

Shri Biswadev Sarma: If the honourable Members do not try to listen to me, how can I help them? Anyway, no workers were affected due to closure of the factory.

Shri Dulal Chandra Barua:— Sir, since when the factory was closed and for how many months?

Shri Biswadev Sarma:— I am sorry, I cannot give the figure of months now. I have already said that it was closed in 1965.

Shri Dulal Chandra Barua:— May I know from the honourable Minister what quantities were produced and how much of them were sold?

Shri Biswadev Sarma:— The production and sale since 1964 are as follows:—



Year	Production	Sale
1964-65	60,000 sq. ft. ( Trial production )	—
1965-66	3,55,000 Sft	2,30,000 Sft.
1966-67	1,00,000 Sft	90,000 Sft.
1967-68	Held-up as there was no proper selling opportunities.	85,500 Sft.
1968-69	20,000 Sft. of thinner variety against order.	1,12,868 Sft.

Shri Jagannath Singh : Sir, my question was whether during the closure period of the factory, workers were paid ?

Shri Biswadev Sarma, : During the closure period, the workers were not paid, because they were casual labours.

Shri Hiralal Patwary : - Sir, may I know from the honourable Minister when the factory was closed down, how the workers were maintained ?

Shri Biswadev Sarma, : We have not to maintain them ; they are casual labourers.

M. Shamsul Huda :—Sir, may I know why the jax-boards produced by the factory, could not find market ?

Shri Biswadev Sarma, :—We expected that Army people would require some jax-boards for defence requirement. Tea Industry was also interested to purchase some jax-boards for their housing programme. Assam P.W.D. was expected to purchase some jax-boards for their buildings. But demand from them substantially came down due to change in specification. So, the market of jax-boards came down. Recently, we have taken up negotiation with the Army authority. Tea Industry and Assam P.W.D. to find whether they would adopt jax-board in their specifications. As a matter of fact we, have received favourable response from them.

Shri Gaurisankar Bhattacharyya:— Sir, may I know from the hon. Minister how much money-both capital and recurring was so far invested and what is the total amount received upto now against that investment ?



Shri Biswadev Sarma:— I am sorry, these figures are not with me now.

Shri Gaurisankar Bhattacharyya:— Sir, may I know from the Minister whether the factory is running at a profit or loss?

Shri Biswadev Sarma:— At no time there is a profit. The loss is about Rs. 34,000.

M. Moinal Haque Choudhury:— Sir, may I know from the honourable Minister how much expenditure the Government is thinking to invest for liquidation of such factories which are running at a loss?

Shri Biswadev Sarma:— If we feel so, certainly we will go for that. But, as I have said before, we are getting some demands from Army Authorities and Assam P.W.D.

Shri Sadhan Ranjan Sarkar:— Sir, may I know from the hon. Minister the total value of the stock

of the factory at hand now?

Shri Biswadev Sarma:— It has to be worked out.

M. Shamsul Huda:— Whether it is a fact that the project report of the factory was defective?

Shri Biswadev Sarma— We have no such report.

Shri Dulal Chandra Barua— Mr. Speaker, Sir, generally honourable members are putting questions to get some reply from the Ministers, it seems though the questions are clear, informations sought for are not properly given by the Minister concerned. May I request you to give such kind of ruling so that whatever information is sought for by the members, they will be properly replied by the Minister concerned.

Shri Biswadev Sarma, :—Sir, whatever information available I am giving. whatever figures I could not give here, I will supply them later on.



( To which answers were laid on the table. )

*Re:* Memorandum made by the Koch-Rajbonshi  
Sanmilan

Rani MANJULA DEVI asked :

2. Will the Minister, Health be pleased to state—

(a) Whether Government of Assam has received a memorandum from the Koch-Rajbonshi Sanmilan for reservation of seats in Medical institutions for admission of their students ?

(b) Whether it is a fact that Koch-Rajbonshi students are refused admission in Medical institutions ?

(c) If so, why ?

Shri SATINDRA MOHAN DEV (Minister of Health, etc.) replied :

2. (a)—Yes.

(b)—No.

(c)—Does not arise.

Calling Attention To A matter of urgent public Importance—Resignation of the Convenor of the Adhoc Committee on National Theatre.

Mr. Speaker : Now item No. 2—Calling attention by Shri Govinda Kalita.

Shri Govinda Kalita :—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 Assembly to the news item published in the 'Asom Batori' dated the 26th June, 1968 under the caption



“চৰকাৰৰ অৱহেলাৰ প্ৰতিবাদত জাতীয় নাট্যশালা তদৰ্থ কমিটিৰ  
আহ্বায়কৰ পদত্যাগ ”

এই সন্দৰ্ভত যিটো বাতৰি “অসম বাতৰি “কাকতত প্ৰকাশ  
পাইছে সেইটো মই পঢ়ি শুনাইছো –

“অসম জাতীয় নাট্যশালা তদৰ্থ কমিটিৰ আহ্বায়ক শ্ৰীকুলদাকুমাৰ  
ভট্টাচাৰ্য্যই অসমৰ মুখ্য মন্ত্ৰী লৈ সম্প্ৰতি দিয়া এখন চিঠি যোগে তদৰ্থ  
কমিটি গঠন কৰাৰ এবছৰৰ পিছতো চৰকাৰৰ জাতীয় নাট্যশালা  
প্ৰতিস্থা কৰাৰ কোনো প্ৰচেষ্টা দৃষ্টিগোচৰ নোহোৱা বাবে উক্ত তদৰ্থ  
সমিটিৰ সভ্যপদ আৰু আহ্বায়কৰ পদৰ পৰা পদত্যাগ দাখিল কৰিছে।

পদত্যাগ পত্ৰখনত শ্ৰীভট্টাচাৰ্য্যই কৈছে যে চৰকাৰে প্ৰতিশ্ৰুতি  
দিয়া স্বাভাৱেও আজি এবছৰে নাট্য সন্মিলন আহ্বান কৰা নাই আৰু  
তদৰ্থ কমিটিয়ে মুখ্যমন্ত্ৰীৰ হাতত খচৰা গঠনতন্ত্ৰ দাখিল কৰা প্ৰায়  
দহমাহৰ পিছতো সেই খচৰা কাৰ্য্যকৰী কৰিবলৈ ব্যৱস্থা হাতত  
লোৱা নাই।

শ্ৰীভট্টাচাৰ্য্যৰ মতে চৰকাৰৰ এই কাৰ্য্যই “চুড়ান্তভাৱে মোহভঙ্গ  
কৰিছে।” সেয়ে “মিছা আশাত নিৰ্ভৰকৰি থকাটো বিবেক বিৰোধিতা  
কৰিছে কাৰনেই” তেওঁ পদত্যাগ কৰিবলৈ বাধ্য হৈছে।

পদত্যাগ পত্ৰত উল্লেখ কৰা হৈছে যে ১৬৬৬৭ তাৰিখে অসমৰ মুখ্য মন্ত্ৰীয়ে তেওঁৰ বাসভৱনলৈ অসমৰ কেইজন মান খ্যাতনামাশিল্পী আৰু কলামোদীক আহ্বান কৰি এখন মেল পাতিছিল আৰু সেই মেলত মুখ্য মন্ত্ৰীয়ে অসমত জাতীয়-নাট্যশালা গঠন কৰা হ'ব আৰু গুৱাহাটীৰ-বৰীন্দ্র ভৱনত তাক স্থাপন কৰা হ'ব বুলি ঘোষণা কৰিছিল।

প্ৰস্তাৱত নাট্যশালাৰ বাবে এখন খচৰা গঠনতন্ত্ৰ বচনা কৰিবলৈ এই মেলতে ইখন তদৰ্থ কমিটি গঠন কৰা হৈছিল আৰু ভট্টাচাৰ্য্যই সেই কমিটিৰ আহ্বায়ক নিযুক্ত হৈছিল। ৰাজ্যিক প্ৰচাৰ বিভাগৰ দ্বাৰা আয়োজিত ১৯৬৭-৬৮ চনৰ ৰাজ্যিক নাট্য-উৎসৱৰ লগতে এখনি নাট্য-সন্মিলন আহ্বান কৰি তাত প্ৰস্তাৱিত খচৰা গঠন-তন্ত্ৰ দাঙি ধৰা হ'ব বুলিও মুখ্যমন্ত্ৰীয়ে উক্ত মেলত প্ৰকাশ কৰিছিল। পদত্যাগ পত্ৰত শ্ৰীভট্টাচাৰ্য্যই আৰু কৈছে যে সেই অনুসাৰে যোৱা ২৭৬৬৭ তাৰিখে তদৰ্থ কমিটিৰ অন্যতম সদস্য শ্ৰীসৰ্বেশ্বৰ চক্ৰৱৰ্ত্তীৰ সৈতে লগ লাগি শ্ৰীভট্টাচাৰ্য্যই তেওঁলোকে বচনা কৰা খচৰা গঠনতন্ত্ৰখন মুখ্যমন্ত্ৰী শ্ৰীচলিহাৰ হাতত গুৱাহাটী বিমান কোঠাত দাখিলকৰে। সেই সময়তো মুখ্যমন্ত্ৰীয়ে খচৰা গঠনতন্ত্ৰখন প্ৰচাৰ বিভাগৰ দ্বাৰা আয়োজিত নাট্য-উৎসৱৰ লগতে অনুষ্ঠিত হ'বলগীয়া নাট্য-সন্মিলনত দাঙি ধৰা হ'ব বুলি তেওঁৰ পূৰ্বৰ অতিমতৰ পুনৰোক্তি কৰে। ইয়াৰ পি.ত তদৰ্থ কমিটিয়ে নাট্য-সন্মিলনলৈ আমন্ত্ৰণ কৰিব লগীয়া ব্যক্তি আৰু প্ৰতিস্থান সমূহৰ নামৰ তালিকা এখনো মুখ্যমন্ত্ৰীলৈ পঠাম। শ্ৰীভট্টাচাৰ্য্যই আক্ষেপ কৰি কয় যে যোৱা ডিচেম্বৰ মাহত নগাঁৱত অনুষ্ঠিত



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হোৱা ৰাজ্যিক নাট মহোৎসৱৰ লগত কোনো নাট্য সন্মিলন নেপাতি  
তদৰ্থ সমিতি আৰু সদৌ অসমৰ শিল্পী আৰু কলামোদী ৰাইজক  
গভীৰ ভাৱে নিৰাশ কৰা হ'ল।”

শ্ৰীভট্টাচাৰ্য্যই আৰু কয় যে ইমানতো মুখ্যমন্ত্ৰীয়ে খচৰা গঠনতন্ত্ৰ  
কাৰ্য্যকৰী কৰিবলৈ ব্যৱস্থা গ্ৰহণ কৰিব বুলি তেওঁ ধৈৰ্য্যসহকাৰে  
অপেক্ষা কৰিছিল, কিন্তু “তদৰ্থ সমিতি নিম্নজুহোৱাৰ ঠিক এবছৰ  
পূৰ্ণহোৱাতো অসমৰ জাতীয় নাট্যশালা প্ৰতিষ্ঠা কৰাৰ কোনো প্ৰচেষ্টা  
দৃষ্টি গোছৰ নোহোৱাত” শ্ৰীভট্টাচাৰ্য্যই তদৰ্থ কমিটিৰ সদস্য-পদ আৰু  
আহ্বায়কৰ পদৰ পৰা পদত্যাগ দাখিল কৰিছে। ইয়াৰ প্ৰতি মই  
দৃষ্টি আকৰ্ষণ কৰিলো।

Shri Bimala Prasad Chaliha, ( Chief Minister ) :  
Mr. Speaker, Sir, an informal meeting of selected  
artists and others interested in the promotion of arts  
and culture of Assam was held at the residence of  
the Chief Minister, Assam on 16.6.67. This meeting  
constituted an Ad hoc Committee for drafting a  
scheme for establishment of National theatre in the  
State with the following members :—

- 1) Shri Chandra Phukan
- 2) „ Phani Sarma
- 3) „ Bishnu Rabha
- 4) „ S. Chakravorty
- 5) „ Jugal Das
- 6) „ S.P. Baruah
- 7) Dr. Bhupen Hazarika
- 8) Shri Kulada Bhattacharyya, Convener
- 9) Shri. Phani Talukdar.

It was agreed that the ad hoc Committee will draft the constitution and would place it before a convention to be convened at the time of the Drama Festival scheduled to be held at Nowgong during 1967.

From the records it appears that the Chief Minister received a copy of the draft Constitution submitted by the convenr of the ad hoc Committee on 3.9.67. The Chief Minister or for the matter of



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that the State Government had no scope for finalising the draft Constitution as prepared by themselves. It was expected that the Ad hoc Committee would place the Constitution before the Convention to be convened along with the State Drama Festival held at Nowgong sometime in December 1967. It appears the convener did not take any steps towards that end, that is to bring the matter for discussion at the proposed convention. He did not even call the Convention at all. Meanwhile the Government sanctioned a grant of Rs. 3,000.00 on 5.1. 68 to meet the expenditure on T.A. and D.A. and other incidental items of the Committee. It is surprising that Shri K.K. Bhattacharyya, the convener of the Ad hoc Committee, instead of taking step for holding the Convention sent out a letter of resignation dated 16th June 1968 to the Chief Minister alleging that as Government was not taking any action for holding the Drama Convention during the State Drama Festival which was organised at Nowgoeg in December 1967, he decided to leave the Committee. It may be pointed out that the ad hoc Committee for the proposed National Theatre was a purely non-official body and as such no Government department was supposed to take any action for convening its meet-

ing. While Government extended all help and possible assistance to the Ad hoc Committee to enable it to proceed with the setting up of the National Theatre, the ad hoc Committee, it is felt, failed to organise the meeting for discussing the draft Constitution and establishing the National Theatre.

During the informal meeting held at the residence of the Chief Minister, it was never indicated that Government or for the matter of that the department of Information and Publicity would convene the meeting for the Ad hoc Committee, hence the reason adduced by the convener of the Ad hoc Committee for his resignation from the Committee are untenable.

#### ANNOUNCEMENT BY THE SPEAKER

Constitution of the (1) House Committee (2) Committee on Petitions and

(3) Committee on Privileges

Mr. Speaker : Now item No. 3 I now announce the names of Members nominated by me for the constitution of the following Committees for the present session :—



## (1) House Committee (Under Rule 312)

1. Shri Jadu Nath Bhuyan .... Chairman,
2. " Bhadreswar Gogoi .... Member,
3. " Govinda Bora .... "
4. " Rohimuddin Ahmed.... "
5. " Kehoram Hazarika .... "
6. " Golok Ch. Patgiri .... "

## (ii) Committee on Petitions (Under Rule 239)

1. Shrimati Lily Sen Gupta .... Chairman,
2. Shri Dharanidhar Choudhury, Member,
3. " Sailen Medhi .... "
4. " Sarat Ch. Goswami.... "
5. " Sonaswar Bora .... "

## (iii) Committee on Privileges (Under Rule 246)

1. Deputy Speaker .... Chairman,
2. Shri Mahendra Mohan Choudhury, Minister,  
Member,
3. " Debeswar Sarmah, "
4. " Moinul Haque Choudhury, "
5. " Gaurisankar Bhattacharyya, "
6. " Phani Bora, "
7. " Pitsingh Konwar, "

I now announce the report of the Business Advisory Committee settling the business of the Session.

Under Rule 230 of the Rules of Procedure and Conduct of Business in Aassam Legislative Assembly, I hereby inform the House that a meeting of the Business Advisory Committee was held on Tuesday, the 13th August, 1968, to consider the Provisional Programme of the August-September Session of the Assembly. The Committee was pleased to detail the programme tentatively with the notices of business received from Government till that day. It may be



seen from the programme which has been circulated to all hon. Members that the House will sit for 12 days in all. Even in this short Session, two full days—on Thursday, the 29th August, 1968 and on Thursday, the 5th September, 1968 have been allotted exclusively for transaction of Private Members' Business. Lists of Supplementary Demands for Grants and list of Excess Demands are being presented on 28th August, 1968. Voting on Supplementary Demands for Grants, 1968-69 will take place on Wednesday, the 4th September, 1968, Friday, the 6th September, 1968 and on Monday, the 9th September, 1968. Voting on Excess Demands for Grants, 1964-65 will come up for discussion in the House from 2 P.M. to 4.30 P.M. on Monday, the 9th September, 1968. Rest of the days are allotted for disposal of Government Business mainly Government Bills; and if time permits, after disposal of Government Business, the House will take up Private Members' Business on the 27th August, 28th August, 30th August and on 2nd September, 3rd September and on the 10th September, 1968. I think the time so allotted will give ample opportunities to hon. Members for taking part in various discussion.

I hope this has the approval of the House.

Shri Dulal Chandra Barua—Sir, from our experience for the last 7 years we have found that the dates that have been fixed for private Members' Business are not at all adequate as we are not having any scope practically to discuss the private Members' Business. We are having a number of important resolutions concerning the public interest and also important motions to be discussed. Moreover, from the Government side they are going to place a number of reports and on those reports also we want to discuss by bringing motion in different forms. Therefore, although two days have been fixed exclusively for private Members' Business and if time permits we may not have the opportunity to discuss the private Members' motions and resolutions sufficiently before I feel that it is necessary to extend the time at least for another two or three days more so that we can discuss at least a few important resolutions and few important motions during this session.

Mr. Speaker :—I will place this matter before the Business Advisory Committee. Subject to that, I think it has the approval of the House.

(Voices—Yes, yes).



56    The Assam Maintenance of Public Order [28th August  
      ( Amendment ) Bill, 1968

Presentation of the List of supplementary Demands  
for Grants and supplementary Appropriation for 1968-69

Shri Kamakhya Prasad Tripathi (Minister, Finance)— I beg to present the list of Supplementary Demands for Grants and Supplementary Appropriation for 1968-69

Presentation of the List of Excess Demands for  
Grants and Appropriation 1964-65

Shri Kamakhya Prasad Tripathi (Minister, Finance)— I beg to present the list of Excess Demands for Grants Appropriations 1964-65.

The Assam Requisition and Control of Vehicles  
Ordinance, 1968

Shri Prabin Kumar Choudhury (Minister of State Transport)— I beg to lay the Assam Requisition and Control of Vehicles Ordinance, 1968.

Shri Kamakhya Prasad Tripathi (Minister Finance)— I beg to lay the Assam Contingency Fund (Augmentation of Corpus) Ordinance, 1968.

The Assam Appropriation Ordinance, 1968

Shri Kamakhya Prasad Tripathi (Minister Finance)— I beg to lay the Assam Appropriation Ordinance, 1968.

Presentation of the Report of the Assam Public Service Commission for 1965-66 and the Memorandum.

Shri Bimala Prasad Chaliha (Chief Minister)— I beg to lay the Report of the Assam Public Service Commission for 1965-66 and the Memorandum.

Shri Dulal Chandra Barua— Sir, such report has always been unattended to by this august House and we want to discuss this report through a motion.

Mr. Speaker : You bring a motion.



58 The Assam Maintenance of Public Order [28 August  
( Amendment ) Bill, 1968

Annual Report (1966-67) of the Assam Gas Company.

Shri Biswadev Sarma ( Minister Industries ) —  
I beg to place the Annual Report (1966-67) of the  
Assam Gas Company.

Report of the Select Committee on the Assam  
National Parks Bill, 1968

Shri Mahendra Mohan Choudhury (Minister Parliamentary Affairs)— I beg to Present the Report of the Select Committee on the Assam National Parks Bill, 1968.

The Assam Maintenance of Public Order (Amendment) Bill, 1968

Shri Bamala Prasad Chaliha (Chief Minister)— I beg leave to introduce the Assam Maintenance of Public Order (Amendment) Bill, 1968.

Mr. Speaker : The motion is moved. Has the mover leave of the House to introduce the Bill.

( The Leave was granted . )

Shri Bimala Prasad Chaliha :—Sir, I beg to move that the Assam Maintenance of Public Order ( Amendment ) Bill, be introduced.

Mr. Speaker :—The motion is moved. The question is that the Bill be introduced. ( After a pause ) The motion is passed. The Bill is introduced ( The Secretary, Legislative Assembly, read out the title of the Bill ).

The Assam Finance ( Sales Tax ) (Second Amendment ) Bill, 1968

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

Mr. Speaker : The motion is moved. Has the mover leave of the House to introduce the Bill. (After a pause ) The motion is passed. Leave is granted.



Shri Kamakhya Prasad Tripathi : I beg to move that the Assam Finance (Sales Tax) ( Second Amendment ) Bill, 1968 be introduced.

Mr. Speaker : There is a recommendation.

“RAJ BHAVAN

Shillong

The 24th August, 1968.

I recommend under Article 207 (1) of the Constitution of India that the Assam Finance ( Sales Tax ) ( Second Amendment ) Bill, 1968 be introduced and moved in the Assam Legislative Assembly.

Braj Kumar Nehru

GOVERNOR OF ASSAM

The question is that the Bill be introduced.

( After a pause ) The motion is passed. The Bill is introduced.

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

The Gauhati University (Amendment) Bill, 1968.

Snri Joy Bhadra Hagjer ( Minister Education ) —  
Sir I beg leave to introduce the Gauhati University  
( Amendment ) Bill, 1968.

Mr. Speaker : Has the mover leave of the House to introduce the Bill? ( After a pause ) Leave to introduce the Bill is granted.

Shri Joy Bhadra Hagjer :—I beg to move that the Gauhati University ( Amendment ) Bill, 1968 be introduced.

Mr. Speaker : The question is that the Bill be introduced. ( After a pause )



62 The Motor Vehicles (Assam Amendment) Bill, 1968 [28th August]

The motion is passed. The Bill is introduced

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

The Motor Vehicles (Assam Amendment) Bill, 1968

Shri Prabin Kumar Chaudhury (Minister of State, Transport):—I beg leave to introduce the Motor Vehicles (Assam Amendment) Bill, 1968.

Mr. Speaker: Has the mover leave of the House to introduce the Bill? (After a pause) Leave is granted.

Shri Prabin Kumar Choudhury:—I beg to move that the Motor Vehicles (Assam Amendment) Bill 1968 be introduced.

Mr. Speaker: The question is that the Bill be introduced.

(After a pause) The Bill is introduced.

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

The Assam Requisition and Control of Vehicles Bill, 1968.

Shri Prabin Kumar Choudhury (Minister of State Transport) :—I beg leave to introduce the Assam Requisition and Control of Vehicles Bill, 1968.

Mr. Speaker : Has the mover leave of the House to introduce the Bill ? (After a pause) Leave is granted

Shri Prabin Kumar Choudhury :—I beg to move that the Assam Requisition and Control of Vehicles Bill, 1968 be introduced.

Mr. Speaker : The question is that the Assam Requisition and control of Vehicles Bill, 1968 be introduced.

( After a pause ) The Bill is introduced.

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



64      The Assam Amusements and Betting [28th August  
Tax ( Second Amendment ) Bill, 1968

Shri Kamakhya Prasad Tripathi (Minister Finance) :-  
Sir, I beg leave to introduce the Assam Amusements  
and Betting Tax ( Second Amendment ) Bill, 1968.

Mr. Speaker :—Has the mover of the Bill leave  
of the House to introduce the Bill?

( The leave was granted )

There is a recommendation from the Governor  
under Article 207 (1) of the Constitution of India  
that the Assam Amusements and Betting Tax  
( Second Amendment ) Bill, 1968 be introduced and  
moved in the Assembly.

Shri Kamakhya Prasad Tripathi : Mr. Speaker Sir,  
I beg to move that the Assam Amusements and Bet-  
ting Tax ( Second Amendment ) Bill, 1969 be introduced.

Mr. Speaker :—Motion moved. The question is  
that the Assam Amusements and Betting Tax  
(Second Amendment) Bill, 1969 be introduced.

( The motion was adopted. )

Shri Syed Ahmed Ali (Minister of State, Education): Sir, I beg leave of the House to introduce the Assam Elementary Education Bill, 1968.

Mr. Speaker: Has the Mover of the Bill leave of the House to introduce the Assam Elementary Education Bill, 1968?

( The leave was granted )

Shri Syed Ahmed Ali ( Minister of State ): I beg to move that Assam Elementary Education Bill, 1968 be introduced.

Mr. Speaker: The question is that the Assam Elementary Education Bill, 1968 be introduced.

( The motion was adopted )

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



The Assam Borstal Institution Bill, 1967

Shri Abdul Matlib Majumdar ( Minister, Law ) :  
I beg to move that the Assam Borstal Institution  
Bill, 1967 as reported by the Select Committee be  
taken into consideration.

Mr. Speaker : The motion is moved. The question  
is that the Assam Borstal Institution Bill, 1967 as  
reported by the Select Committee be taken into con-  
sideration.

( The motion was adopted )

Resolution : Regulation of matters relating to  
Estate Duty in the State by Parliament by law.

Mr. Speaker : Item 21. Further discussion on  
the resolution moved by Shri Kamakhya Prasad  
Tripathi. Shri Gaurisankar Bhattacharjee is to speak  
now.

Shri Gaurisankar Bhattacharyya :—Sir, I do not know whether the Minister who moved the resolution had explained the full importance of the resolution. Even if he did I am sorry, I do not remember what he said, because it was passed several months since this resolution was introduced. I shall therefore, crave the indulgence of this House to permit to place the matter from the beginning. Sir, at the outset I should like to submit that this is a very important .....

Shri Debeswar Sarmah :—Mr. Bhattacharjee, may I seek leave of the Chair to submit a few words. As a matter of fact I also like to be excused if I say that I have not followed the reasons what is the purpose & necessity of this resolution and I think that the purpose and necessity has to be clearly stated so that we can follow why the motion is to be adopted. Afterall it is a complicated matter—I feel guilty of not being able to study it earlier. I seek enlightenment in this matter.

Shri Dulal Chandra Barua :—So far as I know explanations to the effect of the resolution was not given. Honourable Members will take part and



express their opinion. Therefore, with your permission the Honourable Finance Minister should explain the resolution.

Shri Debeswar Sarmah :—Sir, in the last but one paragraph, “And whereas it appears to this Assembly to be desirable that the matters specified in the Acts aforesaid should be regulated in the State by Parliament by law, .....

Shri Kamakhya Prasad Tripathi (Minister Finance) :—Sir, People's memory is very short and therefore since so many months have lapsed it is but proper that I should re-explain what was explained. Now, the relevant question which has been put by Shri Sarmah is why is it necessary to entrust the Parliament to legislate upon on item which is in the State List. In the State List 48 of Schedule (7) this matter occurs. Now, it is proposed to give power to the Parliament to legislate. An Estate Duty has two parts one urban property and other is the agricultural property. So far as the

urban property is concerned the right of taxation is in the Parliament—so far as the agriculture is concerned it is in the State. Now, who is the assessee? He is an individual who has property both in the rural areas as well as in the urban areas. If there are two authorities assessing simultaneously on the same in that case it is inconvenient for the individual. It is more convenient if the same authority assess and then determines what is the tax to be paid. The share is distributed according to the original scheme. It goes to the State to the extent it arises from Agriculture and it goes to the Centre to the extent it arises from urban sectors. Now, the amount of tax available from the Agricultural Land is negligible, between 50 to 60 thousand rupees only. The amount is so negligible that it is not worthwhile for a State to create a paraphernalia of office, staff and others. Sarmaji often quotes a famous saying in Assamese “কেবেলাত কৈ হুটি দীঘল”

If we are to create a set up for this purpose the cost will be more than realisation. Therefore, from the expenditure point of view it is more



advantageous that the same authority collects i. e. the Government of India machinery assesses and collects and we get the amount.

If we undertake this there will be inevitable additional expenditure on the part of the State Government.

So, for this reason originally the State Government passed the resolution in 1953 whereby the power was given to the Centre to legislate on this matter.

Then came the Emergency. During the Emergency the Government of India have powers to legislate on this without taking consent of the State and as a result thereof certain amendments were passed from time to time and as many as 8 amendments were passed during the period of emergency. These are : (1) The Central Boards of Revenue Act, 1963 ( 54 of 1953 ), (2) The Finance Act, 1964 ( 5 of 1964 ), (3) The Taxation Laws ( Continuation and Validation of Recovery Proceedings ) Act, 1964 ( 11 of 1964 ), (4) The Direct

Taxes (Amendment) Act, 1964 ( 31 of 1964 ), (5) The Finance Act, 1965 ( 10 of 1965 ), (6) The Finance ( No. 2 ) Act, 1965 ( 14 of 1965 ), (7) The Taxation Laws ( Amendment and Miscellaneous Provisions Act ), 1965 and (8) The Finance Act, 1966 ( 13 of 1966 ).

These were the amendments made by the Government of India with the powers of emergency and when the emergency has been withdrawn.....

Shri Gaurisankar Bhattacharyya : Withdrawn from what date ?

Shri Kamakhya Prasad Tripathi : I think the date is 10th January, 1968 and after the emergency was withdrawn it is necessary for the States to pass resolution then only the Central Government would be able to legislate. According to the law, if two States in the country pass a resolution then the Central Government is in a position to legislate and already more than two States have passed the resolution. Therefore, the Central Government is in a position



to legislate. Only the difficulty for the State concerned, is that if it does not pass the resolution then we will not get the advantage of collection by the Central machinery in which case we will have to create our own machinery and own laws and all sorts of things. So it is deemed fit and proper, we pass this resolution in which case we also get the advantage and we may be able to get the amounts which are likely to be collected through the Central machinery and the amount may be given to us.

( a voice what is the amount )

The amount is 58 thou and.

( voice : do the Centre appoint any machinery for this ),

They do not appoint any additional machinery for this.

( voice : they charge anything ? ).

There must be certain charge, I cannot give it off hand. The Central Government do not appoint any machinery, the same machinery has to do it. The final point for consideration is that if there are two legislations by the State and the Centre and supposing

assessment limit is fixed at one lakh below which if the income is it need not be assessed the assessee may escape. Supposing the total comes to 1·5 lakh—the total of 55 thousands in agricultural and 95 thousands in urban property even though he is having an assessable income he escapes. It is from this point of view it is advantageous for us to get the assessment limit on the basis of both urban and agricultural property. But the main point is that the amount is so small that it is not desirable for the State to create machinery and legislate. From all these points of view I would request the House to pass the resolution.

Shri Gaurisankar Bhattacharyya :—Mr. Speaker, Sir, if Mr. Tripathi's advice is to be followed then the best thing will be to liquidate this Legislature, to liquidate the Assam Government and to allow the Home Ministry of the Govt. of India to send an officer and run the State of Assam and that will be an economic step! Sir, the question is not here of 58 thousand of rupees: it is the question of 58 thousand tons of principles. It is why I stand to oppose this resolution. Sir, the Constitution of India was made by the people of India and the people



of India decided that it should be a Federal Constitution where there would be a Central list, a State list and a Concurrent list. Of course the kernel is there in the Central list. So far as the husk is concerned, the inner husk is in the concurrent list and only the outer husk in the State list. In other words, in comparison with the Centre and the concurrent lists the State list is already too small. The fundamental strength or weakness of a federating unit lies in the fact, lies in the question as to whether the residuary power lies with the State. In America where the federal type of democracy has been for a long time efficiently practised, the residuary power lies with the federating States. Now here in India, of course the residuary powers lie with the Centre. The State as human institution is growing and the problems and resources of the State are going on growing. Now it is the Centre which has become by the Constitution the custodian of all future growth. It is why as days roll on we find that the Centre is growing stronger and stronger and the States *visa vis* the Centre are growing weaker and weaker and it is one of the basic reasons

why there are fissiporous and centrifugal tendencies in the States and regions. These federating States and the regions therein, find that with the growing demand of civilisation they have no means to meet the demand. The spheres of their getting income are so very limited that not to speak of developmental activities, even for running the day-to-day administration they are to go with beggars' bowls to the Centre and their very existence becomes dependent on the bounties that the Centre will be pleased to give. Now in allocation of the bounties....

Shri Kamakhya Prasad Tripathi :—May I point out that it will not be bounty.

Shri Gaurisankar Bhattacharyya :—In allocation of these bounties the Centre does not appear to be impartial. Unfortunately for the Congress Party, in a large number of States in India other parties than the Congress have formed the State Governments and there is the allegation that the Central Government, in the matter of giving grants and



loans is discriminating against these non-congress Governments, particularly if these Governments be to the left of the Congress and as a result..... of that we have seen that even internationalists like Namboodiripad are now raising the question of decentralisation of power, and before the Government of India they are submitting representation after representation for more autonomy to the States. Not only that, Sir, there was Keala Bund at the initiative of the ruling United Front where the State Government was also a positive party. Similarly there was Tamilnad (Madras) Bund in Tamilnad (Madras) and there also the D.M.K., the ruling party, have officially revolted against the Congress Centre. So this centralisation of more power in the hands of the Central Government particularly financial power is leading to the movement of dissipation, to the movement of dis-integration of India. If you go to tighten a knot too tightly the result more or less becomes that the knot becomes split and the purpose achieved is just the contrary to what you wished. Now the Congress Government is pursuing that policy particularly in regard to financial measures. At the time of preparation of the Constitution of India when the lists—Union list and State list—were made, as I said earlier, little things were left for the States, and one of these little things was this Estate Duty on agric-

ultural land—item 48 of the 7th Schedule (State list). 7th Schedule has got three lists—Union list, States list and the Concurrent list. In item 48 of the State list is the Estate Duty in respect of agricultural land. As the Minister has correctly stated it confines only to agricultural land. So far as non-agricultural lands are concerned, any income therefrom, be that Estate Duty or Property Tax, that is already a subject matter of the Central Government. It is only in this limited sphere, viz. Agricultural land, that the State has got power. It may be a fact that uptil now we get much less from the Estate Duty on agricultural land. It may also... be a fact that taking India as a whole the income-tax derived from agricultural income would be much less than the income-tax derived by the Central Government under the Indian Income-tax Act. and yet no State Government said that for the sake of less expenditure and more income the Central Government should be given that power also. As a matter of fact, the State Governments are very reluctant to part with whatever little power they have because the Centre is already too powerful, or rather overpowering to be saddled with more power, and the States naturally do not like to be assailed. They want to keep some amount of autonomy. So there is this struggle. You know, Sir, under what circum-



stances National Emergency was declared, and how long this emergency was continued. I do not like to go to that question-as to whether this emergency was self-created or whether this emergency was retained by the Central Government for unnecessarily long a period so as to monopolise all powers. I do not like to dilate on these matters. But the fact is that so far as the emergency is concerned, that was with reference to certain abnormal situations. The emergency provisions in the Constitution of India give extraordinary powers to Parliament to legislate with respect to a matter in the State list in National interest ( Art. 249 ), and power of Parliament to legislate with respect to any matter in the State list if a proclamation of emergency is in operation. Sir, Art. 246 of the Constitution of India allocates the matters where the Union Parliament and the State Legislatures are to make laws. Clause (2) of Art. 245 reads as follows :

“Notwithstanding anything in clause (3), Parliament and subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in list III in the Seventh Schedule ( in this Constitution referred to as the “Concurrent List” ).

Clause (3): "Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List")."

So, from this List II of the Seventh Schedule this is the exclusive right and duty of this Legislature. Now does this Legislature want by a resolution to abdicate its duty and shirk its responsibility enjoined upon it by the Constitution of India because it would, according to the argument of Shri Tripathy, mean saving a few thousands of rupees? This is a pertinent question I ask this Assembly. In respect of this exclusive right, however, there are certain circumstances - extraordinary circumstances - where the State Legislature is deprived of its power and relieved of its responsibility. What is that extraordinary circumstance in which the State Legislature could be deprived of its power and relieved of its responsibility? The Constitution says that only in that extraordinary circumstance when the ordinary law does not operate, .....when the President declares an emergency for the country, the country is in such a danger that for its very existence there sho-



uld be some curtailment of the fundamental rights and other matters in the Constitution. Therefore it is only in those extra-ordinary circumstances that the Union Government can deprive the State Legislature in spite of this Constitution and the States' powers. Now, Art. 249 of the Constitution of India reads as follows :

“Notwithstanding anything in the fore-going provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting....”

I would request the House to ponder over this fact of ‘two-thirds’, because it is a question of deprivation of certain rights given by the Constitution. I read, “..... by not less than two-thirds of members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter the resolution remains in force.

(2) A resolution passed under clause (1) shall remain in force for such period not exceeding one year as may be specified therein :

Provided that, if and so often as a resolution approving the continuance in force of any such resolution is passed in the manner provided in clause (1), such resolution shall continue in force for a further period of one year from the date on which under this clause it would otherwise have ceased to be in force."

Why have I read this portion of Art. 249 ? Because I have got from the Hon. Minister Shri Tripathy that the emergency came to an end on the 10th of January, 1968, and therefore, after a lapse of six months from that date if any act was made by Parliament that automatically ceased to operate. That is the opinion of the Constitution. Therefore, if it was to be made existant it could be done only under Clause 1 and 2 of Art. 249 of the Constituion of India in accordance with the procedure laid down therein. The Parliament in its wisdom has thought that it is



not proper to interfere with the rights and duties of a State legislature, and therefore the Parliament has not passed any such resolution.

Sir, then coming to Clause (3) of this Article we find, "A law made by Parliament which Parliament would not but for the passing of a resolution under clause (1) have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the resolution has ceased to be in force, except as respects things done or omitted to be done before the expiration of the said period."

Art. 250 of the Constitution further envisages power of Parliament to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation, and I take it from the Hon. Minister that in case of as many as 8 laws where agricultural land is involved, well, the Parliament had passed amending acts in course of the continuance of the Emergency, and therefore, we were bound by it. Not because we wanted it, not because this House which

was in existence and functioning during the period of Emergency also because this House wanted it by a resolution but because by the extra-ordinary power given to the Union Government under the condition of Emergency the Parliament can pass the law in spite of it being in the State List, and therefore, they did exercise that power. Now, however, that Emergency is over. So, according to Clause (2) of Art. 250—

“A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.”

So, as I have already said, six months are already over and the amendments or laws whatever they were, passed during the Emergency—that is over, dead and gone. Now why should we not, if a legislation is at all necessary, pass it ourselves?



Now, if the line taken by the Central Government is the best line, well, we can adapt it in our legislation. Who can stop us from keeping it? Well, we do not refuse to learn wisdom from others, far less from the Central Government. I am not saying that what the Central Government did was something preposterous or monstrous or detrimental to the interest of our people. I am not making that allegation. Taking their line why should we not follow that according to the procedure, get it through our Legislature and do our duty? Why do we abdicate our powers to the Central Government? If the Minister says that it is small matter, well, yes, it is a small matter but we should remember that the 'Kaliya Nag' got through a very small hole. If we begin abdication here, well, then some day we will reach the end: Whether we shall strive to maintain the status, the autonomy or whether we shall take to the path of abdication? To-day there is the Congress Government in the Centre, tomorrow there may not be. To-day they are in the Centre and here also in Assam. Well, in both places the same party is ruling. Tomorrow there may be something

else, may be for better or for worse, no body can say. But changes do take place. Why should we surrender our fundamental right.—That is a matter of principle which I am not prepared to compromise

That is a fundamental principle on which I am not prepared to comprise.

Sir, it has been further said, “AND WHEREAS under Clause (2) of Article 250 of the Constitution, the Acts, aforesaid in so far as they relate duty in respect of agricultural land, shall cease to have effect on the expiration of a period of six months after the proclamation has ceased to operate.

“AND WHEREAS after the proclamation has ceased to operate Parliament has no power to make laws for the State except as provided in Article 249 of the Constitution with respect to matters specified in the Act aforesaid in so far as they relate to estate duty in respect of agricultural land,



„AND WHEREAS it appears to this Assembly to be desirable the matters specified in the Act aforesaid should be regulated in the State by Parliament by law notwithstanding the expiration of the period of six months after the proclamation has ceased to operate ; (In the State above means this State of Assam in this case).

“NOW, THEREFORE, this Assembly hereby resolves in pursuance of Article 252 of the Constitution that the matters specified in the Acts aforesaid in so far as they relate to estate duty in respect of agricultural and should be regulated in the State by Parliament by Law.”

I beg to submit that by no stress of imagination this is desirable. I think, this can be easily tagged also to the Agricultural Income tax Department. The Minister was pleased to say that the expenditure is small but it should be remembered that the cases are also few and afterall how many people in Assam pay Estate duty ? So a very big office with a very big paraphernalia will not be necessary and probably with a little coordination between the Centre and the State the later may get the information from the Central Government's Income tax Department the list of the Estate Duty payers.

Now, generally those who are liable for paying Estate Duty will be known from the Incometax Department and this is not difficult for the Agricultural Incometax Department to collect. the same. I think, it will probably be feasible that Estate Duty for Agricultural Land can be available if the matter can be made a little clearer. The point is that any and every agriculturist will not be liable for paying Estate Duty in respect of income from agricultural land. Income from agricultural land shall have to come to such an amount, to such a volume, will warrant payment of Estate Duty.

Now, so far as this agricultural holdings are concerned, they are already under the Assam Agricultural Incometax. Except those there will be few who may or who might have to pay Estate Duty on account of their income from agricultural land. Therefore, we can very well strengthen our Agricultural Incometax Department and taking some information of assessment from the Incometax Department of Govt. of India this can be done.

Shri Kmakhya Prasad Tripathy : May I point out that Govt. of India will have no information of agricultural incometax unless we authorise them to know.



Shri Gaurisankar Bhattacharyya : Yes. But we have our own machinery. I am trying to impress upon the House that I do not agree that for the purpose of agricultural land we have no machinery. My contention is that we have a machinery and that machinery is the Agricultural Income tax Department and that machinery collect agricultural income tax from those agriculturists who have a net income of something like Rs. 5,000 or a little less. There is no person who would be liable to pay on account of Agricultural income who would be under the present circumstances free from payment of Agricultural Income tax, and therefore, Agricultural Income tax would be sufficient for the matter. We would not oversimplify matters and going to offer oversimplification abrogate our Constitutional right an responsibility.

Shri Debeswar Sarmah : Mr. Speaker, Sir, I also think that this resolution is unnecessary at the present time and although hon. Member, Shri Bhattacharyya's conclusions may be the same but reasoning is a little different.

I am not aware, subject to correction, I do not know whether we adopted a resolution in the Assam Legislative Assembly as to whether agricultural lands are subjected to Estate Duty or not. Further, I also feel ignorant if the Assam Legislative Assembly has within its jurisdiction to adopt such a resolution or legislation of this kind, namely, whether agricultural land should be subjected to Estate Duty. I would request the hon. Finance Minister to withdraw this resolution for three reasons: -

No. 1, Estate Duty is the same for Indians under the Mitaksara Joint Family System and our Dayabhaga System. It operates harshly against the Dayabhaga subjects because in Mitaksara one apparently in the womb inherits its share. Therefore, the properties belonging to Mitaksara families are so parcelled out that an individual is less subjected to Estate Duty as the amount of the portions of each co-sharer become so small that many go out of the slab the Estate Duty is fixed. I hope, I am clear.

In Mitaksara Joint Family persons born into a family



start inheriting from the moment they are conceived in the wombs, but in our Dayabhaga System in Assam and Bengal the father, or for the matter of that, the main inheritor is the owner of the property during his life time and at the death of the father the property is divided into different shares. Therefore, when this Estate Duty was introduced sometime in 1952 or 1953, we the Members from Assam and Bengal fought very hard in the Lok Sabha and there was the bottom slab of Rs. 20,000 and Rs. 50,000 between the Mitakshara people and Dayabhaga people. But lately, when I do not know, I saw the other day, that the distinction has been obliterated and the same Mitakshara joint people and Dayabhaga people came to the same slab. I crave your indulgence to explain this point. X is the head of a family and he has got 4 sons and they are married. Four sons have got 16 children and three are in the womb. Sixteen plus three plus the parents, 19 become the co-sharers. Therefore, if the quantum of property is Y, it is divided by 19 and that is the share of each co-sharer and the estate duty is fixed on that. But in Dayabhaga

family, if X is the head of the family with various other provision he is the head of the family and he inherits the father's property and he is also the master of his self-acquired property. Therefore, his four sons and 14 grand-children do not inherit anything. That is the system. Therefore it is harsh on us. That difference was there but it has not been obliterated. Therefore, we have to think very seriously whether in Assam—seeing that after ceiling we have very little agricultural land, the estate duty should be imposed on our agricultural land? That needs examination, that needs serious consideration. Therefore, at this moment this resolution is not suitable.

Secondly, I requested the Finance Ministry for a statement of how much in all we contribute to the Centre for petrol, crude oil and various other things and how much we get back from the Centre by way of aid or by way of this grant or that grant. I may not have any clear idea. Perhaps our Finance Ministry will take a little time to collect the figures or perhaps some figures are so inter-



twined that it is difficult to make out what is what ? My own notion was and it still persists that we broadly speaking, subject to correction, gave the Centre about 22 crores of rupees in 1959 or 1960 and we got back from the Centre about half of it i. e. about Rs. 11 crores in all. Now as a protest against that, we should not authorise the Centre to be our agents for collection. We must register a protest. If I desist from voting in this resolution I will do so. If this resolution is brought, I will certainly not vote for as a mark of protest against the injustice that is being perpetrated by India for the last few decades. Even in the matter of royalty on crude oil, we have been treated by our own Central Government worse than the British Government. I suppose, subject to correction, Mr. Tripathy will bear me out, but during the British time, we got Rs. 10 per— what was that ? Barrel or something ? ( voice - ton ) ton. I hope he would be kind enough to help me with the details. But now we get Rs. 7.50. We have great doubt, if Gujerat would not have produced crude oil, we would get Rs. 7 and we would

have been muzzled with Rs. 5 per ton. Again subject to correction, at that time Gujerat was producing some crude oil, and that could not be got away. Factually, if you study the estate duty, when it was settled by arbitration, Gujerat was beginning to produce crude oil. At that time who was the Finance Minister? I suppose Morarji Bhai. I speak subject to correction, Gujerat was showing symptoms of crude oil oozing out of their wells and we were lucky to be bracketted with a very powerful State. This is the second reason why I protest and I will not vote.

Thirdly, yes, the machinery is there, of course. In the Central Government, what is the percentage of educated people of Assam having any appointment in the Central Sector? We have none. And if we have a very small nucleus here, perhaps, the Finance Ministry will be able to compliment itself by providing 2, 3 or 4 officers. It is a cynical statement, if I may say so, and I will not willingly say, because it is not social but an anti-social statement.



But facts are that the Central officers make hay while Sun shines, why not a few poor Assamese people? Thank you, Sir.

Shri Dulal Chandra Barua : Mr. Speaker, Sir, while supporting the contention of our leaders from this side and also honourable esteemed member Shri Sarma, I would like to make certain observations in this regard. Sir, the Finance Minister has stated that it was a small matter and the amount involved was also very small. It may be a small matter, but it has got great significance—it has got economic significance, it has got social significance and it has also got political significance and constitutional. Now the Finance Minister has come forward to pass this resolution on the plea of or taking the background of emergency. He wants that this resolution should be passed without having any obligation to the Government of India by authorising them only to collect the revenue. He said that they have collected an amount of Rs. 58,000 last year, but when we have asked what was the subsidy and what was the

honorarium the Government of India is receiving out of it, our Government could not give proper reply. This is, I think, not known to our Government. It might be Rs. 58,000 or it might be more than that.

Shri Kamakhya Prasad Tripathi :—How can it be so ?

Shri Dulal Chandra Barua :—The Government of Assam have not assessed what would be the output, it was assessed by the Government of India. A portion might be taken away—how can we say that the assessment is correct unless it is done by our own machinery. Therefore, I feel that this assessment is not correct. We have received whatever amount they have given to us. As has been rightly stated by honourable esteemed member Shri Sarma that we have not got the proper treatment from the Government of India any respect, this is known to all the honourable members of this August House.



Now, when we are following the provisions of the Constitution and when there is a provision for exercising the powers of the State Legislature and also it is a subject of the State list, there is also the provision, empowering the State Legislature to enact laws and the Constitution has clearly demarcated these powers between the State Legislature and the Central Legislature in respect of collecting taxes etc. Then what was the necessity for the State Legislature to empower the Parliament to collect this revenue by ignoring the provisions of the Constitution under the so called special circumstances? I feel that the special circumstances mentioned by the Finance Minister can not exist under such circumstances because we are also functioning democratically. If there was any necessity, some amendments in respect of our State laws might have been made. But why should we give power to the Central Government to deal with our financial matters? I fully agree with the contention of Shri Sarmah regarding the treatment the Central Government has meted out to us in respect of financial aid and other developmental works for the last so many years right from 1950. Then

for protection from floods and erosions we have been hearing that our Government has represented the matter to the Central Government as also the Planning Commission to allot sufficient funds, but to no effect, and every time we hear that aid is not forthcoming from the Government of India. Sir, unless there is economic development of the State through industrialisation we cannot pull on like this. Development always means economic development and we have been repeatedly asking the State Government and the Central Government through the State Government to develop this frontier State through industrialisation or but it is known to everybody how we are being treated by the Central Government in this regard. We have been repeatedly demanding the second Oil Refinery, some jute mills, cement factories and other industries based on oil but the Government of India did not pay any heed to our demand. Sir, quite a number of times we have discussed in this House about the establishment of a petro-chemical industry in Assam but the Government of India has not done anything in this regard till to-day. Now, we have also heard that the Govt. of India



has rejected our demand for the second oil Refinery outright.

As I have said, Sir, the matter may be very small but it has great significance, and therefore, as a protest against the discriminatory treatment of the Government of India during the last 21 years, we are not going to allow them to collect a single farthing from here.

Now, what is the percentage of crude oil royalty we are getting from the Central Government? It is due to the pressure of the people and not due to any effort of the Government of Assam that the refinery was established here. But what have we gained by that? Hundreds of people have been rendered landless and a hand-full of people became rich by getting land compensation, and neither this Government nor the Government of India cared to rehabilitate these uprooted people. Sir, the percentage of employment in the oil refinery of our local people is only 25.8.%. We have been deprived of the oil royalty and every time we hear from the Govern-

ment of Assam that they have taken up the matter with the Government of India but nothing has come out.

Another most funny thing is that tea is produced in Assam but we are not enjoying the fruit of it; the Central Government is enjoying the fruits. Excise duty on tea has not been given fully to our State but this should be paid, and if necessary a legislation should be passed in this regard. Sir, crude oil is the blood of the people of Assam but we have not been paid the oil royalty and West Bengal and Behar are enjoying the royalty at the cost of the people of Assam. What is the justification of depriving us from these benefits? Are we to understand that the Government of Assam are sleeping over the matter? Did they not agree with us that the treatment meted out by the Government of India during the last 21 years in respect of financial aid and industrialisation and other matters was discriminatory? Are they giving us sufficient help? Our leader has rightly pointed out that Constitutional significance should be very carefully looked into. To-day there is the Congress



Government here but tomorrow this Government may be replaced by a non-Congress Government and if we give this handle to the Government of India then our people will suffer and they will be deprived of their legitimate benefit, and we will be empowering the Central Government to control our finance. Now as has been earlier stated, the non-Congress States have expressed their views about the maltreatment of the Central Government in respect of financial aid. But here we are having the Congress Government for the last 21 years but I must say that in comparison with other States what benefit do we get? If assessment is made from the economic point of view or from industrial point of view then you will find that we were the most neglected State in respect of getting sufficient grant from the Govt. of India. Though there are non-Congress Governments in other States, yet they are getting more than what we are getting from the Govt. of India. I think it will not be impertinent if I mention that only in the case of Assam that the Govt. of India constantly can make such kind of announcement

in respect of oil refinery. If it would have been the case of Gujarat, or Madhya Pradesh or Maharashtra or West Bengal, the Govt. of India has got no guts to make such kind of statement against the wishes of the people.

Mr. Speaker : How long will you take ?

Shri Dulal Chandra Barua :—Another 10 minutes, Sir.

( A Voice—Let him continue after lunch ).

### ADJOURNMENT

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

Shri Dulal Chandra Barua :—Mr. Speaker, Sir, I was dealing with the facts that in what way the Government of India is depriving the State of Assam in respect of giving financial assistance for the economic development of the State through industrialisation and other means. At the same time I was



pointing out that when the constitutional provisions are there to deal with the matters in respect of collection of revenue either this way or that way by the State Govt. itself there is no point to give some sort of handling to the Central Government for collection of Estate Duty. By doing so the Government will do harm to the democratic principles. Sir, if that is allowed it will be adding something to the concentration of power which will lead to the dictatorship as has been done in the matters of reorganisation. We have already discussed this matter in what way the Government of India is ignoring the popular opinion of this August House and popular opinion of the people of the State in so many matters including the issue of real ganeration of this state. Therefore, Sir, if this resolution is passed it will not be proper. During the time of Emergency these bills were amended because at that time the Central Government wanted some handling to control the finance which may be for the Defence purpose. But emergency is no more. There is no use giving an extraordinary power to the Government of India. I think it will be a failure on the

part of the State Government if they allow it, Therefore Sir, I feel when the Finance Minister has stated that it is done only for regularisation, But here it has been pointed out by our Leader that in the resolution it has been stated that "And Whereas it appears to this "And whereas it appears to this Assembly to be desirable that the matters specified in the Acts aforesaid should be regulated in the State by Parliament by law notwithstanding the expiration of the period of six months after the Proclamation has ceased to operate". Now it has been rightly pointed out by our Leader that since the emergency is lifted before six months there is no for passing the resolution. As I have already said earlier that the Government of India's attitude is doubtful in respect of industrial and other development, of the State of Assam. They are always overlooking this Eastern Regional State of India in all respects. Therefore, further handling if given to them will act as an impetus to their diverse attitude towards this Regional state. It has already been pointed out by Mr. Sarmah that Central Sector Projects which have been set up are not offering proper



treatment to our youths in matter of employment. Our boys are deprived of their legitimate rights. One instance I can cite just to point out in what way the Govt. of India and the Government of India officials behaving with us. Very recently about three months back an advertisement has been made by the P & T Deptt. for filling certain vacancies of telephone operators. They have received about 6000 applications, and when the results were about to be published they thought it would not be proper to give advantages to the local youths they are making hanky panky about it. That is our experience gathered during the last 21 years. Not only that when we go to them for certain financial help they will reject it or they will minimise it. If we go to the Third Plan we will find that out of the total demand only 1/4 has been acceded to. Therefore, I think it will be improper on the part of this Legislature to give a handling to the Central Government in our financial matter. It is for the Members of all Parties to consider it.

To my mind the treatment meted out to us by the Government of India is unfair and unjust. Therefore, Sir, by considering all these aspects I feel that we should oppose this resolution, from the constitutional point of view from the economic point of view and from the point of view of future consequences. If this resolution is passed here, this will be regarded as a precedence and on the plea of this precedence the Government of India may go to any length in extracting financial resources from our State. Therefore, instead of passing the resolution I would urge upon the Finance Minister to come forward with a resolution so that the excise duty on tea and full royalty on our crude oil-the crude oil that is sent out from here-may be given to us instead of the lion's share going to west Bengal and Bihar.

With these few observations I oppose this resolution. At the same time if we pass this resolution this will have no effect as the emergency is already over before 6 months. Therefore, I request the Hon'ble Finance Minister that instead of making his and our position embarrassing he should withdraw this resolution.



Shri Sailen Medhi:— Mr. Speaker, Sir, this resolution which has been brought forward by the Hon'ble Finance Minister has been opposed by many hon. members from this side as well as from that side of the House. In opposing this resolution my friends have elaborately discussed about the constitutional point and on merit also. Now, my learned friend the Leader of the Opposition Shri Gauri Sankar Bhattacharya has clearly defined that the resolution also implies a very fundamental point of politics. It is on this political aspect that I want to make some observations.

Sir, the Constitution of India envisaged some sort of a federal structure, in which the different States are autonomous units in their own sphere, exercising their rights and discharging their responsibilities free from the Central Government. Here, the very idea is to give a free hand to the different States to enable them to develop socially, politically, economically as well as in religious aspect. But because of the long 21 years' Congress rule, both in the Centre as well as in the different States, we in the States

always used to look to the Centre in all matters. Our party in power have got their high command in Delhi and so we in the different States used to look to Delhi for guidance and leadership. Therefore, the Centre used to wield powers which were not envisaged for them by the Constitution. Sir, if we look to the 7th Schedule of the Constitution, we shall find 3 lists the Central list, the State list and the Concurrent list. Here, the spheres of the Centre and the States are clearly defined. So far as the concurrent list is concerned, the Constitution has given a right to the Central Government to enact some Acts in time of emergency. Now, during the time of emergency the Central Government passed some Acts and these Acts were imposed on different States as well. But the period of emergency has elapsed and along with it the Acts which were passed by Parliament during that period have lost their validity, so far as the States are concerned. Therefore, it has become necessary to bring forward this resolution, which the Finance Minister has done according to the provisions of the Constitution. By this resolution, the



State Government wants to regulate those Acts which were passed by Parliament and which have already lapsed due to the expiration of the emergency period. Here, the Finance Minister has said that for the purpose of estate duty on agricultural land it is necessary for us to pass this resolution, so that other Acts which were passed in the Parliament in the period of emergency can be retained here. Sir, I have already observed that the Central Government had exercised wide powers during emergency at the cost of the powers and prestige of the different States of the Indian Union and had passed certain legislations. But now that the emergency is over they want to retain the validity of enactments passed during that period. I am, therefore, emphasising the political aspect of the whole thing. As I said, during the last 21 years, the same party was in power in the Centre and the different States and the leadership in the States used to look to the Central leadership for solving different problems of the respective States of the Indian Union. This had resulted in effective power

being concentrated in the hands of the Centre. As my friend Mr. Barua has said, due to this tendency on the part of our leadership, we the people of the different States have a feeling that we cannot exercise any power or do anything ourselves for our development. This has given rise to separatist feeling, a feeling of disruption, whose consequences we see in Nagaland, in Mizo Hills and other areas of the eastern region. There is a feeling among different sections of the people that in the present set-up we are not free, we are not safe and we cannot develop according to our resources. Therefore, to curb this feeling it is essential that the Centre exercises only those powers which are strictly assigned to it by the Constitution. Sir, even if we do not pass this resolution, the Central Government can act, as according to Article 252(1) of the Constitution, it has been clearly stated that "if it appears to a legislature of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the State except as provided in Article 249 and 250 should be regulated in such States by Parliament by law,



and if resolutions to that effect are passed by all the houses of legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly. And any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or where there are two houses by each of the Houses of legislature of that State". So, even if we do not pass this resolution, but 2 or more States pass it, the Parliament will be able to pass these legislations. But we should show to the Centre that the powers which have been delegated to us by the Constitution are sovereign powers and we want to exercise them according to our political, social and economic needs. we want to developme ourselves according to our ability and according to our resources. Then the question of Central Govt. employment is there and because of this question the people of different States are not feeling safe. Because of these things we want to oppose this resolution which has been brought by the Hon'ble Finance Minister. Emphasising this political aspect of

the thing I again oppose the resolution and ask the hon'ble members to oppose the resolution and I ask the Hon'ble Finance Minister to withdraw it.

Shri Giasuddin Ahmed :—I also oppose this resolution on the grounds put forward by my friends on this side of the House. I want to pause a question at the outset whether the Hon'ble Finance Minister expect a substantial contribution to the State exchequer from the Estate Duty. I say he cannot. As he stated that only 58 to 60 thousand rupees will be available from this source. It is very negligable and I think in future it will be nill in view of the progressive land reform policy which we are supposed to adopt at present or in future.

Shri Kamakhya Prasad Tripathi :—May I point out that it will not be nill but on the contrary it will go on increasing because prices of land in the rural areas are increasing very fast.



Shri Giasuddin Ahmed : I could not agree with the Hon'ble Finance Minister on this, Sir. We know that the State Acquisition of zamindaries Act was passed few years back with the provision that the ex-zamindars would be able to retain 400 bighas of private land. This land is again subject to the Assam Ceiling Act where provision has been made that only 150 bighas can be retained by any individual. Amendments to the Ceiling Act has been moved for reducing this to 100 bighas and our amendment to the amendment is this that it should be reduced to 60 bighas only. When the population is increasing day by day and pressure on land is increasing day by day we contemplate that there would not be such a big holding of agricultural land on which Estate duty could be assessed. When we expect considerable contribution from the Estate Duty we naturally contemplate big holdings of agricultural land, but in view of the land reform policy that we are going to adopt these big holdings of agricultural land will be absolutely impossible. So I am sure, in the very near future this 50 to 60 thousand rupees that is available

from the Estate Duty now will be reduced to nill. So to this resolution on Estate Duty on agricultural land is unnecessary. This is superfloous. Then again there is the question of principle also. Whether on principle we should delegate our powers to the Parliament to impose Estate Duty on agricultural lands here. I believe, all of us will agree that decentralisation of power is a great principle and decentralisation of power is essential for successful functioning of democracy. If democracy has to survive there must be de-centralisation of power. In the Constitution there is provision that legislation with regard to agricultural land will be made by the State legislature. But with regard to Estate Duty which is a central subject the State legislature may pass a resolution authorising the Parliament to impose the same. It is an option to the State legislature. Why we shall exercise that option. That option we could have exercised if it had augmented the financial resources of the State. Now in view of the land reform policy we are reducing the holding now or after some years and perhaps the private owner-



ship on land may have to be abolished. So the Estate Duty is out-dated. I am sorry, the Hon'ble Finance Minister has come in clash with the Hon'ble Revenue Minister. The Revenue Minister is against any big holding of agricultural land whereas the Finance Minister is contemplating big holdings which will earn a huge amount of Estate Duty. So the different Departments of the Government are coming in clash with each other and as such it is better on the part of honourable Finance Minister to withdraw the resolution and save the valuable time of the House.

Shri Kamakhya Prasad Tripathi: I had thought it would be a easy and a short discussion. The discussions have become very wide spread involving matters of State policy. If you put heavy burden on a small camel it is likely to expire. Therefore this debate itself is about to expire. Now firstly I am troubled by opposition from our own Benches. Shri Debeswar Sarma has raised objection which I have rather found difficult to understand. First point

he raised was 'has this House decided in principle that the Estate Duty should be levied on agricultural land?' May point out to this House that as far back as 1954 when there was no emergency the Assam Assembly passed a resolution authorising the Government of India to levy this on our behalf. So it is not a new principle which we are discussing to-day. On this, decision was taken as far back as in 1954. Therefore the question ....

Shri Gaurisankar Bhattacharyya : What is the text of that resolution. When a reference has been made to that it is better to read the contents.

Shri Kamakhya Prasad Tripathi : "Shri Moti Ram Bora,—Minister—Under article 269 of the Constitution of India the Central Government can levy Estate Duty on property other than agricultural land..... then his speech goes on. This is not a new principle we are determining to-day. The second question raised by Mr. Sarma is the question of 'Dayabhaga'. In Dayabhago system .....



Shri Gaurisankar Bhattacharyya I shall not get any chance to reply. I should intervene here. The present resolution and the previous resolution are not under the same Article of the Constitution of India. The previous resolution was under Article 252(1). Now what actually happened? What is the sum and substance? The difference so far as the article 252 (1) is concerned when 2 or more States request the Centre to pass a legislation on a subject which is in the State list the Central legislature may pass such laws but that will not be applicable to any other State until and unless that State decides to adopt that legislation. In other words that will remain in cold storage so long as the State concerned does not adopt it. I will read out the relevant provision of the Constitution,

“Any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by a resolution passed in that behalf by the House....”

Now, so far as the Act of the Central Government of 1953 is concerned, that was not passed at the request of the Assam Legislature. That was

passed at the request of some other Legislatures but that was there on the Statute Book. In 1954 this Legislature thought that the Act that was passed can be adopted for our purpose, and accordingly, this Legislature instead of going through the three stages of the Bill because at that time it fitted our purpose so we adopted it. The final adoption was by us. Now this resolution is not leaving anything for our final adoption. The present resolution is giving them or delegating to them that final adoption. In other words, abdicating our duties and responsibilities to the Centre.

Shri Kamakhya Prasad Tripathi :—The Hon'ble Member has made a distinction without difference.

Shri Gaurisankar Bhattacharyya :—In that case the final adoption was with this Legislature. In the present case the final adoption was with the Centre. This is a vast difference.

Shri Kamakhya Prasad Tripathi :—This is no difference at all because in Art. 252 it is said that the



State Legislature by a resolution may authorise the Central Government to pass Legislation for collection of Estate Duty on behalf of the State. Now, if a State has not passed a resolution before then it cannot get the benefit of the Central collection machinery. So in 1954 our State posthumously adopted this legislation. Now we are also posthumously doing the same because the Hon'ble Member himself states that the emergency expired in January and six months are over in July. So already we are out of date. Therefore, what we are trying to do is to do it posthumously. Therefore, Art. 252 is the only Article which we can utilise. The Hon'ble Member cited other articles. We have nothing to do with Section 249. It is the Council of States which ultimately on its own volition passes a motion and this will be applicable to various States, but in that case it will be applicable only for one year, and since it is an extraordinary procedure, taking the powers of the State by the Centre, therefore it is to be passed by a two-third majority. At present we are not exercising any power under Art. 249 Art. 250 is the emergency procedure. That is also killed.

because the emergency is withdrawn. So the only article that is open under which we can pass a resolution so that we may utilise the benefit of the Central Act machinery is Article 252, and this can be done by a resolution. Now if it appears to the Legislature of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by a resolution passed in that behalf by the House, or where there are two Houses, by each of the Houses of the Legislature of that State.

Therefore we are taking action under this. I have already explained that this is a resolution which will be in favour of the State because the



amount of money which is being realised from Estate Duty is very small and for this we cannot create a new machinery and it is not necessary to pass cumbersome legislation.

Shri Gaurisankar Bhattacharyya:—What are the concrete amendments, that has not been placed. Here in the resolution some eight legislations are mentioned but the amendments or the provisions of those legislations appear neither in the speech nor in the resolution.

Shri Kamakhya Prasad Tripathi :—We are not saying that certain amendments were passed because the emergency was over. What resolutions, what enactments will be necessary it is for the Government of India to decide whether in the form of passing amendments or future amendments or scrap there. We are authorising the Central Government to pass legislation so that they may collect also the Estate Duty on agricultural land.

Shri Gaurisankar Bhattacharyya :—How these two things can be same? By the present legislation you

want to authorise the Central Government to pass an Act. By a previous legislation this legislature already accepted the other.

Shri Kamakhya Prasad Tripathi :—Both the powers arise out of article 252. Hon'ble Member will see that article 252 provides for two contingencies—one is prospective and the other is retrospective. Therefore, what I am saying is that distinction is not necessary for the purpose of our present resolution. Our intention is to authorise the Central Government to collect Estate Duty on our behalf as our agent. The Hon'ble Member of course made some constructive suggestions that instead of authorising the Central Government why not utilise the machinery of Agricultural Income tax. May I point out to the Hon'ble Member that is not possible ; at present the machinery which we have got for collection of agricultural income tax is concentrated in Shillong. We have not appointed officers for assessment and collection of agricultural.....



income-tax in the field, in the districts so that no tax is, by and large, assessed and realised from the agriculturists throughout the State. Then the question of assessment of all people who have a particular income will be necessary and a very large net-work of assessment machinery will have to be created throughout the field and will involve considerable expenditure, and I have no doubt that expenditure will be many times more than what we are likely to get. Now, it will be appreciated that the fundamental principle of taxation is that the taxation machinery should consume the least part of the amount collected. If the taxation machinery is such that it consumes the whole or a bulk of the tax collected, then that taxation measure is bound to fail. Therefore the Finance Minister will not be worth his salt if he creates a taxation machinery which consumes the entire yield. I therefore cannot agree to pump out money from the people only to be consumed by the machinery which collects the tax. Therefore I have been obliged to come to the conclusion that in the present circumstances it is necessary that the collection might be handed over to them. When you

hand over the collection, you have to hand over the legislation power. But the Hon. Member has unnecessarily thought that it is abdication of power. We are not abdicating powers :

Shri Dulal Chandra Barua : On a point of clarification, Sir, then the entire Resolution has been brought forward just to empower the Parliament to enact the law for us. But this was only during the emergency period. Now the Emergency is already over.

Shri Kamakhya Prasad Tripathi : No, during the Emergency it was not necessary. Hon. Member is mistaken. During the Emergency it was not necessary for us to pass any Resolution; the Centre had automatically power for that under Art. 250. So during the Emergency this House did not pass any resolution, because no resolution was necessary then. Now that the Emergency is over, this necessity has arisen.

Shri Gaurisankar Bhattacharyya : No, that is not his point. The Hon. Member has said that in the Resolution some Amending Acts are mentioned. Now,



so far as the Amendments made during the Emergency are concerned—that is already over, because with the closure of the six-months from 10th of January, they lapsed. So, as the matter stands now, application of this law is non-existent for us. Am I clear? Therefore reference to this is not only unnecessary but misleading also. Even if we omit this reference, it will not in any way weaken the Resolution or its purport.

Shri Kamakhya Prasad Tripathi: I fully agree. But this is the historical back-ground. I fully agree that if we had omitted this reference nothing would have been lost. But history pursues us, what can we do. Therefore I say that I have been obliged to come to the conclusion that it is in the interest of the State to authorise the Central Government to collect this money. This is so small. There by we are not abdicating our power. The Constitution is not amended. So the power is with the State Government, and the State Government is authorising the Centre to act as its agent. Supposing when the mauzadars collect money from the people, and they

do so as the agent of the State Government, do the State Government thereby abdicate their power? Because the mauzadars collect money from the people on behalf of the Government, that does not mean that the State Government has no power.

Shri Gaurisankar Bhattacharyya : Because the Deputy Commissioner has power to call for the help of the Military authority under certain circumstances, will not people call that Deputy Commissioner a mad man who calls for Military aid every day? So this Legislature is shirking its responsibilities when it is not discharging its duties given by the Constitution and shirking it to the Central Government.

Shri Kamakhya Prasad Tripathi:— You have charged us with abdication of power. I am only saying this is not abdication but this is simply utilisation of the services of the Government of India as the agent of the State Government for the benefit of the people of the State. If at any time we come to the conclusion that we will be able to collect more money by our own machinery, well, we will



be able to do it and there is no difficulty, because we have the power. Hon. Members are aware that in many ways the State Governments utilise the Central Government as their agent and so also the State Governments are utilised by the Central Government. The two Governments are not different; they are the same. There is no antagonism between the Central Government and the State Government. This brings me to the tone and temper of the debate in State Assemblies, i.e. the question of Centre-State antagonism, particularly after Shri Namboodripada and later the D.M.K. introduced this controversy.

Shri Hiralal Patwary:— I saw in the newspapers Sir, the Andhra Chief Minister himself had said in an open meeting that the Congress is our enemy.

Shri Kamakhya Prasad Tripathi:—We have no knowledge of that. Hon. Member will remember that I am not Andhra's Chief Minister. We are not discussing here about the courage, but we are discussing here about the constitutional provisions. What I

wanted to say is that we are trying to utilise the Central Government for the purpose of this small collection, and thereby we are not going to abdicate our power or authority. The authority continues because it cannot be abdicated, because the Constitution provides it. Unless the Constitution is amended that authority cannot be changed. What we want to do now is to utilise the Central Government as our agent and that is only now being sought to be done.

Shri Dulal Chandra Barua :—It was then of no use the House moving the yesterday's proposal in respect of reorganisation.

Shri Kamakhya Prasad Tripathi :—Each thing in its place is best. When we were discussing that resolution, then we were justified, and when we are discussing this resolution this is also justified.

M. Samsul Huda :—This speaks of inefficiency on the part of Government.

Shri Kamakhya Prasad Tripathi : We do not



claim that we are very efficient. Neither can the Hon. Member claim himself to be so. We are in the same boat.

Shri Dulal Chandra Barua : We have seen you in the field for the last twenty years whereas you have had no occasion to see our performance.

Shri Gaurisankar Bhattacharyya :—When every Legislature is complaining that the Centre is usurping their powers we are going to handover some of our responsibilities to them. We are also well aware what injustices are being done to us and other States by the Centre.

Shri Kamakhya Prasad Tripathi :—Therefore, we are not handing over any power but it is giving agency only to the Centre power.

Shri Dulal Chandra Barua :—It may be that tomorrow another Ordinance is passed and we may hand over more responsibilities to the Centre. It is not in the provisions of the Constitution and the

Minister is going to empower the Central Govt. as their agent.

Shri Kamakhya Prasad Tripathi :—By Article 252 of the Constitution the State Government may utilise the services of the Central Govt. when necessary.

Shri Dulal Chandra Barua :—The word is 'may' utilise and not 'shall'.

Shri Kamakhya Prasad Tripathi :—How can the hon. Member say that I am not functioning under the Constitution. We are functioning absolutely under the Constitution.

Shri Dulal Chandra Barua :—Why not give the entire powers to them ?

Shri Kamakhya Prasad Tripathi :—Why should we ?

The other point which was raised by Shri Giasuddin Ahmed was that gradually the Estate Duty will vanish into nothing because according to the land



policy of the Govt. individual holdings will be reduced gradually and therefore there will be no Estate Duty to collect. This is not correct. Now, I was calculating if there are hundred bighas of land and each bigha costs 1 thousand rupees than the total valuation of 100 bighas would be a lac of rupees. The other day while I was passing by a sugar plantation in Mysore I was informed that each bigha of land there costs Rs. 5,000 and 20 bighas will cost 1 lac rupees, so the land prices are the determining factor for consideration.

Shri Giasuddin Ahmed :—I think, this figure is exaggerated. Assam lands prices are not so high.

Shri Kamakhya Prasad Tripathi :—I was speaking about Mysore.

Shri Dulal Chandra Barua :—It is not Mysore, it is Assam.

Shri Kamakhya Prasad Tripathi :—The hon. friend has not followed the logic. What I am saying is

that the land price is dependent upon crop prices. Hon. Member will remember that there were in the past lot of people in Assam who are surrendering their land because there is no income from the land because the value of crop was negligible.

Shri Dulal Chandra Barua :—Not now-a-days. It seems that the Finance Minister is opposing his own policy.

Mr. Speaker—Let us hear the Minister first and then if anyone wants clarification he may put the same.

Shri Gaurisankar Bhattacharyya :—There is a point of privilege. The point is that the Minister is trying to mislead the House. I was shouting again and again that the Minister is confining himself to Clause (1) of the Article 252 but he should remember that there is also Clause (2) of the same Article. He says that he is authorising the Central Govt. on our behalf to collect the tax as our agent and not that we are abdicating our powers. Now, if we



look to clause 2 of Article 252, we find that what the Minister told us is misleading because Article 252 (2) reads :—

“Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applied, be amended or repealed by an Act of the Legislature of that State.”

So it is not a question of making the Central Govt. our agent only but it is a question of abdication and hereafter if we want to amend we will have no powers to amend. It is not a question of Rs. 58,000 but it is a question 58,000 tons of our prestige. On that the Minister should not mislead the House.

Shri Kamakhya Prasad Tripathi :—When the lawyers argue in the court both the sides interpret the law in their own way. Therefore, hon. Member is arguing from one point of view and myself from another point of view the same law. That I am trying to mislead is not correct. Whenever we want

to we may take back the power and make our own legislation. So long we allow the Centre to collect fund for us they should also amend the legislation, it will be proper thing to do. But when we want we can withdraw that commitment and have our own legislation.

Shri Dulal Chandra Barua : The Minister said that we are simply empowering the Govt. of India to collect this tax as our agent. But it should be remembered that time may come when we may feel to take back the power then where is the provision in this regard ?

Shri Kamakhya Prasad Tripathi :—Under Article 252 the Central Government power will last only so long as our authorisation will last.

Shri Dulal Chandra Barua : But where is the provision by which we can urge the Central Government ? Where is the power ?

Shri Kamakhya Prasad Tripathi :—The power of the Central Government arises only on under authorisation.

( Interruption )

Shri Dulal Chandra Barua :—Then we are to enact law. But where is the provision to do that ?

( Interruption )

Shri Gaurisankar Bhattacharyya :—Sir, I am saying that the Minister is trying to mislead the House.

Shri Kamakhya Prasad Tripathi —I do not agree to the interpretation given by the hon. Member.

Shri Dulal Chandra Barua : Sir, I want to know from the hon. Minister from where we can get provision to move the Central Government to withdraw this Act ? If they refuse, under what provision we can request them to enact law ?

Shri Kamakhya Prasad Tripathi :—The provision is in the State List. Whatever is in the State List, is ours. Authorisation resolution can be counter-amended or withdrawn.

( Interruption )



Shri Dulal Chandra Barua :—Sir, may I draw the attention of the hon. Finance Minister to Clause (2) of Article 252 of the Constitution where it is stated—

“Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in the like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of Legislature of that State.”

We want to have an explanation of it. What does it mean ?

Shri Kamakhya Prasad Tripathi :—I have already given the explanation. If the hon. Members do not listen to what I say, what can be done. I had to answer all the questions put by honourable members one by one. The power to levy estate duty on agricultural land given in item 48 of the Seventh Schedule of the Constitution, is in the State List. Now, what we are doing ? We are authorising the Central Government not by amending the State List but under 252. Therefore, the power continues to be in the State. The Central Government will become

an agent so long the resolution is there. If the resolution disappears then the power falls.

Shri Bishnu Ram Medhi :—Sir, is it possible to add till the resolution is not withdrawn ?

Shri Kamakhya Prasad Tripathi :—It is not necessary. It was passed in 1954. ....

Shri Gaurisankar Bhattacharyya : Pettifogging কথাটো ভাল নহয় ।

( গোলমাল )

মই এইটো অসমীয়াতেই কওঁ। কথাটো হৈছে এইটোৱেই যে এটা প্ৰস্তাব কৰি আমি কেন্দ্ৰক কৰ পাৰোঁ। হজুৰ সকল, আমি অক্ষম। আপোনালোকেই আইন কৰক। তেওঁলোকে আইন কৰিব। কিন্তু তেওঁলোকে যি আইন কৰিব সেই আইন পৰিবৰ্ত্তন কৰিবলৈ আমাৰ হাতত যে ক্ষমতা নেথাকিবই, আনকি আমাৰ ভবিষ্যৎ বংশধৰসকলৰ হাততো সেই আইন পৰিবৰ্ত্তন, পৰিবৰ্ত্তন বা সংশোধন কৰাৰ ক্ষমতা নাথাকিব। সেইবাবে বৰ্ত্তমানৰ এই প্ৰস্তাৱটো যে কেৱল আমাৰ বৰ্ত্তমানৰ কাৰণেই ক্ষতিকৰ তেনে নহয়। ইয়াৰ দ্বাৰা আমাৰ ভবিষ্যৎ বংশধৰ সকলৰ কাৰণেও কন্দনৰ বীজ হৈ ৰোপন কৰি দি যোৱা হ'ব। সেই কাৰণে এনে অপকৰ্ম্মৰ দ্বাৰা আমাৰ ভবিষ্যৎ বংশধৰ সকলৰ সৰ্বনাশ কৰাৰ কোনো অধিকাৰ এই সদনক দিয়া হোৱা নাই।

Shri Kamakhya Prasad Tripathi : Sir, instead of meeting the arguments, Hon. Member has attacked me personally. If the case is weak, it is customary to attack the opposite lawyer. In view of the explanation given, hon. Members should see that we are utilising the agency for the time being so that without incurring any expenditure we may be able to do it.

Shri Gaurisankar Bhattacharyya : কিছুমান মাহুহে দেখিছে। অসমলৈ আহি অসমখন খাইহে যাব।

Shri Kamakhya Prasad Tripathi : Personal grudge দৈল তেনেকৈ কোৱাটো উচিত নহয়।

Shri Dulal Chandra Barua : The Finance Minister said that for the time being we are utilising the agency. But to do that we require some provision. Where is such provision ?

Shri Kamakhya Prasad Tripathi, Minister : Article 252 abundantly clarifies that the Central Government has no power except under authorisation ....

( Interruption )



Shri Dulal Chandra Barua : How can you give that authority ?

Shri Kamakhya Prasad Tripathi : If Assam Legislature later on pass a resolution withdrawing it, in that case, that legislation will not be applicable to Assam. The principle of interpretation is delegated power cannot become absolute power.

Shri Hiralal Patwary : মাননীয় অধ্যক্ষ মহোদয়, আমাৰ যি সকলে এই প্ৰশ্নটো কৰিছে, প্ৰশ্নটো তেনেই স্পষ্ট। মাননীয় মন্ত্ৰী মহোদয়ৰ পৰা জানিবলৈ বিচৰা হৈছে যে কোন provision মতে এই কথাটো withdraw কৰিব পৰা যাব। মই এটা উদাহৰণ দিওঁ এজনী ছোৱালী বিয়া দি বাপেকৰ ঘৰৰ পৰা উলিয়াই দিয়া হ'ল। সেই ছোৱালী জীয়াবীৰ পৰা বোৱাবী হ'ল। তাৰ পাচত লৰা-ছোৱালীৰ মাক হ'ল। মাক হোৱাৰ পাচত সেই বোৱাবী পুনৰ জীয়াবী কৰি বাপেকৰ ঘৰলৈ পুনৰ লৈ আহিব পাৰিণে? সেই দৰে এবাৰ আইন প্ৰণয়ন কৰি সেই আইনৰ ক্ষমতা হস্তান্তৰ কৰিলে পূৰ্ণ হ'ব সেই ক্ষমতা ঘূৰাই অনাৰ provision ক'ত? আমাৰ আইনৰ বাপেক হ'ল constitution. বাপেক হৈ বিয়া দিয়া ছোৱালী পুনৰ বাপেকৰ ঘৰলৈ ঘূৰাই অনা বাপেকৰ ক্ষমতা ক'ত? এই কথা মাননীয় মন্ত্ৰী মহোদয়ে আমাক জনাব লাগে।

Shri Kamakhya Prasad Tripathi : আজি কালি বহুতো বিয়া হোৱা ছোৱালীয়ে Divorce কৰে। কথা হল Divorce কৰি বাপেকৰ ঘৰলৈ ঘূৰি অহা ছোৱালীৰ যোজনা আৰু পতন্ত্ৰৰ এই সদনত স্থান নাই। সেই কাৰণে আলোচনাৰ যুক্তিত সন্মত হ'ব নোৱাৰিলো।

Shri Atul Chandra Goswami : আমাক এনে দৰে কলে নহ'ব। যদি আমাক দেখুৱাই দিয়ে কোন provision মতে Resolution withdraw কৰিব পাৰি তেতিয়াহে বিবেচনা কৰি Resolution টো গ্ৰহণ কৰিব পাৰিম ?

Shri Kamakhya Prasad Tripathi :—Article 250 অনুসৰি যেতিয়া 'ইম্বাজেন্সী' নাথাকে তেতিয়া কেন্দ্ৰৰ, State list ৰ বিষয়ত আইন প্ৰণয়ন কৰাৰ কোনো অধিকাৰ নাথাকে। তেতিয়া Article 252ৰ মতে Resolution Pass কৰিহে সেই অধিকাৰ দিব লাগে। এতিয়া Article 252 ৰ মতেহে এই Resolution Pass কৰিবলৈ লোৱা হৈছে।

Shri Dulal Chandra Barua :—আমি যেতিয়া এবাৰ Resolution Pass কৰি ক্ষমতা কেন্দ্ৰলৈ হস্তান্তৰ কৰিলো তাৰ পাচত সেই ক্ষমতা পুনৰ ঘূৰাই অনাৰ অধিকাৰ কত ?

Shri Kamakhya Prasad Tripathi :—আপোনালোকৰ কাৰণে constitution ৰ 7 Schedual ৰ State list B (No) 43. আছেই। Government of India ৰ পৰা এনে অধিকাৰ পোৱা নাই আৰু List B ক এনেকৈ বিকৃত কৰাটো ভাল নহয়। কাৰণ কথা হৈছে এই State list ৰ Schedule 7 ৰ list 'B' ৰ 48 ত যি আছে সেই কথাই আপোনালোকৰ স্বার্থ পূৰণ কৰিব লাগে। কিন্তু ই যদি আপোনালোকৰ স্বার্থ পূৰণ কৰিব নোৱাৰে তেনেহলে মই কি কৰিম? তাৰ কাৰণ Article ২৬২ ত যেনেকৈ কৈছে তেনেকৈ কৰিবলৈ আমাক জানো অধিকাৰ দিলে? আৰু এই Resolution Pass কৰিবলৈ আমাৰ ভিতৰতে যদি বহুতে বাধ্য নহয় তেনেহলে আমাৰ স্বার্থ বক্ষা হ'ব কেনেকৈ?

Shri Gaurisankar Bhattacharyya — আমি যদি এইটো Resolution বুলি ভাবো বা ছুই বা বেচি State য়ে কয় বা আইন কৰে তেনেহলে State List ত থকা বস্তুটো এই প্ৰস্তাৱ অনুযায়ী Transfer হৈ গৈছে, আৰু সকলো দায়িত্ব Centre ক অপৰ্ণ কৰি দিয়া হৈছে। এই ক্ষেত্ৰত Lean বন্ধা কোনো Provision সংবিধানত নাই। Lean ৰ বিষয়ৰ কথা ইয়াত ব্যাখ্যা কৰিও দিয়া হোৱা নাই। অমুক সংবিধানৰ অমুক ছেদত যদি এনে কোনো ব্যৱস্থা আছে বুলি কোনোৱাই দেখুৱাই দিব পাৰে তেতিয়া হলে আমি মানি লম। বৰং সংবিধানত স্পষ্টকৈ কোৱা আছে। সাধাৰণ ভাষাত কবলৈ হলে— যদি



এবাব তেওঁলোকক ক্ষমতা দিয়া হয় তেন্তে “জীয়াবী ছোৱালীক বোৱাবী কবাব দৰে হ’ব। পাৰ্লামেন্টৰ যিটো গতানুগতিক গতি সেইটোৰ মতে তেওঁলোকে আইন কৰিব লাগে। কিন্তু এবাব যদি তেওঁলোকে আইন কৰে তেন্তে সেই আইন সংশোধন কেনেকৈ হ’ব!

Article 250, clause II ত কৈছে এবাব যদি আইন কৰা হয় তেনেহলে তাৰ সংশোধন ৰাজ্য চৰকাৰে কৰিব নোৱাৰে। ই নীতি বাচকেই হওক বা অতি বাচকেই হওক। যেতিয়া আইন সংশোধন কৰিবলগীয়া হয় পাৰ্লামেন্টে অন্য আইন সংশোধনৰ ক্ষেত্ৰত যি ভাবে আইন কৰে সেই ভাবেই কৰিব। মই পঢ়ি দিছো— Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner ..... “but shall not as respect any State to which it applies be amended or repealed by an Act of the legislature of the State.” এইটো হৈছে পাৰ্লামেন্টৰ কথা। অৰ্থাৎ যেতিয়া State ৰ বেলিকা এই clause টো প্ৰযোজ্য হয় তেতিয়া তাক Amendment কৰিব নোৱাৰে। Article 252 clause II ত স্পষ্টভাৱে যি Provision আছে তাত যদি সংশোধনৰ কিবা ব্যৱস্থা দেখুৱাব পাৰে তেন্তে আমি মানি লম। এইটোৰ আন ব্যাখ্যা কিবা হব পাৰে বুলি আমি নাভাবো।

**Shri Kamakhya Prasad Tripathi:**— এইটো লিয়েনৰ কথা নহয়। আমিও কৈছো যে State Legislature এ amendment কৰিব নোৱাৰে। Item 48 ৰ মতেও Amendment কৰিব নোৱাৰে।

**Shri Dulal Chandra Barua:**— আমাৰ মন্ত্ৰী সকলে কৈছে State List ৰ বিষয়ত এবাৰ কেন্দ্ৰক empower কৰি দিলে Resolution ৰ দ্বাৰা তাক withdraw কৰাৰ Provision নাই। কিন্তু আকৌ কৈছে যে Resolution লৈ, পাছ কৰি দিলে হৈ যাব। এই কথাটো কোন Article ত আছে ?

**Shri Nakul Chandra Das:**— অধ্যক্ষ মহোদয়, মই এটা প্ৰশ্ন কৰিব খোজো যে আমি যেতিয়া এটা প্ৰস্তাৱ Pass কৰি আইন কৰিবলৈ কৰ পাৰো সেই আইন খন Repeal কৰিবলৈ কৰ পাৰোনে নোৱাৰো ?

**Shri Hiralal Patowary:**— চাব, মই এটা প্ৰশ্ন কৰিব খুজিছো যে সাধাৰণ কথাত কৰ খুজিলে কথাটো এনেকুৱা হয় “জীয়াবী কৰোৱাৰী কৰাৰ পাছত জীয়াবী কৰিব নোৱাৰাৰ দৰে এবাৰ আইন প্ৰস্তত কৰিলে তাক withdraw কৰিব কেনেকৈ !

## A Voice

Divorce কবিলে বোৱাবী ভীষণী হ'ব।

আমি বাবে বাবে প্রশ্ন কৰিছো যে সংবিধানৰ কোনটো clause ৰ দ্বাৰা এখন আইন withdraw কৰিব পাৰিম! Resolution ত স্পষ্ট ভাবে কোৱা আছে It is very clear. It is said, 'Now, therefore this Assembly hereby resolves in pursuance of Article 252 of the constitution that the matters specified in the Acts aforesaid in so far as they relate to setate duty in respect of agricultural land should be regulated in the State by Parliament by law.'

গতিকে যেতিয়া Article 252, clause II ত পৰিস্কাৰ কৈ কৈছে। The language of clause 2 of 252 is clear. So, we want to know from the hon. Minister where is the provision by which we can adopt a resolution withdrawing that Power? We want a simple answer

Shri Kamakhya Prasad Tripathi: — The authority of the Government of India arises only because of the resolution and continuance of the resolution. ধৰক, এটা ঘৰৰ এটা খুঁটা আছে। খুঁটাটো উঠাই নিলে ঘৰটো পৰিবহঁ।



Shri Dulal Chandra Barua:—এইটো কোনো যুক্তি নহয়। স্বৰ্গটোত পকা খুঁটা দিলে সেইটো ভাঙিব নোৱাৰে। খুঁটাটো ভঙ্গাবো কোনো Provision নাই। এই কথাটোকে আনি বাবে বাবে স্মৃতি আছে।

Mr. Speaker:—I hope it is so because no amount of argument in favour or against will solve this question. Similar questions were raised also in the House. It is a matter of interpretation. Here the main question raises is whether the powers given to the Central Government to legislate something in regard to a matter in the State List can be withdrawn or revoked by a resolution of this House showing the intention of the House to withdraw that authority which was given to the Central Government.

Now, one of the views is that there is no provision in Article 252 under Clause (1) or under Clause (2) authorising or empowering the State Government or the State Assembly to adopt a resolution withdrawing the powers once given. On the other side, it is said that when two or

more States for some reason or for some advantage have empowered the Central Government to legislate in the matter of Estate Duty on Agricultural Land is in the State List, then on the request of the Legislature concerned the Central Government will rather amend or repeal its own Act for the advantage of the State. That is the interpretation given by the Finance Minister who says that when we have by a resolution authorised the Central Government to legislate in certain matters relating to the State List, we can also approach the Central Govt. by a resolution withdrawing that power to us for our own benefit. The Finance Minister also said that it is within the competence of the State Govt. to adopt a resolution withdrawing the power given to the Central Government. These are the two ways of interpretation given as regards the issue.

Here of course, I am not expressing any opinion on this. But the fact remains that any Act so passed by Parliament may be amended or repealed by an Act of Parliament but shall not, as respects any State to which it applies, be amended or repea-

led by an Act of the Legislature of that State. It is for the House to accept this interpretation or that interpretation. I Would not express opinion on this

Shri Mahendra Mohan Choudhury : Mr. Speaker, Sir, I want to submit one thing. In a controversial matter like this which does not involve a point of order, I think it will be embarrsing on the part of the House if you pass any opinion or give any decision on the disputed point.

Mr. Speaker :—I am only explaining the different points of view when both sides of the House are not agreeable. It is for the House to accept this side or that side. Therefore, I think so far as the interpretation of that issue is concerned, that matter may be closed.

Shri Gaurisankar Bhattacharyya :—Sir, may we suggest that as this is a matter of interpretation of the Constitution and this will have very far-reaching effect, and as our understanding may be wrong or there may be some flaw in the understanding of



the Government, the matter may be referred to the Advocate General for his opinion. So, on this specific issue as to whether after the State Legislature under Article 252, Clause (1), authorise the Central Govt. to do certain things whether there after the State Legislature can in any way withdraw that authority according to the Constitution. On that point it will be better if the opinion of the Advocate General is sought. I think that the opinion given by the Finance Minister is entirely wrong.

Shri Mahendra Mohan Choudhury : Sir, on this issue if the House so desires the opinion from the Advocate General may be obtained. But that is not relevant to the resolution we are discussing now because in this resolution we are conferring authorities to the Central Govt, to make and pass a law on our behalf and collect the Estate Duty on agricultural land. That is the point. The question now is whether the legislation will be permanent or temporary. It may be contended by the hon. Members that if it is a permanent thing it is bad for the State. But that will not stand in the way of

passing this resolution. For that reason the Hon'ble members may outvote the resolution. Therefore, for satisfaction of the hon. Members of the House you may take the opinion of the Advocate General if you think necessary. But for the purpose of passing this resolution, there is no necessity of taking the opinion of the Advocate General.

Shri Gaurisankar Bhattacharyya :—Why may we not take the opinion of the Advocate General? In order to satisfy ourselves, let it be a little delayed. Whether it is passed to-day or after a few days, it matters little. If it is a temporary measure we may agree. But in such matters there should be clear understanding on our part. What is the harm in obtaining the opinion of the Advocate General on it? May we not take his opinion? I am not going to reopen the entire matter. But only on this point whether after once we authorise, there after we can withdraw that authority.

Shri Kamakhya Prasad Tripathi :—I do not think, Sir, any interpretation is necessary at this stage.

Shri Hiralal Patwary :—Sir, with due regard to the hon. Members as well as the Ministers, we are doing many things in a wrong way. We have created Pakistan and after the creation of Pakistan....

Shri Kamakhya Prasad Tripathi :—This resolution was introduced in the last Budget Session.

Shri Hiralal Patwary :—We have created Nagaland. So with bright hope we are doing things. But our action becomes reaction. So with a bright hope we are authorising the Govt. of India but what will happen God knows. When the Non-Congress Govt. will sit or the Government of India will be non-congress I do not know what will be the reaction. What is the harm if we take the opinion of the Advocate General of India for our guidance. What is the hurry. We should not be so hurry about the matter because thereby we shall not loss anything. So I appeal to the Honourable Finance Minister not to make hurry, because this will bring confusion and so on.



Shri Kamakhya Prasad Tripathi :—I have already said that we have not been in a hurry. This was introduced in the Budget Session and it was kept pending since then, Therefore, nobody can charge us that we are in a hurry. I have tried my best to explain it to the House. I conclude now.

Shri Dulal Chandra Barua :—When the hon. Finance Minister is agreeing that they are not in a hurry then what is the harm if it is referred to the Advocate General of India for interpretation.

Shri Kamakhya Prasad Tripathi :—It is unnecessary, and not relevant to the issue.

Shri Dulal Chandra Barua :—We are raising a constitutional point and the hon. Finance Minister is saying that it is not relevant.

M. Shamsul Huda :—They may of course get it passed by the majority vote but we cannot agree to that.

Shri Mahendra Mohan Choudhury :—Now the debate has been closed. The Finance Minister has already concluded his speech. Now, Sir, it is upto you to decide.

Shri Gaurisankar Bhattacharyya :—So, you are not agreeable to take the opinion of the Advocate General of India ?

Shri Mahendra Mohan Choudhury :—I have already said that these points are not very relevant to be referred to the Advocate General of India.

Shri Kamakhya Prasad Tripathi :—Sir, the interpretation of the Advocate General will not be final. The interpretation of the Constitution is final by the Supreme Court.

Shri Dulal Chandra Barua :—Sir, for clarification we wanted it.

M. Moinul Haque Choudhury :—Mr. Speaker Sir, it is a misconceived debate. Whether this House

is competent to take the resolution or not shall have to be decided by the Speaker himself. There is no question of Supreme Court at this stage. It is a question of jurisdiction and competency of the House. If the Speaker cannot take the decision by himself well he may consult the Advocate General or any other expert.

Shri Kamakhya Presad Tripathi —How the question of....

M. Moinul Haque Choudhury : I am not giving way to Mr. Tripathi. This question of jurisdiction shall have to be decided by the Speaker and nobody can stand on the way ( Applause ).

Mr. Speaker :—Here the question is whether the House is competent to pass the resolution. That is the question to be decided upon. It is not the question of admissibility or inadmissibility. It is the question of jurisdiction and I hold that the question of interpretation cannot be a barrier against adoption of such resolution by this House. Now, we are to



find out whether this House is competent to adopt this resolution and for that whatever may be the interpretation by different sections of this House the House is competent to adopt this resolution.... (noise) ..... For the purpose of interpretation the Member have taken different ways. ... ( Noise ) ..... Therefore I put the question.

.... Noise ....

Shri Dulal Chandra Barua :—May I submit that you have got every right to give your ruling according to your observation. But the question which is raised is on a Constitutional point. Different members have given different interpretation. They may be correct, they may also be incorrect. The Ministers cannot say definitely that they are cent percent correct. This is a very delicate point. We should not think that we are here for all times to come. Somebody else may come after us. It is not a question of prestige, it is question of interpretation. Therefore, Sir, I think that you can very well refer it to the Advocate General for interpretation.

Shri Phani Bora :—Sir, I thought that it was a very small matter and therefore I did not like to participate in the debate. Now after hearing the discussion here I have come to the conclusion that it is a very serious matter. The question is not whether this House has got the jurisdiction or the authority to pass a resolution or reject it. We know what will be the fate of the resolution if it is put to vote. The question is, if such a resolution authorising the Central Government, the Central legislature to enact a legislation on the State subject is passed, means for any closing the door for re-opening, to bring the matter back that power to the State legislature then it is very serious thing. Had it been a temporary measure of course there would not have been any objection. But the interpretation is, once it is delegated we cannot take it back. If it is so it is very serious. Now by majority votes if it is passed we are not going to accept it and we are not participating in the vote. I sincerely thought that since the problem is a delicate and important one, your honour would seek some advice from the Advocate General, but in your wisdom you have decided

not to take the advice of the Advocate General before giving your final ruling. So since you have done so, if you proceed to put the resolution to vote we are not going to participate in the vote and we will dis-associate from passing of this a resolution.

Shri Mahendra Mohan Chaudhury :—Mr. Speaker, Sir, I respectfully submit that we are discussing a resolution, the debate on the resolution has concluded. Therefore, Sir, at this stage how a point arises for the Speaker's ruling I do not understand. Because if a ruling was necessary then before the discussion on the resolution took place should have been brought and that was the opportune moment to raise, but they did not do that. Now after the conclusion of the debate on a subject upon which the House has the full jurisdiction to pass or reject they have raised a point of order. This is against the ordinary rules. The ordinary rule is as soon as a debate on a resolution is concluded the Speaker's duty is to take the sense of the House. That is the ordinary accepted course and legal course which is in conformity with all Parliamentary Procedures. Sir,



I submit, repeat which I submitted already that whether the authority will be permanent or temporary, it has got nothing to do with the resolution. That has nothing to do with the purpose of passing it. The Finance Minister said that the delegation is temporary and in the like manner what we have delegated by this resolution may be taken away. On the other side interpretation has been that the authority which is given to-day will be a permanent one. Suppose once the authority is given it can not be taken away even then I believe nothing stands on the way for passing the resolution.

Shri Atul Chandra Goswami :—এই প্রস্তাব পাচ কবি দেশৰ অন্যান্য কবিবলৈ অধিকাৰ চৰকাৰৰ নাই।

Mr. Speaker—I have heard both sides. I have already said that I do not think that it is a question of admissibility or non-admissibility of the resolution or a question of jurisdiction. Supposing the Advocate General says that it is a permanent delegation of power still this resolution will stand and the House

will vote for it, and if the Advocate General says it is a temporary delegation, still the resolution will stand and the House will vote for it. The Hon'ble members have debated the resolution and the Minister has already replied. Therefore, I put the question for to decision of the House.

Shri Gaurisankar Bhattachayya—We shall not participate in a resolution which wants to bury not only ourselves but our future and therefore unless and until the Government agree to make the position clear whether this delegation will be only temporary we are not going to be party to this resolution because if the contention of the Finance Minister is correct that we have given the power for the time being and we may take it back then we may agree to this resolution. But if the correct interpretation is that once we delegate the power, we shall have nothing have to do with it then it will be very dangerous not only for the present generation but for the generations to come. Therefore as you have said you are going to put the matter we shall make it clear that we walk out of the House as a

protest against the insistence of the Government to pass it.

(The Opposition the walkdout)

Mr. Speaker—Now I put the main question that the resolution moved by Shri K.P. Tripathi, Minister, Finance as under be passed: “WHEREAS during the period of operation of the Proclamation of Emergency the Estate Duty Act, 1953 ( 34 of 1953 ), has been amended by Parliament by the following Acts, namely:—

1. The Central Boards of Revenue Act, 1963 ( 54 of 1963 ),
2. The Finance Act, 1964 ( 5 of 1964 )
3. The Taxarion Laws ( Continuation and Validation of Recovery Proceeding ) Act, 1964 ( 11 of 1964 ),
4. The Direct Taxes ( Amendment ) Act, 1964 ( 31 of 1964 ),



5. The Finance Act, 1965 ( 10 of 1965 ),
6. The Finance ( No. 2 ) Act, 1965 ( 14 of 1965 ),
7. The Taxation Laws ( Amendment and Miscellaneous provisions Act ), 1965 ( 41 of 1965 ) and
8. The Finance Act, 1966 ( 13 of 1966 )

AND WHEREAS under Clause (2) of Article 250 of the Constitution the Acts, aforesaid in so far as they relate to estate duty in respect of agricultural land, shall cease to have effect on the expiration of a period of six months after the proclamation has ceased to operate ;

AND WHEREAS after the proclamation has ceased to operate, Parliament has no power to make laws for the State except as provided in Article 249 of the Constitution with respect to matters specified in the Acts aforesaid in so far as they relate to estate duty in respect of agricultural land ;

AND WHEREAS it appears to this Assembly to be desirable that the matters specified in the Acts aforesaid should be regulated in the State by Parliament by laws notwithstanding the expiration of the period of six months after the Proclamation has ceased to operate ;

NOW, THEREFORE, this Assembly hereby resolves in pursuance of Article 252 of the Constitution that the matters specified in the Acts aforesaid in so far as they relate to estate duty in respect of agricultural land should be regulated in the State by Parliament by Law”

( The motion was adopted and the resolution was passed ).

Shri Gaurisankar Bhattacharyya :— I have not finished my reply and I want to finish it as quickly as possible.

Sir, both the motions were taken together—one motion was with regard to the question of production

and distribution of foodstuff, and the other was generally with regard to the deteriorating food situation causing great hardship to the people of this State. Sir, I do know that all or almost all members of this House have participated in the discussion of this motion because the subject is very important

“আগতে চাউল কটা তার পিচত হে হরি কথা”

or in other words

“অন্নং ভবতি ভূতানি”

When food is the issue it was only natural that all the Hon'ble Members took part in the discussion and some Members even twice. I have nothing much to comment on the discussion. I have only to add a few words with regard to what we should do at present in view of the difficulties that are envisaged in the future also. The question of production was raised in the motion because unless and until we produce more we shall be not in a position to meet the demands of the people. If we go on depending on the help of the Centre and if



the Centre also goes on depending on the help of other countries under PL 480 or so, that will not lead the country anywhere. Therefore, we shall have to see that food is produced not only sufficient enough to meet our needs but some surplus also so as to help other States. The Government has taken some steps in this direction, but in comparison with the demand the steps taken for improving production of food are inadequate. Therefore, we shall have to see that we can raise more crops in the next winter. Our crop pattern also shall have to be changed. Last year it was seen that wheat could be produced in our State, and in the areas where wheat was grown it was seen that the yield was very good. It was also seen at least in the mountaineous and sub-mountaineous areas that Maize also grows in this State rather luxuriantly. In some places even without any help from the Government, people raised Masur Dal and other pulses as well. There were some efforts for raising gram also but not on a very large scale. If irrigation facilities are provided, particularly if lift-irrigation is given more serious attention then probably we can raise more wheat, more

gram and more pulses in our State in the next season. I would request the Government to take up the schemes even from now on. Another problem which we experienced last year was that though in some areas power pumps were provided for raising Boro cultivation and also other crops, often times due to some defects in some parts of these pumps more due to lack of trained mechanics these pumps at some vital point of time remained ineffective and idle. If the pumps would have been all the time operating, probably we would have got much more of Boro paddy. We should, therefore, from now on arrange to provide more power pumps, and we should see that the power pumps are properly greased and equipped in the meantime so that when the time comes they may be properly utilised. The other thing with regard to production I beg to submit is that we should (the Members of the Legislature) unofficially and the Government machinery officially see that the letting loose of cattle during the period from Pous to Bohug is stopped both for the purpose of crops and also for the purpose of proper breeding because that is the breeding or mating time of cattle. If



they are let loose then that becomes one of the contributory causes for bad breed of cattle in our country. Afterall it will take a long time to go for mechanised cultivation in our State and for a pretty long time to come, we shall have to depend on bullocks and the ordinary plough. Therefore, we should see that proper bullocks are bred and the ploughmen are also properly fed and looked after. The Minister of Industries is not here. Even then I beg to submit that I understand that some parties have come forward of course private industrialists with proposals for starting some factory for manufacturing power tillers in our State with West German collaboration, and I understand that they have offered to supply power tillers at a cost of about fourteen or fifteen hundred of rupees, and that they will be able to do it within a short time. The Government may examine the feasibility of that scheme. If we are to depend on Maharashtra where power tillers are proposed to be manufactured then that State will not naturally meet our demands at the sacrifice of their own requirements or of other States because there is demand for power tillers from all States. I hope



Government will examine the scheme with sincerity. With regard to seed also for the next winter crops, which I have mentioned, the Government should from now on collect the best type of seed like the Mexican hybrid wheat and similar other improved types of seed. Government should see that they are collected in adequate quantity, and stored properly and distribute it at cheap rate to the cultivators in time. I suggest that the Government should take up these measures with all seriousness and should not wait till the nick of time.

Now, with regard to procurement and distribution I beg to submit that last year's experiences have shown that though we fixed the price of paddy by mutual consent at Rs. 22 to Rs. 23, in the rural areas where there was scarcity the price of sali paddy shot up to Rs. 45 per maund, and therefore the F.C.I. and more so, the cooperative marketing societies could not sufficiently procure. This time we should very carefully examine as to what should be the proper price of paddy to be procured, and if necessary, from now on the Government should see

that they set up an appropriate machinery to procure paddy in adequate quantity and that they keep them properly stored after properly drying them: Or, if they think that there should be some change with regard to the procurement scheme, that should be done as quickly as possible. It should not be left till the later part of October or November. I think it will be better if immediately after this session of the Assembly this matter is discussed at some level and the entire House or the different parties and organisations are taken into confidence in the matter and whatever be the machinery the Government decides to set up, that this machinery is made effective. With regard to distribution of food stuff last year it was seen that there was difficulty of the urban population. There is no doubt about it. There are some rural pockets where the difficulty was immeasurable and almost unimaginable. For example, I had been at that time to Mangaldoi when famine was overtaking that subdivision, and I found that the crux of the problem was not that in that area there was no food-stuff but the people had no purchasing power. The price was so high that even when the next-door neighbour had some



surplus paddy, the starving family could not purchase that paddy because he had no money. Therefore we should see that in the matter of distribution Government should envisage a machinery through which not only the urban population but the scarcity-affected pockets in the rural areas are also provided with cheap food-grains. Another thing, this is the bad type of food-stuffs. This was discussed on the floor of the House very recently, and therefore I do not propose to take any more time on this subject. I would like to suggest that procuring, milling and distributing agencies should be very cautious about the food-stuffs that are procured and distributed and they should see that only good quality food stuff is procured. Therefore there should be a quality control set-up over which the Government can exercise adequate supervision. I do not have any more things to add. I am grateful to the Hon. Members that the Motion has attracted so much of their attention and interest. I think the Government has been also benefitted by the long discussions though at times it was felt that it was almost a tiring discussion. I hope Government is benefitted by this discussion and that they will



utilise the information and the trend of the discussion in coming to decisions.

With these few words, Sir, I wound up my Motion.

Shri Phani Bora : অধ্যক্ষ মহোদয় এই “মোচনৰ” ওপৰত বিশদ আলোচনা সদনত কেইবানাহো ধৰি হ’ল আৰু বহুতো সদস্যই তাত অংশ গ্ৰহণ কৰিছিল যদিও সেই আলোচনাৰ ভিতৰত মাননীয় সদস্যসকলে বহুতো মূল্যবান পৰামৰ্শ আগবঢ়ায় তথাপি কি উৎপাদনৰ ক্ষেত্ৰত কি বৰ্জনৰ ক্ষেত্ৰত কি আমাৰ বাজ্যজুৰি হোৱা খাদ্য সঙ্কট সমাধানৰ ক্ষেত্ৰত এই সকলো বোৰতে ইমানবিলাক মূল্যবান পৰামৰ্শ আগবঢ়োৱা স্বত্বেও সেই পৰামৰ্শমতে কোনো কামতে আগবঢ়া দেখা পোৱা নগ’ল। মন্ত্ৰী মহোদয়ে এই আলোচনাৰ মোখনি মাৰোতে যি বক্তৃতা আগবঢ়াইছিল সেই বক্তৃতা শুনাৰ সময়ত মোৰ মনত খেলিছিল যেন এই সদনৰ সদস্য সকলৰ ছয়োটা পক্ষৰ পৰা যি সকলে অংশ গ্ৰহণ কৰিছিল সেই সকলৰ পৰামৰ্শবলীয়ে মন্ত্ৰীমহোদয়ৰ হৃদয় স্পৰ্শ কৰিব নোৱাৰিলে।

উৎপাদনৰ ক্ষেত্ৰত এফালে যেনেকৈ কৃষি মন্ত্ৰী দপ্তৰ জড়িত আছে আন ফালে আৰু উৎপাদন বঢ়োৱাৰ কাৰণে যি মাটি আছে সেই মাটি

বৰ্টনৰ প্ৰশ্নও তাৰ লগত জড়িত আছে। খাদ্য বৰ্টনৰ ক্ষেত্ৰত বিশেষকৈ আমাৰ যোগান মন্ত্ৰী জড়িত আছে। মই এই কথাটো মোখনি মাৰি শেষত কবলৈ বাধ্য হৈছোঁ যে এই কোনো ক্ষেত্ৰত আলোচনাৰ পৰামৰ্শবলী অনুযায়ী কাম কৰাৰ কাৰণে কোনো ব্যৱস্থা হাতত লোৱা দেখা নাই। যদিও ১ ১/২ বছৰ ধৰি এই সদনত কথাটো আলোচনা কৰা হৈছিল।

অৱশ্যে মই আৰু সকলো কথাৰ পুনৰাবৃত্তি নকৰোঁ। চমুকৈ কব খুজিছোঁ যে উৎপাদনৰ ক্ষেত্ৰত অসমৰ জনসাধাৰণক পুৰাবৰ চোখাৰে যিমান লাগে, যিমানখিনি উৎপাদন ক্ষমতাৰ প্ৰয়োজন সেই খিনি অৱস্থা বাস্তৱিকতে অসমত আছে।

যোৱা বছৰৰ খেতিৰ যি চেহেৰা আমি দেখিছোঁ তাৰপৰা আমি কব পাৰো যদি পৰিকল্পনা কৰি উৎপাদন বঢ়াবৰ ব্যৱস্থা হাতত লোৱা হয় তেনেহলে অসম ঘাটিত পৰি নাথাকে। অসমে মাটি পূৰণ কৰি অধিক উৎপাদন কৰিব পাৰে। তাৰ কাৰণে পুনৰ মন্ত্ৰী মহোদয়ৰ দৃষ্টি আকৰ্ষণ কৰোঁ। অসমত মাটি বিতৰণৰ কাম দ্ৰুত গতিত কৰিব লাগিব। আৰু যিসকল কৃষক উৎপাদনত নিয়োজিত আছে সেই বিলাকক নিয়মিতভাৱে মাটি নিদিয়াৰ ফলত তেওঁলোকে সন্মুখত পোৱা কিছুমান মাটিত খেতি কৰি আছে আৰু তেখেত সকলক উচ্ছেদ কৰাৰ কাম অনবৰত চলিয়েই আছে। আনকি তেওঁলোকে উৎপাদন কৰা শস্য পৰ্য্যন্ত নষ্ট কৰি দিয়াৰ



অভিজ্ঞতাও আছে। এইটো বব ছখব কথা। এই বিলাক বন্ধ কবিব লাগে।

দ্বিতীয়তে মোব বন্ধ গোবীন্দৰ ভট্টাচাৰ্য্যই কিছুমান পৰামৰ্শ আগ বঢ়াইছে। আজি আমাৰ দেশত বিভিন্ন ধৰণৰ শস্য উৎপাদনৰ সম্ভাবনা হৈ উঠিছে। গতিকে বিভিন্ন ঠাইৰ মাটি ভালকৈ পৰীক্ষা কৰি কৃষক সকলক সাহায্য কৰাৰ যোগেদি অসমত খাদ্য উৎপাদন বৃদ্ধি কবিব পৰা যায় আৰু আমাৰ খাদ্যৰ নাটনি কমাৰ পাবো।

বৰ্ত্তনৰ ক্ষেত্ৰত মই এটা কথা কম যে আমাৰ যোগান বিভাগটোৰ দ্বাৰা কোনো কাম নহয় যেন হৈ পৰিছে। যোগান বিভাগৰ কাৰ্য্যকলাপ মই লক্ষ্য কৰিছো। যোগান বিভাগ কিয় আছে ইয়াৰ অৰ্থ বুজা নাযায়। যোগান বিভাগৰ কোনো কাম নাই। যদি ভালকৈ তন্নতন্ন কৰি চায় তেনেহলে মন্ত্ৰী মহোদয়েও বুজি পাব যে এই বিভাগটোৰ কাম নাট। অথচ বিৰাট এটা বিভাগ বখা হৈছে। প্ৰকিউৰমেণ্টৰ কাম নাই। মিলিঙৰ ক্ষেত্ৰত তেওঁলোকৰ কাম নাই। অকল পাবমিট ইশ্ব কৰাৰ কাৰণে বিভাগটো বখা হৈছে। একালে ধান চাউলৰ পাবমিট চোৰাং কাৰাবাৰী সকলক ব্ল্যাক মাৰ্কেটিং কবিবৰ কাৰণে পাবমিট ইশ্ব কৰিছে আনফালে মিল বিলাকক পাবমিট ইশ্ব কৰাৰ বাহিৰে এই বিভাগটোৰ কোনো কাম নাই। বাইডৰ অজস্ৰ টকা খৰচ কৰাৰ মূল্য অনুসাবে এই বিভাগৰ পৰা কাম আদায় কবিব পৰা নাই। আমাৰ তাত এটা অঞ্চলত ঢেকিয়ে খুন্দা চাউলৰ পাবমিট এজনক দিয়া হৈছে



যিহেতুকে খাদি বোর্ডে তেখেতক recommendation দিছে। সেইটো ঠাইত ঢেকিয়ে খুন্দা-চাউল পোৱা যায় নে নাযায় চোৱা নাই। তাত ঢেকিয়ে খুন্দা চাউলৰ নামত মন্ত চোৰাং কাৰবাৰ সৃষ্টি কৰি দিছে।

Shri Mahendra Nath Hazarika (Minister, Khadi & Village Industries) অধ্যক্ষ মহোদয়, মই এটা কথা সদনক জনাব খুঁজিছো যে সেই অঞ্চলত ঢেকিয়ে খুন্দা অজ্ঞা শ্ৰাউল পোৱা যায়।

Shri Phani Bora :—এই অঞ্চলত অজ্ঞা ঢেকিয়ে খুন্দা চাউল পোৱাৰ চউৰ তলত চোৰাং কাৰবাৰ কৰাবহে ব্যৱস্থা কৰি দিয়া হৈছে। ঢেকিয়ে খুন্দা চাউলৰ নামত মিলে খুন্দা চাউলৰ চোৰাং কাৰবাৰ চলি আছে। আৰু মানুহৰ তেজ শোষন কৰি আছে। এইটো কথা মন্ত্ৰী মহোদয়ে জানে আৰু হাজৰিকাইও জানে। তেওঁলোকে সদনত এইটো কথা স্বীকাৰ নকৰিব পাৰে। গতিকে এইবিলাক বন্ধ কৰিব লাগে। কেবল সেয়েই নহয় আৰু বহুত তেনেকুৱা কাৰবাৰ চলি আছে। আজি কালি নেপালী চাউল ওলাইছে। আৰু চৰকাৰে ইয়াৰ দাম বান্ধি দিছে। যোগান বিভাগে দাম বান্ধোতে তদন্ত কৰা নাই। কোনোবা চোৰাং কাৰবাৰীয়ে যদি এখন কাগজ দেখুৱাইছে যে এক কুইনটল চাউল ২০০ টকা দি কিনিছে আৰু প্ৰতি K. G. ত চাৰি অনাকৈ লাভ বিছাৰিছে তেতিয়া যোগান বিভাগে ২২৫ প্ৰতি কে যি়ে দাম বান্ধি দিছে। এইদৰে তেওঁলোকে নেপালী

চাউলৰ পাবমিট ইস্ত কৰিছে। হোৰে হোৰে সেই চাউল আহি আছে। আমি ভাবি নাপাওঁ নেপালে কেনেকৈ ইমান চাউল আমাৰ ইয়াত পঠাব পাৰে। কিচিম কিচিমৰ নেপালী চাউল আহি আছে। এক কিচিমৰ নেপালী চাউল যিমান দান আন কিচিমৰ চাউল সেই দানত বেচিবলৈ পাইছে। আমাৰ বক্তব্য হৈছে যে এই ধৰণে নানা বকমে আমাৰ ইয়াত যোগান বিভাগক যি দায়িত্ব দিয়া হৈছে সেই দায়িত্ব পালন কৰিবলৈ ব্যৰ্থ হৈছে। ইয়াৰ ফলত আমাৰ বাইজ ছুই ফালৰ পৰা শোষিত হৈছে। একালে চোবাং কাবৰাবীৰ হাতত শোষিত হৈছে আৰু আনফালে অখাদ্য চাউল খাই মৰিব লগা হৈছে। মন্ত্ৰী মহোদয়ে কৈছে ইয়াক প্ৰতিবোধ কৰিব লাগে। মই এটা উদাহৰণ দিছো। কেইদিনমান আগতে মই যেতিয়া নগাও D.D.S. ৰ তাত বহি আছো তেতিয়া নগাওঁ চিভিল হাস্পাতালত বস্ত্ৰ যোগান দিয়াৰ যিজন কণ্ট্ৰাক্টাৰ তেখেতে চাউল আনি আমাক দেখুৱাই কলে “এই বিলাক চাউল বেমাৰীয়ে খাব পাৰে নে?” মিলাবে ভাল চাউল দিব নোখোজে সেই কাৰণে তেখেতে D.D.S. ৰ ওচৰলৈ আহিছে। D.D.S. এ কলে” আপুনি কওক গৈ ভাল চাউল দিয়াৰ কাৰণে” কিন্তু দুৰ্ভাগ্যবশতঃ—সেই মিলে ভাল চাউল দিবলৈ বাঞ্ছি নহল। তেওঁ নিকপাই হৈছে D.D.S.ৰ ওচৰলৈ আহিল। সেই সময়ত মই D.D.S. ৰ লগত আছিলো। তেওঁ কলে যে মই বাবে বাবে ভাল চাউল দিয়াৰ কথা কৈছো আৰু নহলে হাস্পিতালৰ বেমাৰী খাবলৈ



নাপাই মৰিব। তেতিয়া D.D.S. কলে যে তেওঁ মিলৰ পাবমিট  
 বন্ধ কৰি দিব পাৰে, আৰু অন্য একো কৰাৰ উপায় নাই। মন্ত্ৰী  
 মহোদয়ে কৈছে Resistance দিব লাগে, Resistance দিব পাৰি।  
 কিন্তু চৰকাৰে কি কৰিব? তেতিয়া Resistance দিয়া মানুহবোৰক  
 মাধমাৰ দি জেলত দিওঁগৈ। তেতিয়া কলে কি হ'ব? আমাৰ এই  
 Shillong Secretariat ৰ সন্মুখত অনবৰতে চাউল বিক্ৰি হয়  
 আৰু সেই চাউলৰ দাম ২টকা কেজি। কিন্তু মই শুনিছো—কোনোবা  
 কোনোৱা ব্যক্তিগত মানুহক পাবমিট দিয়া হৈছে, তেওঁলোকে চাউল  
 কিনি আনি বজাৰত বিক্ৰি কৰিব। কিন্তু কি ভিত্তিত তেওঁলোকক  
 পাবমিট দিয়া হৈছে? যদি সেয়েই—হয় তেনেহলে খোলা বজাৰ কৰি  
 দিয়াই ভাল। গতিকে দেখা যায় এই ক্ষেত্ৰত আপোনালোকৰ কোনো  
 নীতি নাই। Dibrugarh ৰ এজন Handling agent, তেওঁৰ  
 বিৰুদ্ধে ১৩ টা কেছ কোৰ্টত চলি আছে আৰু সেই মানুহজন  
 ব্ৰহ্মপুত্ৰৰ বুকুৰ ওপৰত বহু কেইজন ডেকা লবাই ঘেৰাও কৰি সেই  
 চোৰাং চাউল পত্ৰৰে সৈতে Deputy commissioner ৰ ওচৰত  
 হাজিৰ কৰি দিয়ে। এনেকুৱা কেছ চলি থকা চত্ত্বেও তেওঁৰ মিলট  
 কিয় ধান খুন্দিবলৈ দিয়া হয়। এইটো যদি হয় তেনেহলে কেনেকৈ  
 বৰ্টন ব্যৱস্থা ভাল কৰিব। সেইটো কৰিব নোৱাৰে, সেই কাৰণে  
 মই কৈছো যে গোটেই বৰ্টন ব্যৱস্থাৰ কথা State trading in  
 food grain ৰ জৰিয়তে চৰকাৰে লৱ লাগিব নহলে এই ধান এফালে



কিন্তুমান ব্যক্তিগত মানুহক বা খাদিনাক। মানুহক পাবমিট দি বৰ্টন ব্যৱস্থা কেতিয়াও ভাল নহয়। অসমত নেপালী চাউল বিক্ৰীৰ পাবমিট দিয়া হৈছে। কিন্তু নেপাললৈ যোৱা পাবমিট লৈ বেণব জাল বচিদ দেখুৱাই অসমৰ যি কোনো চাউলেই নেপালী চাউল বুলি যদি বিক্ৰি কৰে সেইটো বন্ধ কৰিবৰ উপায় আছেনে? এই বিলাক বন্ধ নকৰে কেলেই? এই বোৰ বন্ধ নকৰা কাৰণে ব্যক্তিগত ব্যৱসায় চলি আছে। এনেকুৱা মনত হৈছে যে চৰকাৰৰ কোনো নীতি নাই। এনেকৈ যদি সচাকৈ বৰ্টন ব্যৱস্থা চলি থাকে তেতিয়া হলে অৱস্থা আক জটিল হব। আজি কি হৈছে? একালে F.C.I. আৰু আন কালে এপেক্স মাৰ্কেটিক ধান কিনিব দিছে আৰু তাৰ মাজতে কিছুমান ব্যক্তিগত মানুহে হাজাৰ হাজাৰ মোন ভৰাইছে। নগাওঁৰ D.C. এ কৈছে এজন মানুহৰ মাটি আছে ৩০বিঘা, ধান আছে ২০০০ মোন। তেতিয়া মই সুধিলো তেওঁৰ মাটি কিমান আছে তেওঁ কলে ৩০ বিঘা এতিয়া কথা হ'ল ৩০ বিঘা মাটিত ২০০০ মোন ধান হয়নে? D.C. এ কৈছে ১০০০ মোন ধান লৈ আহক। তেতিয়া মোৰ লগতে মোৰ বন্ধু শ্ৰীভদা, কেতুৰাম হাজৰিকা আজি কেইবাজনো এম এল এ আছিল। আমাৰ এজনে সেই মজুতদাৰ জনক যে কলে যে তেওঁৰ কাৰণে মাত্ৰ ৫০ মোন ধান বাখি বাকী গোটেই খিনি লৈ অহাহওক। এইবোৰ যদি বন্ধ কৰিব লাগে তেনেহলে ধানৰ Markatable Surplus গোটেই খিনি চৰকাৰে সংগ্ৰহ কৰি গোটেই খিনি ধান চৰকাৰেই State

treading ব ঙ্গিয়তে বণ্টন কৰা ব্যৱস্থা কৰক। তাকে নকৰিলে কিছুমান কো-অপাৰেটিং এ কিছুমান F.C.I. নিয়ে আৰু কিছুমান ব্যক্তিগত ভাৱে কিনি লৈ যায়। এনেকুৱা তিন তৰকাঁয়া ব্যৱস্থা কৰি একো কৰিব নোৱাৰে আৰু এই ব্যৱস্থাৰ ফলত চাহ বাগিছাৰ বহুৱাক খুৱাব নোৱাৰে। আমাৰ চিলঙত চৰকাৰী কাম কৰা চাকৰি কৰা মানুহক তেওঁলোকে সুবিধা দিব নোৱাৰে। আন আন চহৰত থকা গুৱাহাটীত থকা আৰু নানান গাৱে ভুঁয়ে থকা মানুহক Fair Price Shoap ব ঙ্গিয়তে চাউল দিব খুজি দিব নোৱাৰে। ২ ১  
k g কৈ চাউল দিয়ে, তাকো এমাহৰ ভিতৰত Regular হিচাপে দিব নোৱাৰে। যোৱা বাৰ্ষিকতৰ সময়ত ১১।১২ তাৰিখে খাদ্য সমস্যা আলোচনা কৰে কিন্তু ফল একো নহল। এই কাৰণে মই কৈছো এতিয়া সময় আছে, এই সময় থাকোতেই আমাৰ সমস্যাৰ কথা আলোচনা কৰি সমস্যা সমাধান আচনি প্ৰস্তুত কৰা হওক।

## ADJOURNMENT

The Assembly then adjourned till 10 A.M. on Thursday, the 29th August, 1968.

Shillong

The 28th August, 1968

U. Tahbildar

Secretary,

Legislative Assembly, Assam