

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

The Assembly met in the Assembly Chamber, Shillong at 10 A.M. on Tuesday, the 15th December, 1959.

PRESENT

Shri Mahendra Mohan Choudhury, B.L., Speaker in the Chair the nine Ministers three Deputy Ministers and seventy seven Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

**Accommodation of Government Dispensary at Sadiya
in a thatched house**

Shri DEVENDRA NATH HAZARIKA (Saikhowa)
asked :

*72. Will the Minister-in-charge of Medical be pleased to state—

- (a) Whether it is a fact that the Government Dispensary or Hospital at Sadiya is accommodated in a dilapidated thatched house ?
- (b) Since when it is accommodated in a thatched house ?
- (c) What were the difficulties of the Government to construct permanent or semi-permanent buildings for this medical unit ?
- (d) Whether Government are aware that adequate medicine is not available there ?

Shri RUPNATH BRAHMAH (Minister, Medical)
replied :

72. (a) & (b)—Yes, the Hospital building of Sadiya at 7th mile was accommodated in a thatched house since its construction in 1957.

(c)—It has been decided to shift the Sadiya Civil Hospital to Chapakhowa. Accordingly action is being taken to construct permanent Buildings of Sadiya Civil Hospital at Chapakhowa. So the question of constructing permanent Buildings for Sadiya Civil Hospital as its existing site does not arise.

(d)—No, it is reported by the Civil Surgeon, Lakhimpur that there is more than enough medicine in the Hospital throughout the year.

Shri DEVENDRA NATH HAZARIKA (Saikhowa): May I know Sir, whether the plans and estimates have since been prepared and finalised for construction of the dispensary at Chapakhowa?

Shri RUPNATH BRAHMA (Minister, Medical): Steps have already been taken for construction of the permanent building for the dispensary, but I am not quite sure whether plans and estimates have been approved. I will enquire and let the hon. Member know.

Shri DEVENDRA NATH HAZARIKA: How long this Government dispensary is housed in a thatched house?

Shri RUPNATH BRAHMA: I have already stated in the reply that it was accommodated in a thatched house since its construction in 1957.

Plying of buses on the Tihu-Tarabari P. D. W. Road

Maulavi TAJUDDIN AHMED (Tarabari) asked:

*73. Will the Minister-in-charge of Transport be pleased to state

(a) Since when plying of buses has been stopped on the Tihu-Tarabari P. W. D. Road, viz., Baskuchi-Chenga and when it will be resumed?

(b) Whether there are line buses in this line?

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

73. (a)—There was no bus service on the road.

(b)—Does not arise.

**Amount sanctioned for cattle loan both for Subdivisions
and District Headquarters**

Shri DURGESWAR SAIKIA (Thowra) asked :

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

- (a) Whether Government sanctioned Rs.5,000 to the Subdivisions and Rs.10,000 to District Headquarters at the disposal of S.D. O's and D. C's concerned for issue of cattle loan in emergency cases ?
- (b) If so, how many petitions were received by S. D. O., Sibsagar during the current year ?
- (c) When the sanctioned was given and when it was distributed ?

Shri HARESWAR DAS (Minister, Revenue) replied:

74. (a)—Yes. Rs.10,000 to each D.C. and Rs.5,000 to each S.D.O. of Plains Districts and Subdivisions have been allotted for meeting immediate demands for loan. These were meant not only for purchase of cattle but other agricultural loans also.

(b)—Four hundred and sixty-nine petitions were received.

(c)—The sanction was given on 9th April 1959 and the disbursement was made in July and August 1959.

Shri DURGESWAR SAIKIA (Thowra): মাননীয় মন্ত্রী মহোদয়ে কৈছে যে প্রত্যেক Deputy Commissioner ক ১০ হাজাৰ আৰু প্রত্যেক Subdivisional Officer ক পাচ হাজাৰকৈ টকা দিয়া হয়—মোৰ কথা হৈছে—কোনো কোনো জিলাত দুটাকৈ বেছি মহকুমা আছে—তাত প্রত্যেক মহকুমাপিতক পাচ হাজাৰকৈ দিয়া হয়নে নহয় ?

Shri HARESWAR DAS: এই টকা Deputy Commissioner আৰু Subdivisional Officer বিলাকক বিতৰণ কৰিবলৈ দিয়া হয় ।

Mr. SPEAKER: Deputy Commissioner বিলাকেও এই টকা মহকুমা বিলাকত দিয়ে নেকি ?

Shri HARESWAR DAS: হয় ।

Mr SPEAKER : Deputy Commissioner ক দহ হাজাব আৰু Subdivisional Officer বিলাকক ৫ হাজাব টকা দিয়াৰ কাৰণ কি ?

Shri HARESWAR DAS (Minister, Revenue) : Deputy Commissioner সকল jurisdiction বেচি কাৰণে বেচি টকা দিয়া হয়।

Mr. SPEAKER : গোটেই জিলাৰ কাৰণে নে কি ?

Shri HARESWAR DAS : Deputy Commissioner বিলাকক as head of the district দিয়া হয় আৰু Subdivisional Officer বিলাকক বেলেগে তেওঁলোকৰ মহকুমাৰ কাৰণে দিয়া হয়।

Mr. SPEAKER : তেখেতৰ প্ৰশ্ন হৈছে—Deputy Commissioner ক কিয় বেচি দিয়া হৈছে ?

Shri HARESWAR DAS : নই কৈয়ে আহিছো যে—Deputy Commissioner ৰ jurisdiction বেচি আৰু তাৰ population ওঁ বেচি।

Shri DURGESWAR SAIKIA (Thowra) : চাব, মোৰ প্ৰশ্ন হৈছে জিলাৰ সদৰতকৈ তাত Deputy Commissioner এ Subdivisional Officer জনক কিবা টকাৰ আৱশ্যক আছ বুলি কোৱা হয়নে ? যেনে শিৱসাগৰ মহকুমা, যোৰহাট মহকুমা, গোলাঘাট মহকুমা।

Shri HARESWAR DAS : কোনো কোনো জিলাত এটা মহকুমা হলেও তাত emergency grant দিচাবে দিয়া হয় আৰু বেচি প্ৰয়োজন হলে বেচি দিয়া হয়। এইটো মাত্ৰ—to met the immediate need.

Difficulties in getting C.I. Sheets

Shri DURGESWAR SAIKIA (Thowra) asked :

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

- (a) Whether Government is aware the even in these normal days, consumers are facing great hardship to get C. I. Sheets and Iron materials for both individual and institutions ?
- (b) Whether the crisis is man-made like keropene and sugar, or it is due to some other difficulties ?
- (c) Whether Government propose to take it up seriously with the Central Government or it will be allowed to go on in the present ?
- (d) What is the present arrangement of bringing C. I. Sheets to Assam ?
- (e) What is the function of the Assam Government Supply Department Representative in Calcutta ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) replied :

75. (a)—Yes.

(b)—The non-availability of C.I. Sheets and Iron materials in sufficient quantity is due to short supply as the indigenous production of these materials is far below the requirements of the county.

(c)—Government are trying to obtain increased allocations from the Government of India.

(d)—C.I. Sheets are procured on Government account and despatches are arranged through the Trade Adviser and Director of Movements, Assam at Calcutta.

(e)—He arranges despatches of Cement, C. I. Sheets, Iron Materials procured on Government account. He also is responsible for maintaining a steady flow of other consumer goods to Assam in liaison with Railways for wagon, movement facilities, etc.

Shri DURGESWAR SAIKIA (Thowra): চাব, যদি টিনপাতৰ scarcity চেনি বা কেবাটিন তেলৰ দৰে নহয় তেন্তে বেচি দাম দিলে বাহিৰৰ পৰা কেনেকৈ টিনপাত পায় ?

M. MOINUL HAQUE CHOUDHURY: Sir, I explained this matter on the floor of the House on more than one occasion that in Calcutta there is an open market where from C. I. Sheets can be purchased.

Shri TARUN SEN DEKA (Nalbari-West): In view of the fact that there is a strong public opinion and resentment regarding control over C.I. Sheets. Whether Government is prepared to lift the control over C.I. Sheets ?

M. MOINUL HAQUE CHOUDHURY: Sir, control over C.I. Sheets is under the order passed by the Central Government. We can only recommend to the Central Government for lifting the control. This matter was taken up with the Central Government and at least on three occasions in course of 1959, we suggested to the Government of India to examine the question of decontrol. But they gave their opinion against decontrolling the iron materials.

Shri MOHI KANTA DAS (Barchalla): Whether the C. I. Sheets that can be purchased from Calcutta open market can be sold here in black-market, that is to say, at the higher price than that fixed by the Government ?

M. MOINUL HAQUE CHOUDHURY: The price of such C. I. Sheets will be definitely higher than those of the normal quota we get for Assam which is brought through the Supply Department. But nobody can sell it at a black-market price. The price of C.I. Sheets brought from Calcutta will be little higher than the price at which they were originally purchased at Calcutta due to the addition of transport cost and the profit allowed.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Are Government aware that the price of these C. I. Sheet, which are brought from the open market in Calcutta and sold here in the white or black market if the Minister likes to use it, ranges between Rs. 140 to 150 per bundle whereas the controlled price ranges from something like Rs.85 to 90 per bundle ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply): I cannot answer at what price the black market actually operates, but the Government have information that the prices are higher than what they should be.

Shri GAURI SANKAR BHATTACHARYYA: My question is whether Government is aware that the prices are not only higher but astoundingly higher ?

M. MOINUL HAQUE CHOUDHURY: As I said, the prices are higher than what they should be, but whether it is Rs.150 or so per bundle is difficult for me to say.

Shri HIRALAL PATWARY (Panery): Are Government aware that these black market C.I. Sheets are coming into Assam with the recommendation of the Trade Adviser to the Government of Assam ?

M. MOINUL HAQUE CHOUDHURY: This is the first time I am hearing such a complaint. If the hon. Member gives it in writing outside this House I am prepared to enquire into it.

Mr. SPEAKER: Why not inside the House ?

M. MOINUL HAQUE CHOUDHURY: The difficulty is, Sir, that it is very easy to malign an officer taking advantage of the privilege of this House. This particular officer is of the rank of a Deputy Secretary.

Mr. SPEAKER: No, I think the Members are entitled to give in writing any complaint whether inside or outside this House.

M. MOINUL HAQUE CHOUDHURY: All right, Sir, let the hon. Member give it in writing. I will enquire then and there only.

Shri GAURI SANKAR BHATTACHARYYA: On a point of order Sir.

Mr. SPEAKER: I have already given my Ruling.

Shri GAURISANKAR BHATTACHARYYA: This is an incidental point. Whereas it is a fact that no man can be criticised here in his private capacity as a man, but an officer in the capacity of an officer of this Government may be criticised in this House.

Mr. SPEAKER: Yes, I quite agree with Mr. Bhattacharyya.

Shri SARBESWAR BORDOLOI (Titabar): Who fixes the price of C.I. Sheets which are directly brought from Calcutta to the open market in Assam ?

M. MOINUL HAQUE CHOUDHURY: Prices are fixed on the authority of the Iron and Steel Controller.

Shri DURGESWAR SAIKIA (Thowra): ১৯৫৭ চনত ৫২১২ টন C. I. Sheet ব 'ক'টা আছিল; ১৯৫৮ চনত ১২৫৪" আৰু এই বছৰত অৱশ্যে মই নাজানো। কিন্তু শিবসাগৰৰ কোটাৰ পৰা দেখা যায়, ক্ৰমান্বয়ে কম হৈছে আহিছে।

ইয়াৰ পৰা দেখা যায় যে এই quota বিলাক প্ৰতি বছৰে কমি আহিছে। এই বছৰতো যি quota আছিল তাতকৈ কম আহিছে। টিনপাতৰ অবস্থাও ঢেনী আৰু কেবাটিনৰ নিচিনা হ'ল নেকি? এই বেমেজালি বিলাকৰ কাৰণ কি?

MOINUL HAQUE CHOUDHURY (Minister, Supply): ইয়াৰ কাৰণ হ'ল এইটো আগতে বাহিৰৰ পৰা ভাৰতলৈ C. I. Sheet আৰু Iron materials আহিছিল-ইয়াৰ উপৰিও আমাৰ এই সামগ্ৰী বিলাকৰ আৱশ্যকতাও কম আছিল। কিন্তু এতিয়া একালে ইয়াৰ আৱশ্যকতা বৃদ্ধি হৈছে আৰু আনফালে আমাৰ জাতীয় উদ্যোগক সহায় কৰিবলৈ দেশতে ভিলাই আদি আৰু ডাঙৰ ডাঙৰ construction project আৰু উদ্যোগ হাতত লৈছে তাৰ কাৰণে এই সামগ্ৰী বিলাকৰ দৰাৰ হৈছে। এই বিলাক পূৰ্ণোদ্যমে কাৰ্য্যকৰী নোহোৱালৈ এই সামগ্ৰী বিলাক মানুহে কম মাত্ৰায় পাব—সেই কাৰণে ভাৰতৰ দেশৰ জাতিৰ আৰু জাতীয় উদ্যোগৰ সমৃদ্ধীৰ কাৰণে ভাৰতবাসী সকলোৱে কিছু পৰিমাণে ত্যাগ স্বীকাৰ কৰিব লাগে।

Shri RAMNATH SARMA (Lumding): যি বিলাক টিন পাত কলিকতাৰ পৰা out side the quota আহে আৰু open market ত বিক্ৰী হয়, তেনেকৈ কিমান টিন পাত অসমলৈ আহে তাৰ হিচাব চৰকাৰৰ আছে নে?

M. MOINUL HAQUE CHOUDHURY: বিক্ৰীৰ কাৰণে যিবিলাক টিন পাত আছে সেই টিন পাতৰ হিচাব চৰকাৰৰ ওচৰত দিব লাগে, কিন্তু নিজৰ দৰ্কাৰত আনিলে সেই বিলাকৰ খৰচ চৰকাৰক দিব নালাগে আৰু সেই কাৰণে হাতত নাই।

Shri DURGESWAR SAIKIA: Production কম হৈছে সেইটো বুজিলো কিন্তু কিছমান ৰাজ্যত quota তাতকৈ কিছমান বস্ত বাহিৰলৈ দিব পাৰিছে অথচ অসমত ঠিকমতে নাপায়, ইয়াৰ কাৰণ কি?

Mr. SPEAKER: কিছমান ৰাজ্যৰ 'ক'টা আছে কিন্তু মানুহে সেই সামগ্ৰী ব্যৱহাৰ নকৰে কাৰণ কিছমান ৰাজ্যত বহুতে টিনৰ ঘৰ নকৰে। সেই কাৰণেই তেওঁলোকৰ অভাৱ নহয়।

Shri SARAT CHANDRA GOSWAMI (Kamarpur): In view of the fact that large quantities of C.I. Sheets remain undistributed in Calcutta, which are sent to black market here by the merchants, will the Government be pleased to press the Central Government to increase our quota?

M. MOINUL HAQUE CHOUDHURY: I would like to make a statement, Sir. On 25th February 1959, I wrote to the Government of India drawing their attention to this black market in Calcutta. I requested them to arrange sale of the entire surrendered quota, held by the Calcutta merchants, to us. The Government of India did not agree to this. I reiterated this viewpoint on the 21st August 1959 by another letter. We pointed out that in Calcutta C.I. Sheets were available both in the open market and the black market and that it was presumed that such quota was available because of the operation of a rule that if within 90 days C.I. Sheets

were not sold, the merchants had the right to sell them in the open market. I, therefore, requested the Government of India to allow us to have the entire unsold quota to be sold through the Government channel in Assam. But the Government of India evaded answer to this suggestion. In my last letter which I had written to the Government of India on the 2nd October, 1959 I said that it was better to decontrol iron goods if a backward State like ours was to suffer continuously. A reply has been received from the Government of India very recently, viz., on the 5th November, 1959 and it is under examination.

Shri RAMNATH DAS [Dergaon (Reserved for Scheduled Castes)] : May I know what are the reasons given by the Government of India for rejecting the suggestion made by the Minister ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) : When we are still in correspondence, I think, it will not be in public interest to disclose them at this stage. Moreover, it may be discourteous to disclose the contents of a letter written by a Minister of the Government of India without prior consultation and consent.

Shri RAMNATH DAS : Is it secret ?

M. MOINUL HAQUE CHOUDHURY : When letters are written between two Ministers, viz., the Central Minister and the State Minister, I think certain protocol and courtesy have to be followed before divulging the contents of such correspondence.

Shri HIRALAL PATWARY (Panery) : Is it a fact that it is necessary to take a certificate from the Trade Adviser for booking C.I. Sheets and other iron materials to Assam ?

M. MOINUL HAQUE CHOUDHURY : So far as the movement of iron goods is concerned, the Iron and Steel Controller can give permit for movements.

Mrs. JYOTSNA CHANDA (Silchar-West) : May I know whether the Public Works Department quota of C.I. Sheets comes through the Supply Department ?

M. MOINUL HAQUE CHOUDHURY : Indents are given by the Public Works Department.

Shri MOHI KANTA DAS (Barchalla) : Whether the merchants purchased the C.I. Sheets in the open market at Calcutta and do the job in the strength of the permit issued by this Government and if so whether the Government has made arrangement for checking or taken any step to check black marketing which has been done by these merchants in other parts of the State ?

M. MOINUL HAQUE CHOUDHURY : No permit is necessary to be issued by this Government for the purchase of C.I. Sheet in Calcutta for own consumption.

Shri HARESWAR GOSWAMI (Rampur) : Sir, the Minister has said that no permit is necessary to purchase C.I. Sheets at Calcutta. Whether after the purchase when the goods are moved to Assam any endorsement of the Railway Receipt by an Officer of the Supply Department is necessary.

M. MOINUL HAQUE CHOUDHURY (Minister, Supply): Sir, I think the hon. Leader of the Opposition is aware that no permit is necessary to purchase C.I. Sheets in open market in Calcutta for ones' own consumption. But when anybody makes purchase of C.I. Sheets and brings to Assam to sell the same, he becomes a Trader and naturally he comes within the purview of the Iron and Steel Control Order and in that case he has to obtain permit from the Director of Consumer Goods.

Shri HARESWAR GOSWAMI (Rampur): Sir, my point is a specific one. When anybody goes to Calcutta and brings C.I. Sheets, I think he has to obtain Railway Receipt. Whether that Railway Receipt is endorsed by an Officer of the Supply department as a transit permit from the Office of the Trade Adviser?

M. MOINUL HAQUE CHOUDHURY: The transit permit is required to be issued by the local authorities. For example the West Bengal Government or the Iron and Steel Controller will issue transit permit for movement of C.I. Sheets from Calcutta in accordance with the provision of the Iron and Steel Control Order.

Shri RANENDRA MOHON DAS (Karimganj-North): When there is open market in Calcutta why such open market is not entertained in Gauhati for C.I. Sheets?

M. MOINUL HAQUE CHOUDHURY: Sir, according to the agreement there is a provision that if any consignment or a part of it is not disposed of against permit within 90 days, then the dealer can sell the same to anybody if he so likes. But our position in Assam is such that the C.I. Sheets are sold the moment the same arrive. So the question of free sale or an open market cannot be conceived in Assam.

Shri HIRALAL PATWARY (Panery): বিবিলাক extra quota কলিকতাৰ পৰা অসমলৈ অনা হয়, সেইবোৰ টিনপাত অসমৰ ক'টা বুলি গণ্য কৰা হয়। এই কথা মন্ত্ৰী মহোদয় জানেনে?

M. MOINUL HAQUE CHOUDHURY: কেনেকৈ গণ্য হ'ব পাৰে? শ্ৰী পাটোয়াৰী ডাঙীয়াই কলিকতাৰ পৰা অনা বস্ত্ৰ এটা অসমৰ ক'টাৰ লগত কেনেকৈ চাৰিল হ'ব।

Shri DURGESWAR SAIKIA (Thowra): ১৯৬৯ চনত অসমলৈ যি টিনপাতৰ ক'টা আহিছিল তাৰ শতকৰ ৫ ভাগ আচুতীয়া (reserve) কৰা হৈছিল। তাৰ পিচৰ কেই বছৰত শতকৰা ২৫ ভাগ আচুতীয়া কৰিলে। তাৰ ফলত বিতৰণৰ কি উন্নতি হল। কিমান টিনপাত অনুস্থানৰ দিয়া হল আৰু কিমান ব্যক্তিৰ দিয়া হল?

M. MOINUL HAQUE CHOUDHURY: I want notices

Shri MOHI KANTA DAS (Barchella): Do the merchants apply for permission to sale surplus C. I. sheets at the Government rates?

M. MOINUL HAQUE CHOUDHURY: Yes. They were allowed to sale against permits.

Separate quota of C. I. Sheet to tea gardens

Shri DURGESWAR SAIKIA (Thowra) asked:

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

(a) Whether it is a fact that the Central Tea Board and the Government of India sanction separate quota of C. I. Sheets to tea gardens?

(b) What was the quantity allotted to different employers' Organisations during 1958-59?

(c) Whether Government have any machinery to inspect, or to verify the proper utilization of such C. I. Sheets or Iron materials?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) replied:

76. (a)—Yes.

(b)—A total quantity of 5191.69 tons of iron and steel materials was allotted during 1958-59.

(c)—No, but it has been arranged that in case of surrender of any quota of iron and steel materials by any individual member garden, it is to be reported to the Secretary, Supply Department, who in turn informs Secretary, Labour Department, for diversion of such quantities for use of general consumers in Assam.

Shri RADHA KISHAN KHEMKA (Tinsukia): চাহ বড় ক যেনেকৈ বেলেগ ক'টাৰ টিনপাত দিছে, সেইদৰে অন্যান্য শিল্পকো দিবৰ নিমিত্তে ব্যৱস্থা কৰিছেনে কি?

M. MOINUL HAQUE CHOUDHURY: শিল্পৰ নিমিত্তে S. P. I. আৰু S. S. I. quota নামে দুটা বেলেগ ক'টা আছে।

Shri DURGESWAR SAIKIA: ৫,৮০০ টন টিনপাতৰ পৰা চাহ বৰ্ডক দিয়া টিনপাত পৰিদৰ্শনৰ অভাৱত চোৰাং বজাৰত বিক্ৰী হৈছে। সেইটো তদন্ত কৰাৰ কোনো ব্যৱস্থা কৰিব নোৱাৰিলে? দিনজান, চকলাটিং আৰু চোৰাং ভাবে বিক্ৰি হোৱাৰ আপত্তি পাইছেনে নাই আৰু কি ব্যৱস্থা কৰিছে?

M. MOINUL HAQUE CHOUDHURY: আপত্তি কৰিছে বুলি নই নেজানো। মই অনুসন্ধান কৰিম।

Shri RADHA KISHAN KHEMKA: চাহ বৰ্ডক দিয়া টিনপাতেৰে ডিব্ৰুগড় মহকুমাৰ এখন চাহ বাগিছাত মজদুৰৰ ঘৰ সজা হোৱা নাই। সেইটো চৰকাৰে খবৰ পাইছেনে?

M. MOINUL HAQUE CHOUDHURY: মই কব নোৱাৰো। মোক নটিচ লাগে।

(Starred Question No.77 standing in the name of Shri Prabhat Narayan Choudhury was not put and answered as the hon. Member was absent).

Introduction of tender system in sugar by the Central Government

Shri SARBESWAR BORDOLOI (Titabar) asked :

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

- (a) Whether it is a fact that the licensed sugar dealers are to pass their quota of sugar from the Sugar and Banaspati control office of the Central Government at Delhi ?
- (b) Whether Government is aware that quantity of sugar that office have passed so far to Assam since the present system was introduced ?
- (c) If so, what was the quantity, when it was issued and what is the percentage in proportion to total requirement of Assam ?
- (d) What step Government is taking to minimise these difficulties ?

M. MOINUL HAQUE CHOUDHURY (Minister Supply) replied:

78. (a)—Yes, till the September 1959 quota.

(b)—Yes. The tender system in sugar was introduced in August 1958. Since August 1958 to September 1959 a quota of 25,442 tons of sugar was allotted to Assam on tenders

(c)—A Statement showing the requirements of sugar and allotments made by the Directorate of Sugar and Vanaspati of the Central Government, New Delhi since August 1958 to September 1959 is placed on the Library Table for the information of the Hon'ble Member. (Please see Library Register No. s.135).

(d)—The Government of Assam had put an end to the tender system with effect from the October quota of sugar. Since October 1959, the State Government have undertaken the responsibility of procurement and introduced State Trading in sugar through a single Co-operative Organisation, the Assam Co-operative Apex Marketing Society Limited. Sugar thus procured by the Apex Marketing Society, Limited is distributed through their selected whole-saler nominees, preference being given to the Co-operatives. Since August 1959, the State Government are receiving their full quota of 5000 tons per month.

Shri SARBESWAR BORDOLOI (Titabar) : Sir, is it a fact that that system is not prevalent now ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) : The tender system is not prevalent now.

Shri HIRALAL PATWARY (Panery) : Who is financing the Apex Co-operative Society ?

M. MOINUL HAQUE CHOUDHURY : The Apex Bank.

Shri HIRALAL PATWARY : Is it a fact that one Karamchand Thapar and his colleagues are financing this Apex Marketing Society ?

M. MOINUL HAQUE CHOUDHURY : No Sir. What happened is that when they were first appointed they could not arrange for money and that they had also not the requisite experience. So they appointed a handling agent on payment of certain commission. When Government came to know about this, Government advised them to terminate this as early as possible. Since then they have been arranging for finance and also has set up requisite machinery, and as such that system is not operating now.

Shri HIRALAL PATWARY : What is the terms and conditions applied for the handling agent, and whether the handling agents are still continuing ?

M. MOINUL HAQUE CHOUDHURY : It is not.

Shri RANENDRA MOHAN DAS (Karimganj-North) : Is it a fact that in many areas merchants and the co-operatives are not lifting sugar due to the rate fixed by the Government ? Is it a fact that Karimganj merchants and Co-operative Society are not lifting from the Government stock ?

M. MOINUL HAQUE CHOUDHURY : Sir, they are lifting in some places as far as I know. At the present there is an apprehension that Assam cannot consume 5,000 tons of sugar and as such it should be reduced.

Decision of Land Settlement Advisory Committee to requisition Kanu F. S. Grant

Shri DURGESWAR SAIKIA (Thowra) asked :

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

(a) On which date the Land Settlement Advisory Committee, Sibsagar decided to requisition Kanu F. S. Grant ?

(b) On which date the matter came up for first discussion in the Land Settlement Advisory Committee ?

(c) Whether the entire grant was proposed to be requisitioned ?

(d) Whether the entire grant has been requisitioned ?

(e) Whether a part of any F. S. Grant may be sold ?

Shri HARESWAR DAS (Minister, Revenue) replied :

79. (a)—On 18th December 1957, it was decided in the Land Settlement Advisory Committee meeting to requisition the entire Dag No.51 of Grant No.228 of Kanu Tea Estate.

(b)—21st November 1957.

(c)—Yes.

(d)—No.

(e)—There is no bar against selling a part of an F. S. Grant.

Regarding prices of sugar at Jorhat and some other places

Shri SARBESWAR BORDOLOI (Titabar) asked :

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

- (a) Whether Government are aware that the price of sugar have suddenly gone up from Re.1-1-0 per seer to Rs.2 per seer at Jorhat and in some other places ?
- (b) Whether scarcity of sugar is the reason of this high price and if so, whether Government are aware that it is found in the market in sufficient quantity at a high price ?
- (c) Whether it is a fact that Government have uptill now not taking the sugar dealers into book who are selling the same at a very high price ?
- (d) If so, why ?
- (e) What step Government are taking to lower the price of sugar to the usual level ?
- (f) When the public can expect to have sugar at the normal price ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) replied :

80. (a)—Government have no such information. Sugar is selling at normal price.

(b), (c) & (d)—Do not arise.

(e)—In order to prevent scarcity and arrest the rise in prices of sugar, the State Government have undertaken the responsibility of procurement and introduced State Trading in sugar through a single Co-operative Organisation, the Assam Co-operative Apex Marketing Society Limited, with effect from the October quota of sugar. Sugar thus procured is allotted to various Subdivisions according to their requirements and distributed through the selected whole-saler-nominees of the Apex Co-operative Marketing Society Limited, preference being given to the Co-operatives.

(f)—Sugar is now available to consumers at fixed prices.

Shri HIRALAL PATWARY (Panery) : Sir, regarding reply to 8 (a), is it a fact that Government has fixed Rs.46.68 nP for the import of sugar?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) : The prices are fixed by the local officers from place to place and so it differs from place to place because the transport costs are different. As such I cannot answer this question without notice and without being told as to what places this refers to.

Shri HIRALAL PATWARY : Is it a fact that this price has been fixed by the order of the Government in Mangoldoi?

M. MOINUL HAQUE CHOUDHURY : I want notice for that.

Shri HIRALAL PATWARY : My question was put in the last Assembly and Government replied that Government had no information that sugar was sold at Rs.2 per seer but in the last August Government was aware that sugar was sold at Rs.2 per seer at that time.

M. MOINUL HAQUE CHOUDHURY : The original question I believe was left. It is a new question. So we are to answer as it is worded.

Shri HARESWAR GOSWAMI (Rampur) : Is it a fact that at Jorhat the fixed price of sugar is Re.1-1 anna, but it is being sold at Re.1-10 nP at present?

M. MOINUL HAQUE CHOUDHURY : I will have to enquire.

Shri HARESWAR GOSWAMI : It is relevant to the question Sir. At Jorhat sugar is being sold at Re.1-10 nP instead of Re.1-1 anna.

M. MOINUL HAQUE CHOUDHURY : At the moment the prices there have been fixed by the Deputy Commissioner and it has got to be enquired into. The price is fixed by the Deputy Commissioner and it might be that due to transport cost the price is a slight higher there.

Mr. SPEAKER : Reply to question (a) what is the present price of sugar at Jorhat? The question is that sugar price has shot up to Rs.2 per seer.

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) : Sir, present price is the controlled price whatever it may be that price. It is being sold at controlled price there. There may be an increase of 2 nP or so here and there due to transport cost. As I have already said, the controlled price is based on some calculation. The basis is not fixed everywhere. Because the transport cost may be higher at some places and it may be lower at other places, and naturally, the price of sugar may vary here and there.

Shri SARBESWAR BORDOLOI (Titabar) : Now the Minister has stated that sugar has been imported to Assam through Co-operative. Is there any open channel by which sugar can come to Assam.

M. MOINUL HAQUE CHOUDHURY : At the moment it cannot.

Shri HIRALAL PATWARY (Panery) : Sir, is it a fact that Government has allowed the traders 50 per cent to import at some places and 25 per cent at other places.

M. MOINUL HAQUE CHOUDHURY : There is no import by any trader but because of the huge sum Government allowed 25 per cent and it was raised to 50 per cent. Now Government is thinking whether it should be raised to 100 per cent.

Shri MOHI KANTA DAS (Barchalla) : Whether the control price varies from this place to that place ?

Mr. SPEAKER : Already replied.

M. MOINUL HAQUE CHOUDHURY (Rampur) : Price may vary for a few naye paise due to transport cost which is not same everywhere.

Shri HARESWAR GOSWAMI : Is it a fact that due to taking over by the Apex Marketing Society the price has gone up ?

M. MOINUL HAQUE CHOUDHURY : It is not a fact.

Introduction of the system of issuing licence to dealers of sugar

Shri SARBESWAR BORDOLOI (Titabar) asked :

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

(a) Whether it is a fact that the system of issuing licence to dealer of sugar has been introduced in June last with the introduction of control of sugar by the Central Government ?

(b) Why the number of sugar dealers have been reduced from 24 to 16 at Jorhat ?

- (c) Why the usual procedure of taking opinion of the Deputy Commissioner before granting licence to dealers have not been followed in issuing licence for sugar ?
- (d) What quantity of sugar has been brought by these licensed sugar dealers to Jorhat since the time of issuing licence to them ?
- (e) What was the actual requirement of sugar at Jorhat for the same period ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) replied :

81. (a)—Yes.

(b)—There are 20 licensed whole-sale dealers in Jorhat including outcentres and this is considered to be sufficient.

(c)—It was not considered necessary in view of the fact that the licences have been issued to Registered Assam Importers of sugar and other deserving cases on the merit of each case and also on the basis of documentary evidence of their being genuine traders in sugar in the past.

(d)—11,833 bags during the period from 6th July to 19th October 1959.

(e)—14,000 bags, one bag containing standard weight of 2 maunds 30 seers.

Shri SARBESWAR BORDOLOI (Titabar) : Is it a fact that these dealers are still continuing in spite of the Co-operative Marketing Society ?

M. MOINUL HAQUE CHOUDHURY : They are still having the licenses but it is open to the Co-operative to give all of them sugar or any of them.

Shri SARBESWAR BORDOLOI : Whether the sugar dealers who failed to lift their sugar quota during the crisis have been given licenses to deal in sugar ?

M. MOINUL HAQUE CHOUDHURY : All these dealers who behaved in this way have been black listed.

Shri SARBESWAR BORDOLOI : Whether the Government should consider why at Jorhat where there were 24 dealers have been reduced to 20—whether Government consider this to be sufficient ?

M. MOINUL HAQUE CHOUDHURY : Because of the fact Sir, that they were considered unsuitable.

Regarding new Court Building at Dhubri**Maulavi JAHAN UDDIN AHMED (Bilasipara)** asked :

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

- (a) When Government propose to start the work for new Court building at Dhubri ?
- (b) Whether the contract work for the same has been allotted or given ?
- (c) If not, how long Government will take to distribute and start the work ?

Shri HARESWAR DAS (Minister, Revenue) replied:

82. (a)—The work is expected to start before the end of the current financial year.

(b)—Not yet.

(c)—The work will be allotted as soon as the Architectural drawing is ready and tenders are considered.

Maulavi JAHAN UDDIN AHMED : When will these architectural drawings be ready ?

Shri HARESWAR DAS : No date can be given because some temporary sheds are to be constructed to shift the office staff, etc., when these temporary sheds are constructed it is expected that the architectural drawing will also be completed.

Shri HARESWAR GOSWAMI (Rampur) : When was a decision to rebuild this Court building taken ?

Shri HARESWAR DAS : It is in the last year's Budget but the administrative approval was accorded in March, 1959.

Shri HARESWAR GOSWAMI : What is the reason for this delay from March 1959 to December 1959 in getting the architectural design ?

Shri HARESWAR DAS : The delay is due to the fact that one design was made but the Tennis Court authorities raised an objection : this objection was heard and it was decided to keep the tennis court in tact and so a second design was necessary.

Shri HARESWAR GOSWAMI : Will it be possible to spend the amount allotted in the Budget for this building in this financial year ?

Shri HARESWAR DAS (Minister, Revenue): It will not be possible, last year the Public Works Department said that they could spend only 50,000 rupees. Construction may start this year and the entire amount will not be spent.

Maulavi JAHAN UDDIN AHMED (Bilasipara): When will the construction be started?

Shri HARESWAR DAS : As soon as the architectural design is completed.

Shri BHUBAN CHANDRA PRODHANI (Golakganj) : Is it a fact that last year in reply to one question the Hon'ble Public Works Department Minister said that the work was already in progress?

Shri HARESWAR DAS : Some materials were collected.

Overload of passengers by buses plying between Barpeta-Tarabari and Barpeta-Chenga-Daulasal

Maulavi TAJUDDIN AHMED (Tarabari) asked :

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

(a) Whether Government are aware that buses plying between Barpeta-Tarabari and Barpeta-Chenga-Daulasal are always carrying passenger far more than the permissible maximum?

(b) If so, why Government is not giving more bus permits on those lines?

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

83. (a)—Government have no such information.

(b)—Does not arise.

Maulavi TAJUDDIN AHMED : Is it a fact that only one Bus Permit was given on the Barpeta-Tarabari route?

Capt. WILLIAMSON A. SANGMA : There are 20 State Carriage Buses running in that area, Sir.

Maulavi TAJUDDIN AHMED : Is it a fact that this Association has been given only one Permit more for the two Extra routes, i.e., Barpeta-Tarabari and Barpeta-Chenga-Daulasal?

Capt. WILLIAMSON A. SANGMA : Recently it was reported that there is no necessity for permits for those particular lines.

R. C. C. Bridge over Nakhandha within Barpeta Subdivision

Maulavi TAJUDDIN AHMED (Tarabari) asked:

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

- (a) Whether Government are aware that the R.C.C. Bridge over Nakhandha within Barpeta Subdivision is cracking?
- (b) When the construction of this bridge has been completed and when the total cost at which this bridge was constructed and the amount spent on it for repair?
- (c) Who is the contractor of this bridge and when he has taken the final bill?

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

84. (a)—Yes. The crack has occurred on the last pier on Tarabari side.

(b)—The bridge was completed on 25th September 1957 at a total cost of Rs.2,37,167. No amount has been spent on repairs as yet.

(c)—Messrs Builder Bros., Gauhati. The final bill has not been paid.

Maulavi TAJUDDIN AHMED : Whether there was any officer to supervise this bridge at the time of construction?

Shri GIRINDRA NATH GOGOI : Yes Sir, there is an officer to supervise the work.

Dr. SRI HARI DAS (Barpeta) : What is the length of this bridge?

Shri GIRINDRA NATH GOGOI : I cannot supply the information off hand but I shall supply the information to the hon. Member.

Maulavi TAJUDDIN AHMED : Who was that officer who supervised the work on this bridge at the time of construction?

Shri GIRINDRA NATH GOGOI : The Executive Engineer.

Maulavi TAJUDDIN AHMED (Tarabari): What is the cause of the crack on this bridge?

Shri GIRINDRA NATH GOGOI: [(Deputy Minister, P.W.D. R.&B.)] The crack was noticed only on 23rd August 1959 Sir, and the cause is being traced.

Dr. SRI HARI DAS (Barpeta): Do the Government not think that this bridge is too narrow?

Shri GIRINDRA NATH GOGOI: It was built according to specifications.

Judicial enquiry of Police firing at Jorhat

Shri HARESWAR GOSWAMI (Rampur) asked:

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

(a) Whether the Judicial Enquiry instituted into the Jorhat firing by Police at the time of Id this year has been completed?

(b) Whether the Hon'ble Judge submitted his enquiry report?

(c) If so, what are the findings of the Hon'ble Judge?

(d) Whether the Minister-in-charge be pleased to lay on the table a copy of the enquiry report of the Hon'ble Judge?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied:

85. (a)—Yes.

(b)—Yes. The report was received by Government on 5th October 1959.

(c) & (d)—The Government at present are examining the report. The question of publication of the report or the finding will be considered when the examination is completed.

Shri HIRALAL PATWARY (Panery): যোৰহাটত গোলমাল লগাৰ সময়ত পাকিস্তানৰ High Commissioner তালৈ যোৱা হয় নে?

Shri BIMALA PRASAD CHALIHA: সেই ঘটনাটো হাইকেটাৰ Justice Malhotra ইহে Enquiry কৰিছিল; পাকিস্তানৰ High Commissioner ৰ Enquiry কৰিবলৈ দিয়া হোৱা নাছিল। (হাঁহি)

Shri KHOGENDRA NATH BARBARUAH (Amguri): When can we expect to get this Enquiry Report ?

Shri BIMALA PRASAD CHALIHA (Chief Minister): I have already said Sir, that this report has already been received and Government is examining it. Government expect to come to a decision in about a month's time.

Regarding eroded Sadiya Government High School building

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked:

*86. Will the Minister-in-charge of Education be pleased to state—

- (a) Whether the plan and estimates for the eroded Sadiya Government High School building has since been prepared for re-construction in the new township at Chapakhowa ?
- (b) When the work of the new construction may be expected to be commenced ?
- (c) Whether quarters for the teaching staff will also be constructed ?
- (d) Whether it is a fact that there is shortage of 4 or 5 members on the teaching staff ?

Shri RADHIKA RAM DAS (Deputy Minister, Education) replied:

86. (a)—Yes.
 (b)—Next year, if possible.
 (c)—Government will consider this question.
 (d)—Only one post of Assistant teacher is now vacant as the person appointed has not yet joined.

Shri DEVENDRA NATH HAZARIKA : Since when this Government High School at Sadiya was accommodated in a dilapidated thatched bamboo building ?

Shri RADHIKA RAM DAS : For the last two or three years after the flood, Sir.

Shri DEVENDRA NATH HAZARIKA : When the new township will be constructed will this be located in the new township or in the present site ?

Shri RADHIKA RAM DAS : In the new township, Sir.

Representation for land from flood affected people of Naharhaku and other villages of Moderkhat Mouza

Shri DEVENDRA NATH HAZARIKA (Saikhowa)
asked :

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

- (a) Whether the Deputy Commissioner, Lakhimpur, has lately received any representations from the landless and flood-affected people of Naharhaku and other villages of Moderkhat Mouza to provide them with land in Wilton grant or other places in Moderkhat Mouza in the year 1958 or before ?
- (b) Whether Government is aware that a copy of such representation was forwarded to the Deputy Commissioner, Dibrugarh, by the Questioner requesting provision of land to these landless people ?
- (c) Whether it is a fact that besides Wilton grant there are available land in Basmotia Tea Garden Grant and other Tea Garden Grants in Moderkhat Mouza ?
- (d) Whether Government propose to give lands to these landless and flood affected people ?

Shri HARESWAR DAS (Minister, Revenue) replied :

87. (a)—Yes.

(b)—Yes.

(c)—The availability of surplus waste land of the Tea Estate is under enquiry according to the recent agreement between the Government and the Managements of the tea estates.

(d)—Yes, according to the availability of land.

Shri DEVENDRA NATH HAZARIKA : What was the difficulty experienced by local Deputy Commissioner to place this subject before the Land Settlement Advisory Board in spite of requests made to him at the beginning of 1958 ?

Shri HARESWAR DAS : Because various enquiries to be made whether land is surplus or waste because no land from tea estates can be requisitioned or acquired without enquiry.

Shri DEVENDRA NATH HAZARIKA : Generally how long it takes to make such enquiry ?

Shri HARESWAR DAS : It sometimes takes a very long time because there is an agreement between the tea management and the Government and the tea management agreed that they will themselves point out which they would surrender. In some cases they have done so and in other cases they have not but we have asked them to expedite.

Damages caused by the Assam Distillery to paddy lands of certain villages in Lahoal Mauza (Dibrugarh)

Shri DEVENDRA NATH HAZARIKA (Saikhowa)
asked:

*88. Will the Minister-in-charge of Excise be pleased to enquire and state—

- (a) Whether Government are aware that paddy cultivation over 170 bighas of land in Ikara-toli Khonikar, Mohanbari, Hindu Gaon and Khanikar Villages in Lahoal Mauza (Dibrugarh) was destroyed due to the flow of wastes of the Assam Distillery ?
- (b) Whether Government are aware that the value of paddy cultivation destroyed was over Rs.25,000 (Rupees twenty-five thousand) ?
- (c) Whether Government are aware that the matter was reported to the local Deputy Commissioner and the Sub-Deputy Collector ?
- (d) Whether Government are aware that the questioner wrote to the Deputy Commissioner, Lakhimpur on 28th December, 1958 with a copy to the Revenue Minister pointing out the dag Nos. of land, with their owners and are of paddy land destroyed ?
- (e) What action has been taken by Government to realise compensation from Assam Distillery and to pay the same to these unfortunate cultivators ?
- (f) Whether it is a fact that the fertility of the land in question was also damaged due to flow of the waste of the Assam Distillery ?
- (g) What action Government have been taken to stop this state of thing ?

Shri HARESWAR DAS (Minister, Excise) replied:

88. (a) & (b)—Such reports were received ; but on enquiry it was found that there was no flow of waste from the Assam Distillery.

(c)—Yes.

(d)—Yes.

(e)—As the Assam Distillery was not found to be responsible, no action was taken for realisation of compensation from them.

(f)—No. There appears to be no flow of waste from the Assam Distillery.

(g)—No action was called for in view of what is stated at (f) above. The Assam Distillery has, however, been requested to check the flow of waste in future also.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : How these paddy fields were destroyed in the month of September/October 1958, 170 bighas of paddy field of Lahoal Mauza ?

Shri HARESWAR DAS (Minister, Excise) : It is first to be ascertained whether the paddy field was destroyed in September and then only it to be enquired whether the destruction or damage was due to the flow of waste. Enquiry was made and the damage was not due to flow of waste.

Shri DEVENDRA NATH HAZARIKA : Whether the Minister-in-charge will be pleased to enquire that the local Sub-Deputy Collector submitted a report to the Deputy Commissioner to the effect that the damage was due to the flow of waste ?

Shri HARESWAR DAS : That is not correct. It was the Deputy Superintendent of Excise who made the enquiry and submitted a detailed report. Here is the report, Sir should I read it out ?

Mr. SPEAKER : If the report is long, then you may please give the gist of it.

Shri HARESWAR DAS : All right, Sir. In the report he has stated that he had made the enquiry locally, and found that there are several processes by means of which the effluents from the Distillery is controlled. While passing from the distillery time water is mixed with it, when it is allowed to settle down in tanks. Lime water helps sedimentation. The sediment are taken out and used as manure. The water then has to pass through various tanks where it exhaust itself, in case of very high flood the waste may be only carried to the paddy field.

The distillery authority has been asked to keep proper check on the flow during high flood.

Shrimati LILY SENGUPTA (Lahowal) : একচাইজ চ পাৰিগটেণ্টে S.D.C. আৰু স্থানীয় M.L.A. তদন্ত কৰাৰ সময়ত খেতিয়ক সকলক লগত লোৱা হৈছিল নে ?

Shri HARESWAR DAS : কাক কাক লগত লৈছিল সেই কথা চৰকাৰে নাজানে।

Mr. SPEAKER : আৰু বেলেগ তদন্ত কৰিছিল নেকি ?

Shri HARESWAR DAS : চৰকাৰৰ তেনে ৰেকৰ্ড (record)

নাই।

Shri DEVENDRA NATH HAZARIKA : Whether the Minister-in-charge is supplying that information on the basis of the report supplied to him by the Excise Department or the Revenue Department ?

Shri HARESWAR DAS : Deputy Commissioner.

Quality of "Atta" available at controlled price in different shops in Assam

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked:

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

- (a) Whether Government are aware that the "Atta" available at controlled price at different shops in Assam are inferior in quality than the "Atta" available at higher prices?
- (b) If so, what action Government is taking to improve the quality of atta sold at controlled rate?
- (c) Whether Government are aware that the people of Assam are now in the habit of taking Atta?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) replied :

89. (a)—Government have no information.

(b)—Does not arise.

(c)—Yes.

Shri HIRALAL PATWARI (Panery) : চৰকাৰে এই কথা জানেনে যে বৰ্ত্তমানে আটা তৈয়াৰী কৰা মিল বিলাকত আগেয়ে তুঁহ separate কৰাৰ ব্যৱস্থা আছিল আৰু আজি কালি সেইটো কমটকৈ কৰে? সেই কথা চৰকাৰে জানেনে?

M. MOINUL HAQUE CHOUDHURY : নাজানে।

Shri HIRALAL PATWARI : এই বিষয়ে চৰকাৰে তদন্ত কৰিবনে?

M. MOINUL HAQUE CHOUDHURY : I shall enquire into, Sir.

Shri HIRALAL PATWARI : এই কথা চৰকাৰে জানেনে যে যেতিয়া চৰকাৰী 'ইন্সপেক্টৰ' সকল তদন্ত কৰিবলৈ যায় তেতিয়া 'দীলাৰ' (dealers) সকলে এই আটা এক নম্বৰ, এই আটা ডেৰ নম্বৰ, এই আটা সোৱা নম্বৰ আদি শ্ৰেণী বিভাগ কৰি দেখুৱাই ইন্সপেক্টৰ সকলক 'মিচগাইড্' (Misguide) কৰে?

M. MOINUL HAQUE CHOUDHURY : নাজানে।

Shri HIRALAL PATWARI : এই বিষয়ে চৰকাৰে তদন্ত কৰিবনে?

Shri DEVENDRA NATH HAZARIKA (Saikhowa) : Whether it is a fact that this complaint was submitted by a certain person to the Chief Minister personally saying that the quality of atta that was supplied was thoroughly rotten ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) : I do not exactly remember the particular instance the hon. Member is referring to but it is true that sometimes while on tour I received such a complaints.

Shrimati JYOTSNA CHANDA (Silchar-West) : May I know from the Minister-in-charge whether he has any information of the fact that I myself once complained to the Deputy Commissioner, Cachar about the supply of inferior quality of Atta ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply) : The Deputy Commissioner did not pass on that information to me.

Shri MOHIKANTA DAS (Barchalla) : Whether there is any agency for examining adulteration and supply of inferior quality of atta which is one of the most essential articles of food of a section of the community in Assam ?

M. MOINUL HAQUE CHOUDHURY : Public Health Officers are expected to do it, so far as the quality is concerned. Supply department is expected to be vigilant over this matter so far as their sale is concerned.

Shri RAMNATH DAS [Dergaon (Reserved for Scheduled Castes)] : It is replied by hon. Minister that the Supply and Public Health Department officials are expected to keep check over this matter. May I know whether these departments actually keep a check over these matters ?

M. MOINUL HAQUE CHOUDHURY : Departmental officers do it, Sir.

Shri RAMNATH DAS : May I know Sir what was the report submitted after examination to the Government ?

M. MOINUL HAQUE CHOUDHURY : No report has come to us supporting this complaint.

Shri DANDESWAR HAZARIKA (Morongi) : Is it a fact that due to inferior quality of wheat supplied by the Centre that the quality of atta in Assam is bad ?

M. MOINUL HAQUE CHOUDHURY : Yes, that is correct. There has been report that the quality of atta received from the Centre is not up to the mark.

Shri HARESWAR GOSWAMI (Rampur) : May I know whether any step has been taken to move the Central Government that the supply of the normal quota of wheat should not be of inferior quality ?

M. MOINUL HAQUE CHOUDHURY (Minister, Supply): This matter was taken up with the Central Government. But hon. Members will please appreciate the difficulty of the Central Government in this respect. All these wheat and flour come from foreign countries. Ships are loaded in Australia and America and they come to Calcutta and then by railways they are brought to Assam where they are unloaded and opened. Then only the question of quality can be ascertained. When any bad quality of wheat or flour is detected, this Government take up the matter with the Government of India and the Government of India in turn again take it up with those foreign countries. It is therefore very difficult to assure the House that bad quality of atta can be totally eliminated from being supplied.

Shri MOHIKANTA DAS (Barchalla): Will the Minister-in-charge be pleased to state the number of cases detected in any subdivision or district?

M. MOINUL HAQUE CHOUDHURY: I want notice of it.

Shri RAMNATH DAS [Dergaon (Reserved for Scheduled Caste)]: In view of the large scale complaint regarding the bad quality of atta produced by the Mills here, will the hon. Minister be pleased to make an immediate enquiry into the matter?

M. MOINUL HAQUE CHOUDHURY: I made certain enquiries in the past also. But some how or other unfortunately complaints made could not be substantiated. If, however, it is the desire of the House that I should make further enquiry, I shall do so.

Shri HIRALAL PATWARI (Panery): এই তদন্ত কৰিবলৈ গলে আটা সম্বন্ধে বেচি ভালকৈ জনা মানুহ মিনিষ্টাৰে লগত নিবনে? (laughter)

Regarding Koch-Rajbanshi Kshatriya Community of Assam

Shri BHUBAN CHANDRA PRADHANI (Golakganj) asked :

*90. Will the Minister-in-charge of Tribal Areas Department be pleased to state—

(a) The total population of the Koch-Rajbanshi Kshatriya Community of Assam?

(b) Whether Government supplied the population figure of this Community to the Backward Classes Commission of India during its visit to Assam in 1953?

(c) If so, what is that figure and how the Government arrived at that figure?

Capt. WILLIAMSON A. SANGMA (Minister, Tribal Areas Department) replied :

90. (a)—3,20,517 (according to 1921 Census).

(b)—No. The total population of all the "Other Backward Classes" which were provisionally recognised as such by the then Government was furnished to the Commission.

(c)—Does not arise.

Shri BHUBAN CHANDRA PRADHANI (Golakganj) : May I draw the attention of the hon. Minister-in-charge to page 11, Volume No. 11 of the Report of the Other Backward Classes Commission and know from him whether the population figure was shown there at 155,398 only?

Capt. WILLIAMSON A. SANGMA : Government at that time did not give the population figure of one particular community. At that time when the Commission visited Assam, there were as many as 20 communities only. The total figure that was placed before the Backward Commission was 18,84,234.

Shri BHUBEN CHANDRA PRADHANI : It is a fact that this figure was supplied by the State Government to the Central Government.

Shri MOIKANTA DAS : On what basis, please?

Mr. SPEAKER : Order, order. The question hour is over.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Proposal for reconstruction of the Court buildings of Dibrugarh

Shrimati LILY SEN GUPTA (Lahowal) asked:

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

- (a) How many Court Buildings of different district of this Province were damaged by flood and earthquake this year?
- (b) If so, in which districts?
- (c) Whether Government has taken any scheme in hand for the construction of new Court Building in the affected districts?
- (d) Whether Government is aware that due to the fact of major portion of Court Buildings of Dibrugarh being eroded by the river Brahmaputra, Magistrates and public are experiencing great difficulties?
- (e) If so, whether Government has kept provision for immediate construction of Court Buildings?
- (f) If so, what is the site of those Buildings and when the work is expected to start?
- (g) What will be the total cost incurred in construction of those Buildings?

Shri HARESWAR DAS (Minister, Revenue) replied:

120. (a)—There was no report of any damage to Court Buildings in any of the districts of the State by flood and earthquake this year.

(b)—Does not arise.

(c)—There is no such scheme as no Court Buildings were damaged in the flood affected districts.

(d)—Yes.

(e), (f) & (g)—Provision for construction of Court Buildings at Dibrugarh will be considered on receipt of plan and estimate, and final selection of the site. These particulars are under examination. Cost and date of start of work therefore cannot be indicated at this stage.

Causes of death of prisoners in the District Jail, Silchar

Mrs. JYOTSNA CHANDA (Silchar-West) asked :

121. Will the Minister-in-charge of Jails be pleased to state—

(a) Whether it is a fact that there has been a large number of deaths in Silchar Jail recently ?

(b) If so, whether any probe has been made into the matter to find out the causes ?

(c) Whether Government is aware that there is a feeling in certain circles that this sudden increase in death rate in Silchar Jail is due to lapses on the part of Local Jail authorities which could have been avoided ?

Shri DEBESWAR SARMAH (Minister, Jails) replied:

121. (a)—Number of death of prisoners in the District Jail, Silchar, during 1958 and 1959, are 16 and 12 respectively.

(b)—A statement showing the causes of death of each prisoner is placed on the Library Table. (Please see Library Register No. S. 136).

(c)—The Jail authorities were not responsible for the natural deaths of the prisoners. The Assistant Surgeon II in-charge of Jail Hospital and the Medical Officer of the Jail personally look into the matter of treatment of the prisoners.

Maintenance of Beki Public Works Department Ghat

Shri GHANASHYAM TALUKDAR (Sorbhog) asked:

122. Will the Minister, Public Works Department (R. & B.) be pleased to state—

(a) What is the annual expenditure in maintaining the Beki Public Works Department Ghat ?

(b) What is the total expenditure for the maintenance of the Beki Public Works Department Ghat approach roads for the last five years ?

(c) Why the present approach road has been constructed in a zigzag way in spite of representation to the contrary ?

(d) What was the cost in constructing this new approach road ?

(e) Why it has not yet been completely gravelled ?

(f) Why the Public Works Department Minister or the Chief Engineer, Public Works Department has not visited this new approach road since it is a part of the North Trunk Road ?

(g) How many first Class Ferry Ghats are there in Kamrup and what are their names ?

(h) Will the Government take steps to maintain this ghat and approach road properly ?

Shri GIRINDRA NATH GOGOI (Deputy Minister, Public Works Department (R. and B.)) replied:

122. (a)—The annual expenditure in maintaining the Beki Public Works Department Ferry is Rs.7,113.

(b)—Total expenditure for the maintenance of the Beki Public Works Department Ghat approach roads for the last five years is Rs.49,303.

(c)—The alignment of the approach road is not zigzag. There are few curves which are not dangerous to vehicular traffic.

(d)—The total cost for constructing the new Beki approach roads is Rs.39,379.

(e)—Collection of gravel has been completed and spread by now.

(f)—Additional Chief Engineer had inspected the ghat.

(g)—There is only one major Ferry in Kamrup District, viz., Gauhati-North Gauhati Ferry. The list of ferries in Kamrup District is laid on the Library Table. (Please see Library Register No. 137).

(h)—Presumably, the hon. Member means the Beki ghat. If so, the Ghat has been maintained properly.

Taking over of the Road from Barpeta Road to Bashbari Tea Estate by Public Works Department

Dr. SRIHARI DAS (Barpeta) asked :

123. Will the Minister, Public Works Department (R.&B.) be pleased to state—

(a) What action has been taken to take up the road from Barpeta Road to Bashbari Tea Estate, the portion of which is under the Tea Estate management and the bridges of that portion are of very deplorable conditions ?

(b) Why the small portion of a road of public utility has been allowed to keep under the management of the Fatemabad Tea Estate who is not looking after the well being of the road ?

(c) Who will be responsible if any motor accident occurs due to the break down of the bridges ?

(d) What is the necessity of building new bridges in new roads when some existing roads and bridges of very much public utility are never looked after and allowed to keep under private management ?

(e) Whether it is a fact that a small portion of road from Barpeta Road to Bashbari which is under Fatemabad Tea Estate is not repaired either by the Tea Estate management or by Public Works Department ?

Shri GIRINDRA NATH GOGOI [Deputy Minister, Public Works Department (R.&B.)] replied:

123. (a)—No action has been taken as the length in question *i. e.*, from Gobardhana to Bashbari is not under Public Works Department but under the management of Fatemabad Tea Estate.

(b)—Roads are generally selected as per recommendation of the Assam Road Communication Board and also of the Subdivisional Development Board and as this portion was not recommended by the Board it was not taken.

(c)—This being not public highway, the question of responsibility does not arise.

(d)—Government do not consider such roads as of very much public utility than those taken up for construction, as road programmes are generally drawn up as per recommendation of the Assam Road Communication Board and also of the Subdivisional Development Board.

(e)—Does not arise.

Regarding shifting of a Malaria Sub-unit from Sorbhog to Manikpur

Shri GHANASHYAM TALUKDAR (Sorbhog) asked:

124. Will the Minister-in-charge of Medical be pleased to state—

(a) Whether it is a fact that Malaria Sub-unit was established at Sorbhog ?

(b) Why the Minister-in-charge of Medical promised to locate the Sub-unit at Sorbhog during the second round of spraying as was stated by him in the Assembly on 30th August, 1958 in answer to unstarred question No.57 ?

(c) What is the respective population of the Bijni and Sorbhog Thanas ?

(d) Whether it is a fact that the Sub-unit was shifted to Manikpur from Sorbhog ?

(e) If so, why ?

(f) Whether it is a fact the Sub-Unit will be maintained in future for six months at Sorbhog and six months at Manikpur ?

(g) Whether Sorbhog and Manikpur are regarded as towns ?

(h) Whether Government is aware that Sorbhog is located near a Railway Station whereas Manikpur is miles off from the nearest Railway Station ?

Shri RUPNATH BRAHMA (Minister, Medical),
replied:

124. (a)—Yes.

(b)—The matter was further examined and it was not possible to shift the Sub-Unit due to some technical grounds.

(c)—Bijni 71,599 and Sorbhog 1,28,252 according to census of 1951.

(d)—Yes.

(e)—The main factor that favoured the shifting of the Sub-Unit to Manikpur is that Manikpur falls under two thanas i. e., Bijni and Sorbhog and that the area that falls under Bijni is inaccessible during operation period for want of proper communication. Manikpur is found to be a suitable place from where these difficult areas can be attended to. Although the Sub-Unit has been fixed at Manikpur the areas under Sorbhog will also be taken in similar operation as that of Manikpur and they will get the same benefit.

(f)—Owing to accommodation difficulty now being experienced at Manikpur instruction has been issued to find out suitable house at Sorbhog for shifting the Sub-Unit there as early as possible.

(g)—No, so far National Malaria Eradication Programme is concerned.

(h)—Yes.

**Refusal to take pay on 1st September 1959 by the
Members of the Shillong Ministerial Officers
Associations**

Shri KHOGENDRA NATH BARBARUAH (Amguri)
asked :

125. Will the Chief Minister be pleased to state—

- (a) Whether Government are aware that the members of the Shillong Ministerial Officers Association and the members of the District Branch, (Shillong) of the 4th Grade Government Servants Association refused to take pay for August, 1959 on 1st September 1959 ?
- (b) Whether Government are aware that they refused to take pay for indifference and apathy on the part of Government towards their demands ?
- (c) Whether it is a fact that the above are Government recognised Association ?
- (d) Whether it is a fact that no effective machinery has been established to deal with resolutions and memoranda submitted by the Associations and Unions of Government employees ?
- (e) If so, what steps Government have been taken to set up such machinery ?

Shri BIMALA PRASAD CHALIHA (Chief Minister)
replied :

125. (a)—Yes.

(b)—They refused to take pay on the 1st day of the month as a token of protest for non-fulfilment of their demands.

(c)—Yes.

(d)—To deal with the legitimate grievances of Government servants three staff Committees are being set up, one for Secretariat Services, one for Ministerial officers of the offices of Heads of Departments and one for Grade IV Employees on All Assam basis. Government have also decided to set up a staff Committee for Ministerial officers of District and Sub-divisions on an All Assam basis.

(e)—Does not arise in view of above.

High rate of land revenue in Haibargaon area of Nowgong Town

Shri KHOGENDRA NATH BARBARUAH (Amguri)

asked:

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

(a) What is the basic principle of levying revenue in the Town, areas ?

(b) Whether it is a fact that in Haibargaon area of Nowgong Town, the revenue is exorbitantly high ?

(c) Whether it is a fact that in some part of Haibargaon the revenue per bigha is at more than Rs. 300 (Rupees three hundred) per year ?

(d) Why Government do not classify the areas or lands on principle of use (such as residential, business, etc.) ?

(e) Whether Government have received petitions from the people of Haibargaon to the effect that a certain principle of revenue-taxation, be fixed and the present rate per bigha be reduced ?

(f) If so, whether Government will comply with the request ?

Shri HARESWAR DAS (Minister, Revenue)

replied :

126. (a)—For levying revenue in the town area, town land is divided into three main classes, viz:—

(1) Agricultural land (2) Residential sites and (3) Trade sites.

(1) The rate of revenue for agricultural land shall not exceed by more than $7\frac{1}{2}$ per cent, the rate fixed for similar land in the highest rated adjoining village.

(2) The rates of revenue fixed for land settled with a right of renewal and classed as residential sites shall not exceed 25 per cent of the annual value of the sites.

(3) The rates of revenue for land settled with a right of renewal and classed as trade sites shall not exceed 50 per cent of the annual value of the sites.

The rates of revenue for land settled without a right of renewal for a period not exceeding three years shall not exceed the full annual value of the sites.

(b)—It is not a fact.

(c)—It is not a fact.

(d)—It is done according to the principle stated at (a) above.

(e)—Yes.

(f)—The resettlement of Nowgong town including town Haibar, and town Nartam, and town Kachalukhowa being already closed, the question does not arise.

Regarding the post of Subdivisional Publicity Officer for North Cachar Hills

Shri HANDHON MOHAN HAPLANGBAR [North-Cachar Hills (Reserved for Scheduled Tribes)] asked :

127. Will the Minister-in-charge of Publicity and Information be pleased to state—

(a) Whether the post of the Subdivisional Publicity Officer for N. C. Hills has ever been advertised since the post was created?

(b) Whether there were any local tribal candidates from N. C. Hills for the post?

(c) Whether those local candidates appeared for interview before the Assam Public Service Commission for the said post?

(d) Whether those tribal candidates from N. C. Hills have been declared to be unfit for the post?

(e) If not, why none of them has been appointed to the post?

Capt. WILLIAMSON A. SANGMA (Minister, Tribal Areas Department) replied :

127. (a)—Yes, advertised by the Assam Public Service Commission.

(b)—Yes.

(c)—Yes.

(d)—No. Two local candidates were nominated by the Assam Public Service Commission.

(e)—Appointment could not be made so far for want of requisite report on the antecedents of the candidates. The reports are being collected and the post is shortly going to be filled up.

Revised scale of pay of the teachers of the Primary Schools of Assam

Shri HANDHON MOHAN HAPLANGBAR [North-Cachar Hills (Reserved for Scheduled Tribes)] asked :

128. Will the Minister-in-charge of Education be pleased to state—

(a) The date from which the revised scale of pay of the teachers of the Primary Schools of Assam was given effect to?

(b) Whether the teachers of these Primary Schools of both temporary and permanent cadres are to be given the revised scale of pay?

(c) What is the reason for many teachers of the Primary Schools of N. C. Hills Subdivision not getting the arrears of their revised pay?

(d) Whether Government propose to call for a report in this connection from the Deputy Inspector of Schools concerned and arrange early payment of the teachers' arrear pay?

Shri RADHIKA RAM DAS (Deputy Minister, Education) replied :

128. (a)—With effect from 1-10-1956.

(b)—Both permanent and temporary cadres are to be benefitted by the revised scales of pay.

(c)—Almost all teachers have already been given revised scales of pay and paid their arrears. There may be however very few cases of non-payment of arrears because of non-availability of particulars (such as option forms, service books, etc.) in respect of these teachers. There may also be

a few trained teachers who may not be getting the trained teachers' grade because of there not showing the date of passing the training course in the option forms. If specific instances of non-payment of arrears salaries are given, the matter can be looked into and reasons found for not giving revised scales of pay.

(d)—Does not arise in view of replies to (c).

Different trades in which training is given in the Tezpur Technical School

Shri MOHI KANTA DAS (Barchalla) asked :

129. Will the Minister-in-charge, Education be pleased to state—

- (a) What are the different trades in which training is given in the Tezpur Technical School ?
- (b) Who are the Instructors for different trades and what are their qualification ?
- (c) What is their total number ?
- (d) What is the number of trainees in each trade ?
- (e) Whether there is any hostel accommodation for the trainees ?
- (f) Whether any stipends are granted to all the trainees ?
- (g) If so, what is the value of each stipend ?
- (h) Whether there is any Board or Committee for selection of Candidates for admission ?
- (i) If not, who selects the Candidates ?
- (j) Whether Government propose to form a Committee for selection of Candidate ?
- (k) Whether it is a fact that there is no requisite number of Instructors for different trades ?
- (l) If so, whether Government propose to remove the inadequacy of Instructors ?
- (m) Whether it is a fact that there are no requisite implements and equipments, tools or Machinery for some trades ?
- (n) If so, whether Government propose to make the institution a Well equipped one without delay ?

Shri DEBESWAR SARMAH (Minister, Education)
replied :

- 129.(a)—(i) Carpentry and Joinery,
(ii) Blacksmithy and Welding,
(iii) Fitter and Engine-Mechanic,
(iv) Mechanist and Turner,
(v) Electrician and Wireman,
(vi) Motor Mechanic and Driving.

(b)—

Name	Name of Trade	Qualification
Shri Girish Ch. Hazarika	Blacksmithy and Welding ..	Certificate in Blacksmithy and Welding.
Shri Khagendra Nath Hazarika.	Do. ...	Do. Welding,
Shri Charu Ch. Hazarika	Machinist and Turner ..	Do. Turner.
Shri Basanta Kr. Sarma	Do. ..	Do. Mechanist and Turner.
Shri Badan Ch. Baruah ..	Carpentry and Joinery ..	Do. Carpentry and Joinery.
Shri Akhoy Sarma .	Do. ..	Do. do.
Shri Ranjit Kr. Bhatta-charjee.	Fitter and Engine-Mechanic	Do. Mechanic I. C. Engine.
Shri Dineswar Phukan.	Do. ..	Do. Mechanical Apprentice.
Shri Bhagyeeswar Mohanta	Elec. and Wireman ...	Do. Electrician and Wireman.
Shri Suren Ch. Deka ..	Motor Mechanic and Driving	Do. Motor Mech.

(c)—10 (ten).

(d)—Carpentry and Joinery	...	...	20
Blacksmithy and Welding	...	...	20
Fitter and Engine-Mechanic	...	...	20
Mechinist and Turner	...	...	15
Electrician and Wireman	...	...	10
Motor Mechanic and Driving	...	...	10
		Total ...	95

(e)—Yes, for 40 students.

(f)—No. But a work pay at 75 nP. is sanctioned to students till now.

(g)—Does not arise.

(h)—Yes.

(i)—Managing Committee.

(j)—Since there is the Managing Committee, no additional Committee is thought necessary.

(k)—No.

(l)—Does not arise.

(m)—No.

(n)—Does not arise.

Molestation of Women and Children at Laitkor village by Police personnel.

U JOR MANIK SYIEM [Nongpoh (Reserved for Scheduled Tribes)] asked :

130. Will the Chief Minister be pleased to state—

(a) Whether it is a fact that certain Police personnel in a drunken state, molested women and children at Laitkor village on the Nongkrem Puja day, the 19th October, 1959?

(b) If so, whether proper enquiry was made in the matter and what was the result of the enquiry ?

(c) What action, if any, has been taken against those Policemen ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

130. (a)—On 19th October, 1959 probationary Sub-Inspector Promode Chandra Mech of Khasi and Jaintia Hills District Executive Force while returning from Smit after Nongkrem dance along with one section of Armed Branch men in a police truck stopped at village Laitkor and commenced checking vehicles travelling between Shillong and Jowai. It was found on enquiry that the Sub-Inspector was in a drunken state and while checking vehicles he abused and threatened some drivers and passengers and behaved in a disorderly manner but there was no molestation of women

(b)—Yes. As at (a) above.

(c)—The probationary Sub-Inspector who was at fault has since been reverted to his original substantive post of Lower Division Assistant in the Office of the Inspector of Police. He has also been given a final warning and an appropriate adverse entry has been recorded in his Confidential Character Roll. As this reversion would mean a considerable monetary loss, no further departmental action was taken.

Conversion of Kamargaon Subsidised Dispensary into full-fledged State Dispensary

Shri NARENDRA NATH SARMA (Dergaon) asked :

131. Will the Minister, Medical be pleased to state—

(a) Whether there is any Dispensary at Kamargaon in Golaghat Subdivision and if so, what is the status of the said Dispensary ?

(b) Whether Government is aware that Kamargaon is situated in plains tribal area ?

(c) Whether it is a fact that the Medical Minister in reply to budget speech of 1957 assured on the floor of the House to improve the said Dispensary ?

(d) Whether Government propose to convert the said Dispensary to a full-fledged State Dispensary ?

(e) Whether there is any chance to convert the Dispensary at Kamargaon to a Health Unit ?

Shri RUPNATH BRAHMA (Medical, Minister) replied :

131. (a)—Yes, a Government Subsidised Dispensary.

(b)—There is tribal population in Kamargaon locality.

(c)—Yes.

(d)—Not at present. But, steps are being taken to improve the subsidised dispensary.

(e)—No.

Construction of Infectious Hospital at Gauhati

Dr. GHANASHYAM DAS [North-Salmara (Reserved for Scheduled Castes)] asked:

132. Will the Minister, Medical be pleased to state—

(a) When the construction of the Infectious Hospital at Gauhati was started ?

(b) Whether the construction work is completed ?

(c) If so, when ?

(d) When it is expected to function ?

Shri RUPNATH BRAHMA (Medical Minister) replied:

132. (a)—In 1957.

(b)—Not yet.

(c)—Does not arise.

(d)—After completion of construction which is expected during this financial year, the Hospital will function.

Regarding Umbrella Co-operative Industries, Ltd., at Dibrugarh

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked:

133. Will the Minister, Co-operative Societies be pleased to State—

(a) Whether the Dibrugarh Umbrella Co-operative Industries Limited is functioning at present ?

(b) If not, since when it stopped functioning ?

(c) Whether it is proposed to be revived ?

(d) Whether Government propose to liquidate this Industrial Cooperative and arrange to refund the share money ?

(e) Whether it is a fact that the share holders applied for refund of share money expressing discontentment due to the non-functioning of the society for such a long period ?

M. MOINUL HAQUE CHOUDHURY (Minister, Co-operation) : replied :

133. (a)—Yes.

(b), (c) & (d)—Do not arise.

(e)—No application has been received for refund of share money.

Revision of the scale of pay of Co-operative Officers

Shri PRABHAT NARAYAN CHOUDHURY (Nalbari-East) asked :

134. Will the Minister-in-charge of Co-operative be pleased to state—

(a) Whether Government are aware of the grievances ventilated by the Assistant Registrars of Co-operative Societies, Deputy Co-operative Officers and the Assistant Co-operative Officers for improvement of their salary ?

(b) Why Government have not fulfilled the assurance given on the floor of the House to consider revision of the scale of pay of Co-operative Officers ?

(c) When Government propose to implement the revise pay scales of Co-operative Officers and what are the scales so proposed ?

M. MOINUL HAQUE CHOUDHURY (Minister, Co-operation) replied :

134. (a)—Yes.

(b)—The Government have considered their case and pay scales have been revised with effect from 1st April 1959.

(c)—The scales revised are as follows :—

(i)—Deputy Registrar of Co-operative Societies—
Rs.500—30—650—(E.B.)—35—720—40—800.

- (ii)—Assistant Registrar of Co-operative Societies
Rs.200—25—500—(E.B.)—25—600.
- (iii)—Deputy Co-operative Officer Rs.150—10—220—
(E.B.)—10—300—(E.B.)—10—350 with a House
Rent Allowance of Rs.25 per mensem.
- (iv)—Assistant Co-operative Officer Rs.125—7½—155—
9—245—(E.B.)—10—275 with a House Rent
Allowance of Rs.25 per mensem.

Increase of wages to Tea Garden Labourers in Assam

Shri HIRALAL PATWARY (Panery) asked :

135. Will the Minister-in-charge of Labour be pleased to state—

- (a) Whether Government has decided to increase the minimum wage of tea garden labourers in Assam ?
- (b) If so, to what extent and from which date effect will be given ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Labour) replied :

135. (a)—Government have recently revised the minimum wages for employees in plantations in the Assam Valley Districts in accordance with the recommendations of the Advisory Committee set up for the purpose. For the Cachar District, the recommendations of the Committee are awaited and expected soon.

(b)—Except in the case of North Lakhimpur Sub-division, Goalpara and United North Cachar and Mikir Hills District, a uniform wage increase of 20 nP. and 10 nP. per day for adults and minors respectively has been effected. Wage rates for North Lakhimpur will be the same as in Darrang District and those of Goalpara and United North Cachar and Mikir Hills Districts will be same as Nowgong and Kamrup Districts.

The total revised rates will be as below:—

	Male	Female	Working Children 12-16 years
	Rs. nP.	Rs. nP.	nP.
Zone(A) Dibrugarh Subdivision of Lakhimpur .. District and Sibsagar District.	1.89	1.76	91
Zone (B) Darrang Distict and North Lakhimpur .. Subdianvision of Lakhimpur District.	1.82	1.70	88
Zone (C) Unted North Cachar and Mikir Hills .. Districts, Kamrup, Goalpara and Nowgong District.	1.76	1.70	88

Thee rates take effect from the 1st December 1959.

Construction of a Dak Bungalow at Netaipukhuri in Sibsagar

Shri DURGESWAR SAIKIA (Thowra) asked :

136. Will the Minister, Public Works Department (R. & B.) be pleased to state

- (a) Whether it is a fact that a proposal was made to sanction a Dak Bungalow at Netaipukhuri in Sibsagar?
- (b) If so, whether it isa fact that the then Executive Engineer selected the site at Netai ?
- (c) Whether Government are aware that one Shri Padma Konwor off red a plot of land for the purpose free of cost ?
- (d) How far it is from Sibsagar to Netai ?
- (e) Whether there is any existing Dak Bungalow between Sibsagar and Netaipukhuri ?
- (f) Whether it is also a fact that during pre-indeper dence time there was a floating Dak Bungalow there ?

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

136. (a)—A proposal was received for construction of an Inspection Bungalow at Netaipukhuri in 1956.

(b)—Yes.

(c)—No.

(d)—18 miles.

(e)—No.

(f)—There was a floating Inspection Bungalow at Netaipukhuri.

Complaint against the management of the Dhola Tea Estate

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked:

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

(a) Whether it is a fact that the public of Dirakmukh Hahkhathi and Aroimaria areas have been complaining that the management of Dhola Estate had been charging Rs.10 or so far each bullock cart that move through the Tea Estate road ?

(b) Whether Government is aware that a public petition, dated 21st August 1958 in this regard was forwarded by the questioner to the Deputy Commissioner, Lakhimpur on 26th August, 1958 ?

(c) Whether it is a fact that the said road or thoroughfare which is required for public use was within sarkari land up to 1931 when this area was transferred to the administration of political Agency ?

(d) What action has been taken by Government on the different representations on this subject ?

Shri HARESWAR DAS (Minister, Revenue) replied :

137. (a)—Yes, a complaint to this effect was received by the Deputy Commissioner.

(b)—Yes.

(c)—It is not a fact.

(d)—The representations are under investigation of the Deputy Commissioner for such action as may be called for.

Application for land for cultivation in Nokhrail Tea Estate and Nalani Tea Estate

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked :

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

(a) Whether the landless cultivators of Rongapara Mauza lately applied for land for cultivation in Nokhrail Tea Estate and Nalani Tea Estate covered by patta Nos.1, 187 and 190 ?

(b) Whether Government is aware that a copy of such representation was forwarded to the Deputy Commissioner, Lakhimpur by questioner on 5th December, 1958 ?

(c) If so, what action has so far been taken on these representations ?

Shri HARESWAR DAS (Revenue, Minister) replied :

138. (a)—Yes.

(b)—Yes.

(c)—On enquiry it was found that land in Nokhrail Tea Estate is lowlying and unsuitable for cultivation while the land in Nalani Tea Estate is already under occupation of garden labourers.

Construction of bridges on Barpeta-Baghbar Road

Dr. SRIHARI DAS (Barpeta) asked:

139. Will the Minister, Public Works Department (Road and Building) be pleased to state—

(a) Why the bridges on Barpeta-Baghbar Road are not serviceable for a long time in spite of repeated public demand?

(b) Whether Government is aware that this is an important road covering the Southern part of Barpeta Subdivision?

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

139. (a)—Construction of Barpeta-Baghbar road was taken up at a cost of Rs.8,74,000 on behalf of Relief and Rehabilitation Department. To complete all the bridges, the amount was found insufficient and an additional amount of Rs.39,000 was necessary. The Government of India was moved through Relief and Rehabilitation Department to sanction the amount. They have not agreed to bear the additional cost.

(b)—Yes.

Construction of an embankment from Baghjan Goan to Kaliapani-ghat in Hapjan Mauza

Shri MOLIA TATI (Doom Dooma) asked:

140. Will the Minister, Public Works Department (Embankment and Drainage) be pleased to state—

(a) Whether he has received a representation from the questioner in the month of September 1959 requesting him to construct an embankment from Baghjan Gaon to Kaliapani ghat in Hapjan Mauza to protect a large number of villages from recurring floods?

(b) Whether the matter has since been examined?

(c) Whether Government are aware that a large area of cultivable paddy land will be saved from flood thereby?

M. MOINUL HAQUE CHOUDHURY [Minister, Public Works Department (Embankment and Drainage)] replied:

140. (a)—Yes.

(b)—The executive Engineer, concerned has been asked to investigate the problem and his report is awaited.

(c)—This will be known when the investigations are complete.

Introduction of Multi-purpose scheme in the Goalpara P. R. Government High English School

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked:

141. Will the Minister-in-charge of Education be pleased to state—

(a) Whether multi-purpose scheme has been introduced in the Goalpara P. R. Government High English School, and if so, when ?

(b) Whether Science is being taught in the said School and if not, why ?

(c) How many instructors are necessary for teaching the multi-purpose subjects in a High School ?

(d) How many instructors have been appointed in the P. R. Government High School for teaching multi-purpose subjects and how many instructors are yet to be appointed ?

(e) Whether requisite text books for multi-purpose subjects are made available and if not, why ?

Shri RADHIKA RAM DAS (Deputy Minister, Education) replied:

141. (a)—Yes. The School has been converted into M. P. School in 1956, but the actual session started during 1959-60.

(b)—Elementary Science is taught in the School.

(c)—Generally three for each elective course and four for humanities course.

(d)—Five for both elective and humanities subjects. Another two Instructors for Technical course are to be appointed.

(e)—Text Books for Higher Secondary/Multi-purpose Course are being prepared and published. In the meantime teachers of different subjects have been instructed to prepare lesson notes and impart instructions till the text books are made available.

Short supply of boulders and gravels by a contractor engaged in Charali Division in Gohpur Subdivision

Shri MOHI KANTA DAS (Barchalla) asked :

142. Will the Minister, Public Works Department (R. and B.) be pleased to state—

- (a) Whether Government lately received complaint to the effect that a particular contractor engaged in Charali Public Works Department Division in Tezpur Subdivision made short supply of boulders and gravels but bill was fully paid inspite of the short supply ?
- (b) Whether it is a fact that an enquiry was ordered by Minister, Public Works Department and that the boulders and gravels supplied by the particular contractor were re-measured and found short and the Subdivisional Officer and some officers concerned were suspended ?
- (c) If so, who was the officer or officers who were entrusted with the enquiry ?
- (d) What action was taken against the contractor and officers concerned ?
- (e) Whether Minister-in-charge will be pleased to lay on the Library table a copy of the report of the enquiry ?

Shri GIRINDRA NATH GOGOI (Deputy Minister, Public Works Department) (R. and B.) replied:

142. (a)—A complaint to the effect that a particular contractor engaged in Charali Division in Gohpur Subdivision made short supply of boulders and gravels, was received after his bill was fully paid by the Executive Engineer.

(b)—Yes. An enquiry was ordered by Minister, Public Works Department and remeasurements of the metals were taken which were found short and the Subdivisional Officer was suspended.

(c)—Chief Engineer and Secretary, Public Works Department and Superintending Engineer, Northern Assam Circle were the enquiring officers in this connection.

(d)—The case has been handed over to the Police to take necessary action against the contractor after investigation. Departmental action against the officers concerned had been initiated and being proceeded on. The whole case is under examination.

(e) The report is at present in a confidential stage.

Management of the Assam Aviation and Transport Services Ltd., Gauhati

Shri HIRALAL PATWARY (Panery) asked:

143. Will the Minister-in-charge of Labour be pleased to state—

(a) Whether Government are aware that the Management of the Assam Aviation and Transport Services, Ltd., Gauhati are not giving the facilities to their workmen as provided in the established labour legislations in the country?

(b) Whether Government will be pleased to make a thorough enquiry into this and arrange for payment of the legitimate due and demands of the workmen?

144. Will the Minister-in-charge of Labour be pleased to state—

(a) Whether the Management of Assam Aviation and Transport Services, Ltd., Gauhati has ever paid any bonus to its employees?

- (b) If so, what amounts have been paid and how the same was given effect to ?
- (c) What is the total gross profits of Assam Aviation and Transport Services, Ltd., Gauhati from the day of license issued to them till the end of last closing year of the Company ?
- (d) What is the total number of workmen employed by the Assam Aviation and Transport Services, Ltd., Gauhati including casual, probationers, badlis, temporary and permanent separately from the day of license issued to them upto now year by year ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Labour) replied :

143. (a)—The Management have been asked to furnish the Standing Orders as required under the Industrial Employment Standing Orders Act, 1946.

(b)—The Payment of Wages Act is applicable to this establishment. If specific cases of non-payment of wages or dues are indicated, necessary steps can be taken for the realisation of the same under the relevant provisions of the payment of Wages Act.

144. (a)—Bonus is paid as in (b) below—

Year			Total amount			At the rate of
			Rs.	a.	p.	
1948-49	..	..	Nil			Nil
1949-50	..	..	3,435	12	0	One month's pay.
1950-51	..	..	2,540	5	0	75 per cent of monthly pay.
1951-52	..	..	Nil			Nil
1952-53	..	..	Nil			Nil
1953-54	..	..	Nil			Nil
1954-55	..	..	3,000	0	0	75 per cent of monthly pay.
1955-56	..	..	Nil			Nil
1956-57	..	..	2,550	0	0	75 per cent of monthly Pay.
1957-58	..	..	4,248.70	nP.		One month's pay.
1958-59	..	..	6,305.56	nP.		1½ month's pay.

(c)—The Bonus was allowed to the permanent staff only at the closing year when there is a profit at the discretion of the Management. Profits and income as per Co's., Balance Sheets are given year by year.

Year	Gross profits			Net profit			Loss		
	Rs. a. p.			Rs. a. p.			Rs. a. p.		
1948-49	1,07,884	7	9	6,971	14	9	..	..
1949-50	2,19,911	6	6	37,576	4	9	..	..
1950-51	2,45,965	7	6	14,817	1	9	..	..
1951-52	1,73,758	3	0	..	..		3,548	5	6
1952-53	1,68,145	2	1	..	..		14,424	0	2
1953-54	2,20,188	1	11	..	..		32,312	6	7
1954-55	2,72,054	8	9	20,585	10	3	..	..
1955-56	2,16,054	3	9	..	..		8,267	8	3
1956-57	1,91,253	4	3	8,737	11	6	..	..
1957-58	1,90,503.55	nP.		26,351.83	nP.		..	..
1958-59	2,01,530.2	nP.		25,072.22	nP.		..	..

below (d)—Total number of workmen employed are given year by year as far as available.

	1958-59			1957-58			1956-57		
Causal	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Probationers	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Badlis	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Temporary	25	24	20	25	24	20	25	24	20
Permanent	36	36	36	36	36	36	36	36	36
	61	60	56	61	60	56	61	60	56

Agricultural Statistics about the Dhansiri Irrigation Project

Md. MATLEBUDDIN (Dalgaon) asked :

145. Will the Minister P. W. D. (Flood Control) be pleased to state—

- (a) Whether the report of the investigation and the collection of Agricultural statistics have been received about the Dhansiri Irrigation Project ?
- (b) If so, whether the work of the said Project has started ?
- (c) What is the progress of work now ?
- (d) Whether Government are aware that for want of such project the poor people have been greatly suffering ?
- (e) If so, whether Government will be pleased to expedite the work ?

M. MOINUL HAQUE CHOUDHURY (Minister P.W.D (Flood Control)) replied :

145 (a)—No.

(b)—Does not arise.

(c)—The Executive Engineer has reported that preliminary surveys and investigation for the scheme have been completed. Collection of Agricultural statistics and ground water survey are in progress. Topographical surveys will be completed during this working season. As a first phase of the scheme three crossings on the way of the villager's doing at the three existing small natural streams will be designed this year.

(d)—Yes.

(e)—The first phase of the scheme has been included in the list of additional Irrigation schemes prepared to be executed during the Second Plan period and Government of India's approval for the same has been obtained. Design for the crossings are in progress.

Development of Tezpur echnical School

Shri MOHI KANTA DAS (Barchalla) asked:

146. Will the Minister-in-charge of Education be pleased to state—

(a) Whether it is a fact that Plans and Estimates for the Development of the Tezpur Technical School were prepared and sanctioned long ago?

(b) If so, what are the reasons for not commencing the work?

(c) When Government propose to commence the work?

Shri DEBESWAR SARMAH (Minister, Education) replied:

146. (a) & (b) —Administrative approval was accorded for Rs. 5,00,000 originally on May 1958. On the basis of land acquisition cost furnished by Deputy Commissioner. Subsequently, the estimate had to be revised in March, 1959 at an estimated cost of Rs. 5,65,750. Detailed estimates and plans are under preparation.

(c)—Yes. The work will be started as soon as all formalities are completed. Tenders have already been invited and received and Technical sanction accorded in part. At present the levelling of site is in progress.

Regarding the application of Sramik Seva Samity of Khoriabari Tea Estate for Social Work

Shri HIRALAL PATWARI (Panery) asked:

147. Will the Minister-in-charge of Labour be pleased to state—

(a) Whether it is a fact that Sramik Seva Samity of Khoriabari Tea Estate has applied for a grant for the development of Social Work?

(b) Whether it is also a fact that the Labour Welfare Officer, Assam has visited the Institution some time in May, 1959?

(c) If so, what is his finding?

(d) Whether Government are aware that this organisation is taking keen interest for Labour Education and other Social Uplift Work?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Labour) replied:

147. (a)—One Shri Uma Sankar Misra applied for financial assistance for a Hindi Night School started by him in the Lower Primary School at Khorlabari Tea Estate. No other application from the Sramik Seva Samity for a grant for the development of social work was received.

(b)—The Labour Welfare Officer visited the Hindi School on 26th May 1959 to enquire into the application of Shri Uma Sankar Misra.

(c)—The application has been sent for consideration by Labour Welfare Board.

(d)—Besides the above mentioned School, Government have no information of the organisation taking up any other work of social upliftment.

Regarding Namti Doles of Sibsagar Subdivision

Shri KHOGENDRA NATH BARBARUAH (Amguri) asked :

148. Will the Minister, Finance be pleased to state—

(a) The amount sanctioned this year for Namti Doles, Sibsagar Subdivision ?

(b) Through which Agency Government propose to utilise the amount ?

(c) Whether the Doles have been cleared and repaired ?

(d)—If not, why not ?

Shri FAKHRUDDIN ALI AHMED (Minister, Finance)

replied :

148. (a)—No amount has been sanctioned during the current financial year, but a sum of Rs. 2,000 was sanctioned in the last financial year.

(b)—Through the Agency of President, Dopdar R. P., P.O. Sibsagar.

(c)—The utilisation certificate is not yet received from the Subdivisional Officer concerned.

(d)—Does not arise.

**Damage done by flood to Chakabauri and Nakushi
Primary Schools in Barpeta**

Shri MAHADEV DAS [Barpeta (Reserved for Scheduled Castes)] asked:

149. Will the Minister-in-charge of Education be pleased to state—

(a) Whether Government are aware that the Chakabauri Primary School in Barpeta Mauza has been washed away by the Brahmaputra River and also both Boys' and Girls' Primary Schools at Nakushi of Bhanipur Mauza have been washed away by the Pahumara flood?

(b) What steps have been taken by Government to re-establish these Schools?

Shri RADHIKA RAM DAS (Deputy Minister, Education) replied:

149. (a)—Yes.

(b)—Under consideration of the Government.

**Lending of Services of the State Government Servants
of Assam to work in Indian Oil Refineries
at Gauhati**

Shri DURGESWAR SAIKIA (Thowra) asked:

150. Will the Chief Minister be pleased to state—

(a) Whether it is a fact that Indian Refineries at Gauhati has decided to taking some of the State Government servants of Assam in different categories of posts on terms of deputation?

(b) Whether it is a fact that State Government have decided to lend the services of their willing employees as proposed by the General Manager of the Oil Refinery at Gauhati and also have circulated it for general information to submit the names of those by 21st September 1959 at the latest?

(c) Whether it is a fact that in Police Department the Authority has refused to forward the applications of those willing persons and thereby debarring them from employment in the Oil Refinery ?

(d) If so, whether Government will be pleased to issue necessary instructions to the Inspector General of Police, Assam, directing him to follow the Government instructions issued from time to time and not to make further delay in forwarding the names of applicants or their applications ?

(e) Whether the Minister-in-charge be pleased to enquire from the Inspector General of Police, Assam, Shillong the number of such cases so far refused by him in this respect from his department ?

Shri BIMALA PRASAD CHALIHA (Chief Minister)
replied:

150. (a)—Yes. The General Manager, Indian Refineries, Ltd., in his letter No.ADMN.2/59, dated 27th August 1959 has stated that the selected candidates if on deputation will get the scale prescribed by the parent department *plus* deputation allowance of 20 per cent and construction allowance as applicable.

(b)—Yes.

(c)—It is not a fact that the Inspector General of Police had refused to forward the applications of all the intending candidates for employment in the Oil Refineries. In view of the paucity of experienced hands in the Inspector General of Police's office only the cases of temporary hands were considered and forwarded liberally at first, but subsequently the cases of both temporary and permanent hands were considered and forwarded.

(d)—Does not arise, in view of (c) above.

(e)—Does not arise in view of (c) above.

Regarding the Second Deep X'-Ray Plant in the Assam Medical College

Shrimati LILY SEN GUPTA }
Shri HARESWAR GOSWAMI } asked:

151. Will the Minister, Medical be pleased to state—

- (a) When the Second Deep X'-Ray Plant in the Assam Medical College was purchased?
- (b) Who supplied the plant and who placed the order?
- (c) What was the price of the plant and who received the delivery of the plant?
- (d) Whether this was entered in the Stock Book of the College after due verification and if so by whom and on what date?
- (e) When the plant was installed and since when it is working?
- (f) Who installed the plant and what was the installation charge?
- (g) Whether the price for the plant has been finally paid?
- (h) If so, when?

Shri RUPNATH BRAHMA (Minister, Medical)
 replied :

151. (a)—It was purchased in September, 1956.

(b)—Messrs. East Asiatic Company (India) Limited, Calcutta and the orders were placed by the Director of Health Services.

(c)—Rs.70,693-12-0. The Superintendent, Assam Medical College Hospital received delivery of the plant.

(d)—The plant could not be entered in the Stock Book of the College as at the time of verification by the Company's Engineer some important parts of the plant were found damaged but an inventory of the articles was made.

(e)—The plant has not yet been installed due to detection of damage of some parts of the plant on opening.

(f)—Does not arise.

(g) & (h)—Yes in November, 1956.

Repeated Flood Havoc of the Marapagladia River

Shri SURENDRA NATH DAS (Patacharkuchi) asked:

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

(a) Whether it is a fact that the Minister-in-charge visited the Marapagladia River in July last during flood havoc along with Chief Engineer of Goboradol?

(b) Whether it is a fact that a representation was given by the public to the Minister to protect the flood affected villages by controlling the Marapagladia River?

(c) Whether the Minister is aware that more than five thousand bighas of paddy lands are being damaged every year by the repeated flood of the Marapagladia River?

(d) Whether it is a fact that the Minister has directed the Executive Engineer to make a survey and to prepare a plan and estimate?

(e) Whether the Minister will be pleased to take necessary steps to execute the Project immediately?

M. MOINUL HAQUE CHOUDHURY [Minister, P.W.D. (F.C.)] replied:

152. (a)—Yes. The Minister-in-charge visited Goboradol area accompanied by the Additional Chief Engineer, Public Works Department (Embankment and Drainage).

(b)—Yes.

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(c)—The area affected by the Marapagladiya floods is a low-lying flood retension basin and as such some of its portions get flooded during most of the high floods of this river.

(d)—Yes, the Department has issued necessary instructions to carry out investigation and surveys which are in progress.

(e)—The flood problem of the area is connected with the flood problems of a much bigger area which receives its flood discharge from several rivers of the whole Pagladiya basin. As such for a complete solution of the problem a comprehensive scheme for the entire basin will be necessary. Surveys and investigation for drawing up an interim scheme to deal with the local problem created by this river in the area are being carried out now. Its implementation will depend on availability of funds.

Regarding the Bokota Dispensary at Sibsagar

Shri DURGESWAR SAIKIA (Thowra) asked :

153. Will the Minister-in-charge, of Health be pleased to state—

- (a) Whether it is a fact that there is a Public Health Dispensary at Bokota, Sibsagar, by the name Nemuguri Public Health Dispensary ?
- (b) If so, when it was established ?
- (c) Whether during the last 4/5 years that Dispensary was ever visited by any high ranking Medical Officer ?
- (d) If so, on what dates ?
- (e) If not, why not ?
- (f) Whether the Dispensary house is sufficient in size for the purpose ?
- (g) If not, when Government propose to extend the same ?

(h) Whether it is a fact that this is the only Dispensary in that Mauza and that the area is also a flood affected one ?

(i) Whether Government propose to convert it to a Primary Health Unit during the Third Five Year Plan ?

Shri RUPNATH BRAHMA (Medical Minister)
replied :

153. (a)—Yes.

(b)—In May, 1948.

(c)—Yes.

(d)—In 1955 (by the former D. M. O H., Jorhat.

In 1956 (11th August 1956 and 4th December 1956).	} By the S.D.M.O. and S.D.M.O.H., Sibsagar.
In 1957 (5th December 1957)	

In 1959 (2nd November 1959)	} By the S.D.M. and H.O.
In 1959 (27th November 1959)	

In 1959 (27th November 1959)	} By the Civil Surgeon, Jorhat.

(e)—Does not arise.

(f) & (g)—The matter is under investigation and if necessary this will be extended.

(h)—Yes, the area is occasionally visited by floods.

(i)—There is a primary health unit at Patsaku which is only about $6\frac{1}{2}$ miles from the Bokota Dispensary. The Bokota Dispensary is a sub-centre of the Patsaku Primary Health Unit and as such this Primary Health Unit is considered to be of much advantage to the people of the Bokota Mouza having regular service therefrom. Hence the question of converting the Bokota Dispensary to Primary Health Unit is not considered necessary now.

Schemes submitted to Central Water and Power Commission for construction of embankments

Shri SARAT CHANDRA GOSWAMI (Kamalpur) asked :

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

- (a) What were the schemes for construction of embankments submitted this year to the Central Water and Power Commission in Priority—I list for technical examination and approval to be taken up in the State during the Second Plan Period ?
- (b) Whether it is a fact that the scheme for constructing dykes along both bank of Puthimari river from Rangiya-Amingaon railway line to Nalbari-Hajo Road which was pending in the Central Water and Power Commission has been omitted by the State Government from Priority—I list submitted by the State Government sometime just before the last great flood this Year ?
- (c) Whether it is a fact that the State Government have been addressed by the Central Ministry of Irrigation, Power and Flood Control as to whether this Government would propose this scheme to be taken up immediately in view of the experience of the last flood on a representation submitted by Shri B. Bhagavati, M. P. to expedite sanction and approval of this scheme ?
- (d) What reply has been sent to the Government of India regarding the inclusion of this scheme in the revised Priority—I list ?
- (e) What measures have been proposed to be taken to prevent the recurrence of flood in the unprotected area between the Futhimari railway bridge and Baruabari Ghat ?

M. MOINUL HAQUE CHOUDHURI [Minister, P.W.D. (E. & D.)] replied :

154. (a)—No schemes for construction of embankments were submitted this year to the Central Water and Power Commission for technical examination or financial approval for taking up their execution during the Second Plan Period.

(b)—Not a fact. The matter was explained to the hon. Member by sending a copy of a letter, dated 4th December 1959 written to the Union Deputy Minister, Irrigation and power.

(c) & (d)—No. But the State Government in the aforesaid letter and in their previous communications asked for funds to execute this Scheme.

(e)—As an interim measure the State Government have sanctioned out of normal resources of the State an estimate for Rs.48,400 for closing the spill channels of the Puthimari in the unembanked stretch of the river. Work on closing the spill channels has also been completed. Implementation of the complete scheme for providing embankments on the entire length of the river can only be materialised if and when Government of India provide necessary additional funds for this purpose for which they have been pressed for.

Regarding the condition of a Steam Steriliser

Dr. GHANASHYAM DAS [North Salmara (Reserved for Scheduled Castes)] asked :

155. Will the Minister-in-charge of Medical be pleased to state—

(a) Whether a big Steam Steriliser was purchased some years back ?

(b) If so, when it was purchased and at what cost ?

(c) Whether it is being used ?

(d) If not, why not ?

(e) Whether it is in good serviceable condition ?

Shri RUPNATH BRAHMA (Medical Minister) replied:

155. (a) & (b)—Yes, in 1956 at a cost of Rs.44,410-7-0.

(c)—No.

(d)—For lack of proper accommodation facilities in the existing Civil Hospital.

(e)—It is so presumed.

**Construction of a building by Ka Shortimai Siem
in the catchment area of Madan Laban,
Shillong**

Dr. SRIHARI DAS (Barpeta) asked:

156. Will the Minister, P.W.D. be pleased to state—

- (a) Whether Government are aware that an unauthorised structure was raised by an encroacher last year in the catchment area of Madan Laban, Shillong, thereby creating a threat to the water supply pipe lines in that area and population of the water supply source of the entire town ?
- (b) Whether it is a fact that there was an Assembly question on this subject and on representation being made to the Government about this potential danger, Government stopped further progress of that construction ?
- (c) If so, how could the encroacher restart the work recently ?
- (d) In view of the grave risk to the health of the population of this town, whether Government will specify a date by which the encroachment will be vacated and the unauthorised structure removed ?

Capt. WILLIAMSON A. SANGMA (Minister, T. A. D.)
replied:

156. (a)—No.

In 1955, the Siem of Myllem settled a portion of the Laban catchment area with one Ka Shortimai Siem who was also a recipient of a Low Income Group Housing Loan. The enquiring officer who then conducted the enquiry into her loan petition did not know that the area formed part of the Laban Catchment area, firstly because there were already two houses adjacent to it, secondly the area was void of any trees ; and thirdly the applicant could produce all the necessary papers, viz., patta from the Siem of Myllem, Municipal permission to construct the house, etc.

When the 1st instalment of loan was advanced to her, she immediately took up the construction work. Thereafter when objections were raised by certain people, the Deputy Commissioner, United Khasi and Jaintia Hills ordered to stop construction forthwith pending proper enquiry.

(b)—There was an Assembly question on this subject during the Budget Session of the Assembly, 1958 and in June, 1958 representation was made to Government by certain people on this subject. But the construction of the house by Ka Shortimai Siem in the catchment area was stopped long before as indicated at (a) above.

(c)—Ka Shortimai Siem resumed construction by covering the structure with C. I. Sheets during the early part of the current year, but she had again been stopped from proceeding with further construction.

(d)—Government will see that no encroachment is made in the area and no unauthorised structure raised therein.

Constitution of a Town Committee at Tangla, Kharupetia

Shri HIRALAL PATWARI (Panery) asked :

157. Will the Minister-in-charge of L.S.-G. be pleased to state—

- (a) Whether Government has decided to constitute a Town Committee at Tangla, Kharupetia ?
- (b) If so, whether Government has published the decision in the official Gazette ?
- (c) Whether the Town Committee has been constituted ?
- (d) If not when it will be constituted ?
- (e) Whether the Chairman will be nominated for the first term from amongst the Government Officers ?
- (f) Whether names have been decided tentatively for appointment as Chairman and Members of the Committee ?

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

157. (a)—Yes. It has been decided to constitute one Town Committee at Tangla and another at Kharupetia.

(b)—Yes. *Vide* Notifications Nos. LML.23/55/49, dated 23rd September 1959 and LML.5/55/60, dated 31st August 1959.

(c)—No.

(d)—The Town Committees will be constituted as soon as particulars required for the issue of final notification are received from the Deputy Commissioner.

(e)—The Chairman for the first term will be nominated from amongst the members who will also be nominated for the first term.

(f)—No.

Permit holders of Buses plying on Sorbhog to Barpeta

Shri GHANASHYAM TALUKDAR (Sorbhog) asked :

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

- (a) How many persons have been given permits to ply buses from Sorbhog to Barpeta ?
- (b) What are their names ?
- (c) How many of these permit-holders have been plying buses on this route and what are their names ?
- (d) Why the rest of them are not plying buses at present ?
- (e) Whether they will be ordered to do so for the convenience of the public ?
- (f) If not, whether Government will ask them to surrender their permits ?

Capt. Williamson A. SANGMA (Minister, Transport)
replied:

158. (a)—Four.

(b)—The names are—

(1) Shri Golak Chandra Das of Sorbhog;

(2) Shri Harbhajan Singh of Barpeta Road;

(3) Shri Nandeswar Das of Chokehoka ; and

(4) Shri Monoram Das of Barpeta.

(c)—Two of them whose names have been referred to under items (1) and (2) in reply to question (b) above.

(d)—It is reported that the route is not a paying one.

(e)—They have been ordered to place vehicles on the route on or before the 31st December, 1959 else their permits will be cancelled.

(f)—Does not arise.

**Opening of a Public Health Centre at Charingia Hospital
in Dhekial Mouza, Golaghat Subdivision**

Shri NARENDRA NATH SARMA (Dergaon) asked:

159. Will the Minister of Medical be pleased to state—

(a) Whether it is a fact that a Public Health Centre will be opened at Charingia Hospital in Dhekial Mouza within Golaghat Subdivision ?

(b) Whether it is a fact that people of Dhekial agreed to contribute sufficient land for the said purpose ?

(c) If the reply to question (a) is in affirmative, when the said centre would function ?

(d) Whether it is a fact that there is a Public Health Unit at Dergaon ?

(e) If so, when the said Unit was first opened ?

Shri RUPNATH BRAHMA (Minister, Medical)
replied :

159. (a)—There is no such proposal.

(b)—Government have no information.

(c)—Does not arise.

(d)—No.

(e)—Does not arise.

**Midwife or Nurse at Khumti Dispensary, Golaghat
Subdivision**

Shri NARENDRA NATH SARMA (Sorbhog) asked :

160. Will the Minister of Medical be pleased to state—

(a) Whether there is any Midwife or Nurse at Khumti Dispensary in Golaghat Subdivision ?

(b) If not, whether Government is aware of the necessity of a Midwife for the said Dispensary ?

(c) Whether it is a fact that local people have agreed to construct the quarters of a Midwife if appointed ?

(d) Whether there is any hope of appointing a Midwife there in the current Financial year for the said Dispensary ?

Shri RUPNATH BRAHMA (Minister, Medical)
replied :

160. (a)—No.

(b)—Yes.

(c)—Government have no information.

(d)—Yes.

Application for loan from Katakhal Patikar Co-operative, Ltd.

Mrs. JYOTSNA CHANDA (Silchar-West) asked :

161. Will the Minister, Industries be pleased to state—

(a) Whether Government have received any application for loan for Rs. 20,000 from Katakhal Patikar Co-operative, Ltd. ?

(b) If so, what action Government has taken in this regard ?

(c) Whether Government are aware that the said Samity members are ready to give security of their landed property ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries) replied :

161. (a)—Yes.

(b)—As the Society did not submit the application in proper form and furnish the details of the property proposed to be pledged as security, the society was asked to submit the same.

(c)—The loan application in proper form and the details of the landed properties in the prescribed form has not yet been submitted by the Society. The application will be disposed of as soon as the required information is furnished by the Co-operative.

Settlement of cane Mahal No. 4 with M/S Khemani Bros. of Dibrugarh.

Shri DURGESWAR SAIKIA (Thowra) asked :

162. Will the Minister-in-charge of Forests be pleased to state—

(a) Whether it is a fact that Cane Mohal No. 4 has been settled with M/S. Khemani Bros. of Dibrugarh ?

- (b) If so, what is its boundary ?
- (c) Whether the same area includes V.G.R., waste land and patta land also ?
- (d) Whether the same Mohalder collected cane from Gorukhuti V.G.R. of Nitai Mouza ?
- (e) Whether the Mohaldar was allowed to collect cane from that V.G.R. and if so, who passed that order ?

Shri HARESWAR DAS (Minister, Forests) replied:

162 (a)—It is not clear what Cane Mahal is referred to unless the particular Forest Division, is mentioned. The Cane Mohal No. 4 of 1957-60 in Sibsagar Division however has been settled with M/S. Khemani Bros. of Dibrugarh.

(b)—If the reference is in respect of Cane Mohal No. 4 of Sibsagar Division area is shown as below—

NORTH AND EAST—From Dehingmukh in the Brahmaputra up the Dehing River to where the inter district boundary meets it and then along the boundary to where it meets the Assam Trunk Road, then down this Trunk Road, to where the Disang River crosses it.

SOUTH AND WEST—The Disang River from the above point down to Disangmukh and then up the Brahmaputra River to Dehingmukh to the starting point.

(c) Yes, the area includes V.G.R. and waste lands but not patta land.

(d) The information is being collected from Divisional Forest Officer, Sibsagar Division.

(e) If the area falls within the Mohal description, the Mahalder is authorised by the Agreement to exploit the cane there. In the meantime, a report is being called for from Divisional Forest Officer, Sibsagar Division.

**Construction of Circle Office, S. D. C.'s quarters and
Mandals Barrack at Kamalpur**

Shri SARAT CHANDRA GOSWAMI (Kamalpur) asked :

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

(a) What steps have been taken for reconstruction of the Circle Office, Sub-Deputy Collector's quarters and Mandals Barrack at Kamalpur for which plan and estimates of Rs.1,24,800 were received by the Government in February last as replied to my unstarred question No.371 on 6th April, 1959 in continuation of my earlier unstarred question No. 155 on 13th March, 1958 ?

(b) What amount Government pay annually as rent for the houses hired to accommodate the offices and the Sub-Deputy Collectors at Kamalpur for want of Government quarters and office accommodation ?

(c) Whether Government will be pleased to take immediate steps to complete the Circle Office, Sub-Deputy Collectors' quarters and Mandals Barrack at Kamalpur within this winter so that the long suffering of the public and the officers may cease ?

Shri HARESWAR DAS (Minister, Revenue) replied:

163. (a)—The construction of Mandals Barrack has already been undertaken by Public Works Department during the current financial year.

The Public Works Department has expressed their inability to undertake reconstruction of Sub-Deputy Collectors' quarter during this financial year. But they will take up it in the next financial year.

The plans and estimates for the Circle Office is being further examined by the Public Works Department.

(b)—Government pay Rs.1,020 annually as rent for two hired houses to accommodate offices at Kamalpur. No house has been hired for accommodation of Sub-Deputy Collectors there.

(c)—The reconstruction work of Mandals' barrack is already in progress and this is expected to be completed within this year. So far reconstruction of Circle Office and Sub-Deputy Collector's quarters are concerned all steps are being taken to complete the work as early as possible.

Purchase of land at a nominal price by the Proprietor of Moderkhat Tea Estate in Halkholagaon, Dibrugarh

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked :

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

(a) Whether it is a fact that the total area of land against periodic patta No. 85 of Halkholagaon in Moderkhat mouza (Dibrugarh) was 143 bighas, 3 kathas and 11 lessas of which the proprietor of Moderkhat Tea Estate purchased 124 bighas from two of the joint Pattadar at a nominal price ?

(b) Whether it is a fact that the proprietor of this Tea Estate forcibly occupied the cultivable land of the third Pattadar measuring about 28 bighas ?

(c) Whether it is a fact that the third Pattadar applied to the local authority several times during the last 10 years to evict this law breaker ?

(d) Whether Government are aware that he could not get back the land and ultimately died ?

Shri RADHIKA RAM DAS (Deputy Minister, Revenue) replied :

164. (a)—It is not a fact.

(b)—It is not a fact.

(c)—The records in the office of the Deputy Commissioner do not indicate that any such petition was received by him.

(d)—There is no such report.

Terms of Settlement of Excise Shops

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked:

165. Will the Minister, Excise be pleased to state—
- (a) Whether it is a fact that the term of settlement of Excise shops has been increased to 2 years instead of one year?
 - (b) Whether the intention of extension of the term was notified properly either in Gazette or otherwise?
 - (c) Whether tenders were submitted for one year only, i. e., for 1960-61?

Shri HARESWAR DAS (Minister, Excise) replied:

165. (a)—Yes, in the Sibsagar District and Dibrugarh Subdivision.

(b)—No.

(c)—Yes, but the tenderers were informed that the settlement will be made for 2 years.

Calling Attention

Mr. SPEAKER: There is a notice for calling attention of the House from Shri Biswanath Upadhaya. I want to request the hon. Member to postpone this notice till 17th August as at the moment the Leader of the Party has given me to understand that he does not have all the facts necessary for the purpose at his disposal. It is postponed till 17th August next.

Results of the Election to the District Minority Board for Goalpara District

Mr. SPEAKER: Now I have to announce the election results to the District Minority Board of Goalpara. The number of the candidates being equal to the number of vacancies the following have been elected unopposed:

1. Md. Kamraz Zaman, P.O. Patiladaha, Police Station Bijni.
2. Md. Nazmul Haque, B.L., P.O. Goalpara.
3. Mlvi. Jahanuddin Ahmed, B. L., P.O. Dhubri.

The Assam Appropriation (No. VI) Bill, 1959

Mr. SPEAKER: Here is message from the Governor of Assam. "Under the provision of Article 207 (1) of the Constitution of India, I, S. M. Shrinagesh, Governor of Assam, recommend the introduction in the Assam Legislative Assembly of the Assam Appropriation (No. VI) Bill, 1959.

S. M. SHRINAGESH,
Governor of Assam."

Shri FAKHRUDDIN ALI AHMED (Minister, Finance): Sir, I beg to introduce the Assam Appropriation (No.VI) Bill, 1959.

Mr. SPEAKER : The question is that the Assam Appropriation (No.VI) Bill, 1959 be introduced.

(The question was adopted)

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

Mr. SPEAKER : There is another message: "Under the provision of Article 207 (2) of the Constitution of India I, S. M. Shrinagesh, Governor of Assam, recommend that the Assam Appropriation (No. VI) Bill, 1959 be taken into consideration by the Assam Legislative Assembly.

S. M. SHRINAGESH,
Governor of Assam.

Shri FAKHRUDDIN ALI AHMED : Sir, I beg to move that the Assam Appropriation (No.VI) Bill, 1959 be taken into consideration.

Mr. SPEAKER : The question is that the Assam Appropriation (No.VI) Bill, 1959 be taken into consideration.

(The question was adopted)

Shri FAKHRUDDIN ALI AHMED : Sir, I beg to move that the Assam Appropriation (No.VI) Bill, 1959 be passed.

Mr. SPEAKER : The question is that the Assam Appropriation No.VI) Bill, 1959 be passed.

(The question was adopted)

**The Assam Aid to Industries (Small and Cottage Industries)
(Amendment) Bill, 1959**

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries) : Sir, I beg to move that the Assam Aid to Industries (Small and Cottage Industries) (Amendment) Bill, 1959 be taken into consideration, clause by clause.

Mr. SPEAKER : There is no amendment to Clause 1. May I put the question? The question is that Clause 1 of the Bill do form part of the Bill.

(The question was adopted)

Clause 2—There is an amendment from Shri Tarun Sen Deka.

Shri TARUN SEN DEKA (Nalbari-West) : Sir, I do not like to move the first amendment. I shall move the second and third.

I beg to move: Substitute the words, "in congress" occurring in between the words, "continued and work" in line 3 of item (iii) of the sub-clause by the word, "political". I want to substitute it by the word "political".

And also in my second amendment I beg to move that the words "under the leadership of Mahatma Gandhi" occurring in lines 2 and 3 of the explanation (a) of item (iv) of the sub-clause be deleted.

Sir, my amendment seeks to remove the narrow party politics. In item (iii) it is stated that "a person who boycotted his educational institution in response to the national movement, and continued in Congress work for the attainment of the independence of India till 1947." I want to insert the word "political" in place of the word "in Congress" because you know Sir, that although the Congress is the biggest national party who rendered valuable contribution towards the attainment of independence, still the fact, remains that there are other political parties who had also equal or more contributions in the fight for freedom against British imperialism. So, Sir, not only the persons who remained with the Congress party up till 1947 should get preference but also the other political parties should also get the privileges of this bill. There are, Sir, many political parties, such as the Revolutionary Communist Party of India, Revolutionary Socialist Party of India, Forward Bloc, Republican Party and in all there are more than 100 political parties throughout India. Of course we do not get so many political parties in this State. But besides the Congress, there are many other political parties who actually had contributions in the fight for national independence and after attainment of freedom also they continued and are continuing to render their service to the cause of national economy and for development in various other spheres. They have contributed much and are contributing much. Sir, I do not think that the persons who remained in Congress up till 1947 should alone get this loan. I want to widen its scope to all other political sufferers who actually had suffered immensely.

My second amendment wants to delete the words "under the leadership of Mahatma Gandhi" in clause I and if this be deleted will stand in this way.

"National movement means the movement launched since 1921, or any other movement for the independence of India."

Of course no doubt, Mahatma Gandhi, the Father of the Nation is the leader of many movements, but there are parties who actually did not obey the leadership of Great Mahatma Gandhi, but still they had made some contribution in the National movement. For example, Forward Block party which, as you know Sir, is the party of Subhas Chandra Bose. They did not believe in the leadership of Gandhiji but still then it cannot be said that Forward Block did not make any contribution towards the National movement. This party also fought against the British imperialism. In this way there are so many parties which did not obey the leadership of Gandhiji but still contributed much towards liberalising our Mother land. But, Sir, I do not want to minimise the importance of Gandhiji, the Father of the Nation. What I want to say is that there are so many parties in India which contributed much and did immense work. So, Sir, I feel that by my amendment the spirit of the Bill will not be narrowed down rather the purpose of the Bill will be widened.

In the statement of objects and reasons of the Bill it is stated "in order to liberalise the terms and conditions for issue of loans to industrialists intending to take up Small Scale and Cottage Industries, it is considered necessary to make provision for loans on personal bonds of applicants,

loans on security of one or more sureties, loans to Political sufferers for their rehabilitation through productive works and loans, etc., So, Sir, I just want to stress on the wordings "loans to Political sufferers for their rehabilitation." If the intention of the Bill is to rehabilitate the political sufferers, whoever he may be and whatever party affiliation he may have, we should have to think in a wider way and not in a narrow way. It should not be confined to Congress workers only. It is said that this Government is the government of the people and for the people so there should not be any narrow party politics in such matters. So, Sir, I demand that other political sufferers should also be brought within the scope of this Bill, and hence I commend my amendment.

Mr. SPEAKER : The amendments moved are :

Substitute the words, "in Congress" occurring in between the words "Continued and work" in line 3 of item (iii) of the sub-clause by the word, "Political."

Delete the words, "under the leadership and Mahatma Gandhi" occurring in lines 2 and 3 of the explanation (a) of item (iv) of the sub-clause.

Shri HIRALAL PATWARI (Panery): মাননীয় উপাধ্যক্ষ মহোদয়, আমার ডেকা ডাঙরীয়াই যিটো সংশোধনী আনিছে কংগ্রেছ শব্দটোৰ পৰিবৰ্ত্তে Political work হব লাগে সেইটো Justified হৈছে। মই ভাবো মন্ত্ৰী মহোদয়ো এই কথাত এক মত হব। তেখেতে নিজে জানে ভাবতৰ্ষত যেতিয়া আন্দোলন হয় তেতিয়া কংগ্রেছ আৰু কংগ্রেছৰ বাহিৰেও কিছুমান বাজনৈতিক দল আৰু ব্যক্তি এই আন্দোলনত সহযোগ কৰিছিল আৰু তাগ স্বীকাৰ কৰিছিল। সেই কাৰণে অকল কংগ্রেছ শব্দটো বৰ উপযুক্ত নহব। কংগ্রেছেও স্বাধীনতা সংগ্ৰাম কৰিছিল আৰু আন আন দল বোৰেও সেই একে সংগ্ৰামকে কৰিছিল। গতিকে আন আন দলবোৰ কংগ্রেছৰ ভাই স্বৰূপ। ডাঙৰ ককায়েকৰ ওচৰলৈ আহিলে তেওঁ জানো ভায়েকক দূৰলৈ ঠেলি পাখিয়াব? সেই কাৰণে যাতে তাকেই বিবেচনা কৰি এই শব্দটো উঠাই তাৰ ঠাইত "Political works" কৰিব লাগে। তাকে নকৰিলে ruling party ৰ বাবে লাজৰ কথা। ইয়াকে কৈ মই সংশোধনীটো সমর্থন কৰিছো।

Shri KHAGENDRA NATH BARBARUA (Amguri): Mr. Deputy Speaker, Sir, so far as the second portion of the amendment is concerned, I have something to say. But so far as the first portion of the amendment is concerned, I have nothing to say. I think all other political workers than the Congress workers had also sacrificed much. They also fought to oust the British rulers. I think all other parties also come within the purview of the provisions of the Section 2. But if it is meant that only Congress workers will get the benefit then of course the position is different. I think other workers will also come within the purview of the Bill and will be benefitted by it. But so far as the second portion of the amendment is concerned which says "under the leadership of Gandhiji", it is objectionable. It is presumed here that the movement was organised and led by Gandhiji, but it is difficult to say whether the '42 movement was actually launched and led by Gandhiji. On the 14th August night 1942 he was arrested. If you go through the letters exchanged between Lord Linlithgo and Gandhiji, you will find that nowhere it is stated by Gandhiji that the movement was launched by him. He said that it was a mass fury. Only Mr. Sitaramia said that the movement was launched by Gandhiji and whatever was done, was done according to the will and direction of Gandhiji.

But Pandit Nehru said that whatever was done, was done by the people and according to the will of the people through not of the Congress. So, there are three sources of opinion. But Mahatma Gandhi never said that it was launched by him. He said "had it been launched by me, it would have been 10 times greater." Gandhiji's position and prestige is much above this Act. He should not have been brought here in this Bill. I do not understand why he has been dragged here. This is the first time that we have seen a man's name i. e., Gandhiji's name is mentioned in a Bill. I have full respect for him. We also joined the 42 movement and many others joined the movement. After independence many people have come out of Congress and joined other organisations. So all the organisations in India have some persons who joined the 42 movement. Although we joined the movement, we did not accept the leadership of Gandhiji. The 42 movement was launched by the people and it was a bourgeois democratic revolution but still we joined the movement to teach the people the art of movement and to oust the British the enemy No 1 first and to liquidate the national bourgeois. later

I think, Sir, if the word "under the leadership of Mahatma Gandhiji" are deleted and substituted by the words "the people of India" the object of this clause would have been better and clearer. I shall be very glad if the Minister-in-charge will ponder over this and just delete the words "under the leadership of Mahatma Gandhi" and insert the words launched by the people of India.

Shri SARBESWAR BARDOLOI (Titabar): মাননীয় উপাধ্যক্ষ মহোদয়, মই মাননীয় তৰুণসেন ডেকাৰ এই গ্ৰাণ্টৰ ওপৰত দিয়া কৰ্ত্তন প্ৰস্তাৱটোৰ বিৰোধীতা কৰিছোঁ।

Sub-clause 2 (j) (i) reads as follow "a person who was a detenué or an externee or was arrested and kept in jail either as convict or as an under trial for a period of at least one month or who was fined in a court of law or whose property was confiscated or who was permanently disabled or who suffered gravous bodily injury for participation in any of the national movements."

কথাটো হ'ল ভাৰতৰ স্বাধীনতা সংগ্ৰামত যিকোনো লোকেই সক্ৰিয়ভাবে যোগদান দিছিল সেই সকলোকে Political sufferer বুলি অভিহিত কৰা হৈছে। এই কথাটো বিকৃতাকাৰ কৰি বিৰোধী দলৰ তিনিজন সদস্যই কোৱাত শুনি আচৰিত হৈছে।

National movement means, the movement launched under the leadership of Mohatma Gandhi Since 1941 or any other movement for the independence of India.

কৰ্ত্তন প্ৰস্তাৱত কৈছে যে মূল প্ৰস্তাৱৰ পৰা মহাত্মা গান্ধীৰ নামটো উঠাই দিব লাগে। এনে ধৰণৰ সংশোধনী আমি কেতিয়াও সম্মত কৰিব নোৱাৰোঁ। সকলো শক্তিয়ে আমি ইয়াৰ বিৰোধীতা কৰিব লাগিব। মহাত্মা গান্ধীৰ নেতৃত্বত স্বাধীনতাৰ মহাযুদ্ধ আৰম্ভ হৈছিল ১৯২১ চনতেই ১৯৪১ চনত ভাৰতৰ সকলো লোকেই গান্ধীজীৰ নেতৃত্ব মানি লৈ যোগ দিছিল তাৰ পিচত বহুতে অন্যান্য দললৈ ফাটি গল। কিন্তু ১৯২১ চনৰ পৰা স্বাধীনতা লাভৰ কাৰণে যি আন্দোলন হৈ আছিল সেইটো মহাত্মা গান্ধীৰ আৰু কংগ্ৰেছৰ নামতেই চলি আছিল। গতিকে এই নাম দুটা উঠাই দিয়াৰ মই যোৰ বিৰোধীতা কৰিছোঁ। কিয়নো তেতিয়া যিবিলাক কৰ্মী আছিল সেই সকলো বিলাক কংগ্ৰেছৰ অন্তৰ্ভুক্ত কৰ্মী আছিল।

Shri HIRALAL PATWARI (Panery): On a point of clarification, Sir. Will the hon. member read sub-clause (2) (iii) which says that "a person who boycotted his educational institution in response to the national movement, and continued in Congress work for the attainment of the independence of India till 1947," This will be found at page 2 of the Bill.

Shri SARBESWAR BARDOLOI (Titabar): হয়, এইটোৱে এতিয়ালৈ কংগ্ৰেছ আন্দোলন কৰি থকাতে বুজোৱা নাই। সেই কাৰণে এইটো অকল কংগ্ৰেছক সাহায্য দিবলৈ কৰা নাই সকলো স্বাধীনতা যুদ্ধৰ নিৰ্দ্ধাৰিত সকলক সাহায্য দিয়াৰ কথা বুজাইছে।

গতিকৈ বীলখন যি দৰে দাঙি ধৰা হৈছে সেই দৰে গৃহীত কৰিব লাগে বুলি মই অনুবোধ জনাইছো।

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries): Mr. Deputy Speaker, Sir, I think there is some misunderstanding out of which this objection has arisen with regard to the grant. If the definition is followed precisely, it will be seen that most of the people who qualify will come under Clause 2 (2) (i) and then come to Clause 2 (2) (iii) and (iv). These are sub-categories. Most of the students who joined at this time will qualify themselves as 'political sufferer' under this Clause. Naturally, what we intend to do it is not to deprive anybody who joined in the National Movement as political sufferers. We have to define 'political sufferer' and we find that the definition of the political sufferer is not easy; either it became too wide or too narrow. Therefore, we do not use the word "political" as has been suggested. Now I beg to submit that the word "political" is too wide. Even a professor of the college may claim himself to be a political man because he is teaching politics. We have to find out some categorisation which would make some test of field work to qualify as political sufferer. Now, at that time it will be remembered Sir, when the National Movement was going on—it was a National Movement against the British Government—it was like a war. In a war the whole nation fights; some people fight actively and suffer, some people fight passively from behind, they also suffer. Our resources are limited and if we say that everyone will get the benefit then there is no meaning in this categorisation. Therefore, some sort of restriction has to be placed *viz.*, those who suffered in person, so much so that they come forward and take economic advantage. Therefore, Sir when we take this whole fight against the British Government as a war, naturally all people are regarded in that war and those people who actively fight in that war are regarded as political sufferers. We have the word "Congress" in a broad way, not in a partner or party way. At that time, even the Communist Party or the Socialist Party was aligned against the British Government. Therefore, if we define "to fight against the British Government" and use the word "Congress", then naturally the people who have separated from the Congress latter on would also qualify because after 1947 when India became independent, people separated according to the political programme which became an economic programme. But before 1947, the people of all shades of opinion aligned together. If we align together at that time and fight with the British. So I beg to submit to this House that the word Congress here is meant not only to cover the workers of Congress Party. All the political worker, once combined and fought back the Britisher, I would humbly submit to this House that the explanation given above will satisfy the hon. member and I assure the hon. member opposite that the 'word Congress' would not be interpreted as a political party itself; but it would be used to ascertain accurately as to who actually suffered. Similarly, the word "National" used by Shri Patwari means the National Worker".

Again Shri Deka wanted to delete the words "Under the leadership of Mahatma Gandhi". This is put to signify that we struggled under the guidance of one leader namely Mahatma Gandhi. Just as in the battle field all the soldiers fight under one General, similarly the word Mahatma Gandhi is used here to denote the battle of our freedom under his generalship and integrate the fight against the British. I assure the hon. Members opposite that these words are not used to deprive the political workers who broken from the Congress and joined the other party. Sir, I hope the hon. Members opposite would be able to accept these explanation and withdraw their amendments.

Shri TARUN SEN DEKA (Nalbari-West): As the Minister-in-charge assured us we are prepared to withdraw our amendments.

(The amendments were, with the leave of the House, withdrawn.)

Mr. DEPUTY SPEAKER: The question is that the clause 2 do form part of the bill.

There is no amendment from clauses 3 to 5.

The question is that clause 3 to 5 do form part of the bill.

(The question was adopted)

Mr. DEPUTY SPEAKER: Clause 6. Mr. Goswami.

(The question was adopted)

***Shri HARESWAR GOSWAMI (Rampur)**: Mr. Deputy Speaker Sir, I beg to move the following:

"Substitute the words "one" and "two" occurring in the fourth and sixth lines of the second proviso sought to be inserted by clause 6 (2) by the words "two" and "four" respectively.

In place of "Rs. 7,5000" occurring in the 5th line of new provisos ought to be inserted by clause 6 (3) the letters and figures "Rs. 5000" be substituted."

When these amendments would be accepted it will be read like this:

"Provided also that notwithstanding anything contained in this Act and subject to such rules as may be prescribed by the Director or the authority empowered to issue loan may sanction loans upto two thousand rupees on personal bond of the applicant and upto four thousand and five hundred rupees on the security of one or more sureties"

and

"Provided that Government or the authority empowered to issue loan may sanction such loan on the personal bond of the applicant and one or more personal sureties as considered adequate and reasonable subject to a maximum of Rs. 5000 in case of political sufferers who are certified as such by

*Speech not corrected.

the competent authority and who are in need of rehabilitation through productive work." Sir, these amendments are very simple because the Minister-in-charge is willing to issue loan upto 1,000 on personal bond and two thousand and five hundred rupees on the security one or more sureties. It is very difficult to start an industry with only one thousand of rupees. It is very difficult to bring a surety only for a sum of one thousand rupees. Therefore my submission is that when we are going to issue loan on personal bond let us have faith on the individuals and increase the loan to two thousand and if we can bear the loss of one thousand we shall also be able to bear the loss of two thousand.

So far as this 7,500 is concerned I would not like to give political sufferers that amount. I was a political sufferer and I therefore know that the political sufferers will be able to manage with this amount. I do not like to raise this amount to such a higher plank. It is unnecessary. If you think that what others will be able to do with one thousand then they would also be able to do with 5,000. I do not want to make any discrimination at this stage. Because as a political sufferer ab-initio they would be entitled to loan. This is very simple amendment and I hope the Minister-in-charge would accept it.

Mr. DEPUTY SPEAKER : The amendment moved is :

Substitute the words, "one" and "two" occurring in the fourth and sixth lines, of the Second Proviso sought to be inserted by clause 6 (2) by the words, "two" and "four" respectively.

In place of "Rs 7,500" occurring in the fifth line of the new proviso sought to be inserted by clause 6 (3) by the letters and figures "Rs. 5,000" be substituted.

Shri KHAGENDRA NATH BARBARUAH (Amguri) : Mr. Deputy Speaker, Sir, the political sufferers are given help by the State Government. Sir, now the State Government has decided to advance loans in accordance with the provisions of this Bill. The benefit of this bill will be also extended to the Political Sufferers receiving lump sums from the State. Those who have got pensions as political sufferers will not be entitled to the benefit of this Act.

Now, Sir, today the Government is going to make a provision to extend loan also to those political sufferers who had received something from the Government but why this discrimination? I say, somebody has already received some loan and they will again get some benefit from this Bill. But those who are yet to receive have not been considered to by the Government. Government will simply offer loan to them Whether any interest will be levied on the loan? I think, Sir, if any interest is not levied, then the political sufferers, who have not yet got anything from the Government, will get some relief, but if any interest is levied then I say, Sir, there is discrimination. Now why sureties are to be given. Political sufferers who are economically hard-hit may apply to Government for help and they are to furnish sureties for that. This is in a way showing disrespect to the political sufferers. For instance, myself is a political sufferer, and if I apply for any loan I shall have to furnish the sureties. I consider this is a disrespect to a political sufferer. I think that Government has no right to make such a provision here. That is a great disrespect to the political sufferers. This is my contention, Sir.

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries):

Sir, I do not want to show any disrespect to any political sufferer. It is far from my mind. We want to show them affection, and therefore we are making this provision. Now affection has to be tempered with risk and you know Sir, in the economic world mere affection does not count and economic laws have no respect of persons, political or otherwise. Therefore my hon'ble friend Mr. Barbaruah should not think that I am trying to make any discrimination. The interest is a method whereby capital formation increases and so the question of interest comes in. As a matter of fact when money is borrowed and applied for useful purposes for which it was provided and interest is only a legal part of the same. When money is not utilised for productive purposes, interest becomes a burden. Therefore interest as a legal part is charged whereby Government try to assume that the money is utilised for the purposes for which it was given. Therefore, in this matter also there is no discrimination.

I am very much encouraged by the proposal of Mr. Goswami when he says that the money should be raised to 2000 without surety and 4,500 with surety. As a Minister for Industries I am very much encouraged. But you know Sir, that Industries Minister's wishes do not always carry because he is tempered by the saddle of financial requirements in the country. For this reason the Finance Department told us that we should go with some caution. They have said that if you want to do away with this rule of surety, but be cautious, go slowly and do not gallop before you know whether actually the loan will be repaid or not. Therefore as a result of compromise we have come to the formula, and the chance of off-setting this formula this time are meagre. I assure the hon'ble Member that this is not far from my mind to raise this difficult at the proper time. But right now it would be hardly possible for us to increase the amount to Rs.2,000 without surety and 4,500 with surety. This is we are thinking. If we succeed in this line viz. if we give loan upto Rs.1,000 without surety and Rs.2,000 with surety and if these are paid back then naturally my hands will be strengthened and I will be able to go to the Finance Minister and say "look, I have succeeded in our scheme and so make further financial allocation". Therefore, I would request my hon'ble friend opposite to give their assistance to me in this matter because our experience has been that for the last few years a large number of loans have not been paid back, and we understand that they have not utilised the money for the purpose for which they took it. If they used it for productive purposes, the production also would have shown a definite rise which it has not been done.

Therefore, in this matter, which is not a party matter, I expect the assistance of the hon'ble Members opposite. They may create an atmosphere in the State so that people may use the money properly and for the purpose for which it was taken viz., for productive purposes, and also create an habit of paying back the money. No industry can run unless an obligation arises out of the money taken, and this is the biggest bottle-necks in the matter of commercial and industrial development of Assam. I have no doubt that all our Members here are at one with me that a little assistance in this matter would be a great consequence so far

as the plan and programmes are concerned. So, I would request the hon'ble Member not to press his request at this time but give me some time to experiment on this and in due course if we succeed it would be for us jointly to convince the Finance Minister.....(interruption.)

This is an idea of being irresponsible and enjoying at others' cost. It is the idea which brings down nations, states and individual.

Shri GAURISANKAR BHATTACHARYYA (Gauhati) : Why not start with smaller proposal ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries) : When the proposal was far bigger, I think Mr. Bhattacharyya wished to increase it from 12 thousand to 2 thousand and 2 thousand to 4 thousand. I wished also to increase. But Sir, while I was in America, I was told and I actually saw when I went to cash a cheque, immediately it was cashed without any reference. I found that every one is honest there. The ordinary normal honesty of the people with regard to payment is so great there that even the cheque is not necessary.

Shri GAURISANKAR BHATTACHARYYA : Unfortunately it is not so here.

Shri KAMAKHYA PRASAD TRIPATHI : The point before us is to increase the honesty of the people. I do not say that all of them are dishonest. But the honesty of the people here—I mean to say that the habit of paying back loan—is not great. You know that once you grow the habit of paying back loan then you will create a credit in the market and you will get loan further. Now, if what my Hon'ble friend suggest is reported in the paper then people begin to have irresponsible habit for which Mr. Bhattacharyya is supporting (Interruption).

Shri GAURISANKAR BHATTACHARYYA : What I have said...

Shri KAMAKHYA PRASAD TRIPATHI : Therefore, let us go slow and our Finance Minister cautioned me to go slow. Therefore, we do not go to raise 1000 to 2000 or 2000 to 4000.

Now in this matter also you say, give this 7,500 and you follow the logic of 1,000 or 2,000 and so on. That is the purport of your argument. I quite appreciate the purport of your argument. But in this matter if the Finance Minister has checked us we would be satisfied with 5,000 but he has been kind enough to give us 7,500 and I as Industries Minister cannot take the responsibility of taking a step backward. That is what I was saying. Since the Finance Minister in his wisdom has given 7,500 I think I will do well to be guided by that wisdom and any change is necessary our experience will tell us. So I would again request my friend not to press his amendment.

Mr. DEPUTY SPEAKER: Mr. Goswami, are you withdrawing ?

Shri HARESWAR GOSWAMI (Rampur): No Sir, I am afraid I can not appreciate the argument of Mr. Tripathy because once he was saying that because Finance give him this amount and therefore he takes it. That was not my argument. My argument was that once a political sufferer is given preference there should not be any more preference given. Of course if Government can give more we do not mind it. But it appears that since this amendment comes from the Opposition, however laudable it may be, they will not accept this amendment. It appears that is the tendency in this case and therefore, I am not in a position to withdraw my motion.

Shri KAMAKHYA PRASAD TRIPATHI (Minister Industries): I am sorry Sir, if I have conveyed that impression that simply because this amendment comes from the Opposition I am not prepared to accept it. I didn't mean that. What I mean is that this Rs.7,500 is the limit of the scheme for giving loan to the political sufferers. It is not a question of preference, it is a question of the scheme. If the scheme provides for 2,000 we will give 2,000 and nothing more or if the scheme provides for 3,000 we will give 3,000 and nothing more. In this case this 7,500 is the limit.

Shri HARESWAR GOSWAMI: Regarding allotment of loan there are two different limits, i. e., for a non-political sufferer there is one limit and for a political sufferer there is a different limit. That is what I am objecting to. But once you gave something to a political sufferer that preference he has got and regarding the quantum of loan there should not be any more preference. That is my point.

Shri KAMAKHYA PRASAD TRIPATHY: I don't say that there is no logic in that. But it will be realised that people who went to prison in 1942 when came out of the prison after the war they found that the world is completely changed and when they found that the price of the rupee has gone to almost 4 annas or 3 annas they were not able to adjust themselves financially, their economic condition was adversely affected especially after the last war. So if something is given to them to help them to adjust themselves I think we should not be sorry for that, we should rather be pleased to help them to adjust themselves. As I have said, I do not say that there is no logic in the argument of my friend Shri Goswami but I would also like him to appreciate the logic of the Government.

Mr. DEPUTY SPEAKER: I will put the amendment.

The question is: substitute the words, "one" and "two" occurring in the fourth and sixth lines of the second proviso sought to be inserted by clause 6(2) by the words, "two" and "four" respectively.

In place of "Rs.7,500" occurring in the fifth line of the new Provision sought to be inserted by the clause 6(3) the letters and figures "Rs.5,000" be substituted.

(The question was negatived)

***Shri TARUN SEN DEKA (Nalbari-West):** I beg to move that in sub-clause 3—(i) Delete the words, “who are certified as such by the competent authority and” occurring in lines 6 and 7 of the first proviso sought to be amended by sub-clause 3. (ii) Delete the word, “not” occurring in between the words, “shall” and “be” in the third line of the second paragraph of the first proviso sought to be amended by sub-clause 3. (iii) Substitute the word, “colon” occurring at the end of the second paragraph of the first proviso sought to be amended by sub-clause (3) by a “comma” and add the following words thereafter—

“if he declines to enjoy the pension”.

Sir, here in this proviso it has been provided that “Government or the authority empowered to issue loan may sanction such loan on the personal bond of the applicant and one or more personal sureties as considered adequate and resonable subject to a maximum of Rs. 7,500 in case of political sufferers who are certified as such by the competent authority and who are in need of rehabilitation through productive work”. Here after the words ‘political sufferers’ I want to delete the words ‘certified by a competent authority and.....’ because to certify a political sufferer some competent authority should be there but from bitter experience I gather that now-a-days there are some authorities who have been considered by Government to be competent authorities to certify as to who are actually political sufferers to receive political sufferer pension also do not care to certify. There also some Boards which have been constituted by the Government and when such Boards certify that such and such a person is a political sufferer only then that person is entitled to get this political sufferer pension. But Sir, in a majority of cases I find that if the members of such Boards are not satisfied that a particular person who is a sincere political worker is not so, they do not certify. For example I can cite a concrete instance. There is the case of one Shri P. Datta of Nalbari. He was a real political sufferer and underwent imprisonment in 1921 after he resigned his services as a Co-operative Officer from Gouripur. He repeatedly represented to Government for a political sufferer pension but up till now his case has not yet been decided. I myself along with Shri P. N. Choudhury, a Member of this House met the Chief Minister in December and pleaded for this gentleman. We requested the Chief Minister and said ‘please see to the case of this gentleman and if you can help him’. The Chief Minister was good enough to send a note to the authority concerned but I find that up till now no action has been taken. After that that gentleman also personally met the Chief Minister when he came on tour at the time of the flood, he gave a petition personally, still no consideration was given to his prayer. In this connection I also met the Deputy Minister Shri Sarma.....

***Shri BISWADEV SARMA (Deputy Minister, Political Sufferer)**
Sir, the other day I discussed with the hon. Member regarding the case and I assured him that if the gentleman in question sends in a fresh application I will pursue the matter and see what can be done.

***Shri TARUN SEN DEKA (Nalbari-West):** Yes Sir, it is true that Shri Sarma assured me that he will take up the matter personally if the man writes to him again. But I do not find any reason why he should write again when he has repeatedly written in the past to the Government. Besides when two local Members of Legislative Assembly certified that his is a genuine case, I should have expected that at least the version of two Members of Legislative Assembly should have been given some amount of consideration. But that is not so. I do not find any reason why the recommendation of two Members of this House on a particular case was not taken into consideration.

Further more, Sir, you will remember that even last year I raised a Starred Question on this point because that Board in question when discussing his case they are not willing to give a certificate even though he is actually a political sufferer. In that case he is not likely to be benefited. Therefore I want to delete this portion, "who are certified as such by the competent authority and". If this portion is deleted then the sufferers will not have to beg for the mercy of any other person and the real sufferers—actual sufferers may be in position to enjoy the benefit of this.

And Sir, my 2nd Amendment seeks that those political sufferers who are now enjoying some amount of pension, however, meagre that may be, if they want to have some loan in lieu of pension, if they want to start some business, if they want to take to some trade or the like with the help of the amount, that they may be able to do so. As a matter of fact, I know of instances of persons who although they get at present some pension have not been able to maintain their families with meagre amount they receive as such. For such persons it is difficult to take to any trade or business even if he so desires. Such persons with certain amount of business propensities do not like to accept any amount as pension from Government if they can afford to do so. Pension is, after all, a non-productive money. Therefore they do not prefer such help from Government if they can get some money to start some business. So if some political sufferers want to take to some trade for their own maintenance by leaving aside their pension, they should be given such opportunity. Therefore the purpose of my 2nd Amendment is to give some scope to such persons.

With these few words, Sir, I commend my Amendments for the acceptance of the House.

Mr. DEPUTY SPEAKER: The Amendment moved is—In sub-clause 3 (i) Delete the words, "who are certified as such by the competent authority and" occurring in lines 6 and 7 of the first proviso sought to be amended by sub-clause 3. (ii) Delete the word, "not" occurring in between the words, "shall" and "be" in the 3rd line of the second paragraph to the first proviso sought to be amended by sub-clause 3. (iii) Substitute the "colon" occurring at the end of the second paragraph of the first proviso sought to be amended by sub-clause (3) by a "comma" and add the following words there after—
"If he declines to enjoy the pension".

Shri KHOGENDRA NATH BARBARUA (Amguri): On a point of clarification, Sir, here the clause reads as follows: "Certificate as such by a competent authority is necessary". What I want to know is whether such authority has been set up in different districts and subdivisions. So far as we know there is a Board but the political sufferers do not know that there is such a Board. So the difficulty arises. I also want to know how the Board will be constituted. So far as I am concerned, I would like to say that I think such certificate is necessary. But what will be the composition of this authority and on what basis this authority will be constituted, that is to be made clear.

***Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries):** Mr. Speaker, Sir, regarding the mechanism of the loan, there will be a loan Board which will consist of people of second financial condition. It will actually be a small body. Naturally the Loan Board is not expected to call any and every political sufferer. After all, it is not supposed to be political matter. Some agency will have to be created for issue of certificates to the political sufferers. Once the certificate is issued, the Loan Board will make issue of the loan on the strength of that certificate. Since the Loan Board cannot be invested with this function of issuing of certificate, this loan authority is indicated. Now, the hon. Members are not really opposing the creation of the authority. This authority is not sought to be invested with any financial authority. Constitution of the Board is only challenged. So the Amendment is out of order. Apparently, the Amendment is not conveying the intention of the hon. Member moving the Amendment. The question is who will be in the Board? We have not yet decided on that point. Rules only provide for the constitution of the Board. If the hon. Members have any idea as to who the Board should be constituted, they are welcomed to give their idea. Therefore, I request that they should not oppose the creation of this Board. I can, however, say that the agency must be at district level because it is only at district level it is known better who is a political sufferer and who is not. It is difficult to decide this question at the central level. We know when at State level the History of the Political Movement was published, it came to a lot of criticism. So, it is at district level the question as to who should receive loan as political sufferer and who should not receive will be decided. Therefore I do not see any material difference of the mover of the Amendment with us. It is feared that perhaps some discrimination will be made at the time of issuing loans. I say, there will be no scope for any discrimination.

***Shri KHOGENDRA NATH BARBARUA:** Will it not if affidavit is produced from the Court?

***Shri KAMAKHYA PRASAD TRIPATHI:** Affidavit will not do because in that case every one will procure an affidavit from the court and would say that in 1942 I was suffering imprisonment and later on I worked in the C. P. I. and so on. This will create complication.

***Shri KHOGENDRA NATH BARBARUA:** Then this will be a costly affair, there will be pressure on the exchaquer.

***Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries):** No, it will not be costly. It will be decentralised. The Board will be at district level or subdivisional. Now we have various Subdivisional Boards but this has not brought any pressure on our exchequer. Therefore, Sir, I am submitting that unless we create a Board, the whole provision will not be implemented. So the Board is necessary. When it will be decentralised, you will be in a position to advise us as to how it should be constituted. Therefore do not say that the Board is not necessary.

The second point is that a pensioner need not be debarred. A pensioner is a man who is more than 55 years old. Now, it is very difficult to have new energy, new enthusiasm to start an industry. You can become a political leader, adviser, but it is very difficult to start an industry. People who are pensioners they will not be coming for this loan. If they have sufficient energy left and they are willing, they can renounce their pension and take advantage of this bill. But the same man cannot get two benefits. There are thousand of people who are political sufferers and we would not be able to give them any benefit if the pensioners are to get two benefits. Our sense of justice would not allow us to give to benefits but it would not prevent one man from getting one of the benefits. Our State is poor.

***Shri TARUN SEN DEKA (Nalbari-West):** The Minister has said that a political pensioner can come and take a trade if he abandons his pension. My amendment is also this. I do not find why it is not be accepted.

***Shri KAMAKHYA PRASAD TRIPATHI:** A political pensioner shall be entitled. We shall be able to give him this loan if he renounces his pension. If this amendment is accepted, it will be compulsory on us to give him two benefits.

***Shri TARUN SEN DEKA:** I withdraw the amendment.

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

Mr. DEPUTY SPEAKER:

The question is that clause 6 do form part of the Bill.

(The question was adopted).

The question is that clauses 7, 8, 9, 10 and 11 do form part of the Bill.

(The question was adopted).

The question is that the long title of the Bill do form part of the Bill.

(The question was adopted).

***Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries):** I move that the Assam Aid to Industries (Small and Cottage Industries) (Amendment) Bill, 1959 be passed.

Mr. DEPUTY SPEAKER: The question is that the Assam Aid to Industries (Small and Cottage Industries) (Amendment) Bill, 1959 be passed.

(The question was adopted).

The Assam Loud Speakers (Control) Bill, 1959

***Shri FAKHRUDDIN ALI AHMED (Minister, L. S.-G.):** I beg to move that the Assam Loud Speakers (Control) Bill, 1959, be referred to a Select Committee consisting of the following Members—

1. Shri Gaurisankar Bhattacharyya.
2. Maulavi Jahanuddin Ahmed.
3. Shri Mohi Kanta Das.
4. Shri Hem Chandra Chakravarty.
5. Shri Tankeswar Chetia.
6. Maulavi Mahammed Idris Ali.
7. Shri Khagendra Nath Nath.
8. Shri Mohananda Bora.
9. Shri Kamala Prasad Agarwala.
10. The Minister-in-charge.

The committee would submit their report before 15th February, 1960.

I need not take time of the hon'ble Members in this matter. In referring to the public opinion which has been received in this connection, I want to submit that every opinion that we have received indicates support from the various Municipal Boards and the public. They have suggested a few minor changes which I have no doubt will be taken into consideration by the Select Committee when this matter is placed before them. The Committee should report their findings not later than 15th of February 1960. I submit that the hon'ble Members may lend their support to the motion which I have made for reference to the Select Committee.

Mr. DEPUTY SPEAKER: The motion moved. The question is that the Assam Loud Speakers (Control) Bill, 1959 be referred to a Select Committee consisting of the following:

1. Shri Gaurisankar Bhattacharyya;
2. Maulavi Jahanuddin Ahmed;
3. Shri Mohi Kanta Das;
4. Shri Hem Chandra Chakraborty;
5. Shri Tankeswar Chetia;
6. Maulavi Mahamed Idris;
7. Shri Khagendra Nath Nath;
8. Shri Mohananda Bora;
9. Shri Kamala Prasad Agarwala; and
- 10 The Minister-in-charge.

The Committee should submit their report before the 15th of February, 1960.

(The question was adopted).

The Assam Consolidation of Land Holdings Bill, 1959

Mr. DEPUTY SPEAKER: There is a message:

“I, S. M. Shrinagesh, Governor of Assam, recommend under Article 207 (1) of the Constitution of India that the Assam Consolidation of Holdings Bill, 1959 be introduced and moved in the Assam Legislative Assembly.”

S. M. SHRINAGESH,
Governor of Assam.”

Shri HARESWAR DA (Minister, Revenue): I introduce the Assam Consolidation of Land Holdings Bill, 1959.

Mr. DEPUTY SPEAKER: The question is that the Assam Consolidation of Land Holdings Bill, 1959 be introduced.

(The question was adopted).

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

Shri HARESWAR DAS (Minister, Revenue): I move that the Bill be circulated for eliciting public opinion thereon before 31st January 1960.

Mr. DEPUTY SPEAKER: The question is that the Assam Consolidation of Land Holdings Bill, 1959 be circulated of eliciting public opinion thereon before 31st January 1960.

(The question was adopted).

The Assam Fixation of Ceiling on Land Holding (Amendment) Bill, 1959

Shri HARESWAR DAS (Minister, Revenue): I beg leave to introduce the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959.

Mr. DEPUTY SPEAKER: Has any Hon'ble Member to say anything in regard to the introduction of this Bill?

(The question was granted).

Shri HARESWAR DAS: Sir, I introduce the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959.

Mr. DEPUTY SPEAKER: The question is that the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959 be introduced.

(The question was adopted).

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

The Assam Board of Revenue Bill, 1959

***Shri RADHIKA RAM DAS (Deputy Minister):** Mr. Deputy Speaker, Sir, I beg to move that the Assam Board of Revenue Bill, 1959 be taken into consideration clause by clause.

***Shri GAURISANKAR BHATTACHARYYA (Gauhati):** Mr. Deputy Speaker, Sir, I have certain amendments. But before I move my amendments I want to draw your attention to a few typing mistakes which have appeared in the paper circulated to us. These may please be corrected. In item No.2, the amendment under Clause 3 should be sub-clause 1 under Clause 3 and not sub-clause (3). Then in page 2 under item No.5 (III) where it is stated "delete the words" "or a person" occurring between the words, "Board" and "who" in line 4 of this sub-clause "the inverted coma should be put before the word 'a' and after the word 'person', that is "a person" and not "or a person". The word "or" should go after the word "Board". Delete the words "a person" in between the words "Board" and "who" in line 4 of the sub-clause. Then item No.6 the word "shall" occurring between the words "Board" and "Co-opt." be substituted by "may", and then one line has been omitted. The sentence should be like this: The word "shall" occurring in between the words "Board" and "Co-opt." in line 3 of this sub-clause be substituted by the word "may". Then my amendment No.9 is under Clause 4 and not Clause 9. These are the typing mistakes. As the paper was not circulated earlier, I could not see it before. I submitted my amendments in my own handwriting and probably my handwriting was not very clear and so the mistakes. At any rate these may be corrected.

*Speech not corrected.

Now, Sir, with your permission I beg to move my first amendment which is under clause 1, sub-clause (3). Substitute this sub-clause by the following :—It shall come into force at once.” I do not think, Sir, that this amendment requires any explanation. Our Government, it appears, is very keen to have this Bill put into operation and it is probably on that assumption that Government did not agree to my suggestion for referring the Bill to a Select Committee even though I submitted that the Select Committee would finish its job within a very short time and make the Bill ready within a month or so. So, if the Government is keen about putting the Bill into operation, I do not see any reason why the commencement of the Bill should not take place as soon as it receives the assent of the Governor. As soon as the Bill is put into the Statute Book, it should come into operation, because everybody is interested to see that the Bill is put into operation. Therefore, I submit that in place of sub-clause (3) under clause (1) “it shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint” the legislature should specify a date as to when the Bill will come into operation. It is the duty of the legislature which passed a Bill to specify a date when it should come into operation. It cannot be left to the sweet-will of the Government to put the Bill into operation whenever it likes. I do not think it is the pleasure of the House. If the pleasure of the House is that the Bill is an important one, I should suggest that it should come into operation at once. The language used here in Sub-clause 3 is the phrase used in all Bills. With these few words, Sir, I commend my amendment and I hope it will be accepted.

Mr. DEPUTY SPEAKER: The amendment moved is: the Sub-clause (3) Substitute this Sub-clause by the following :—
“(3) It shall come into force at once”.

***Shri RADHIKA RAM DAS (Deputy Minister, Revenue):** Mr. Deputy Speaker, Sir, it would have been better if I could have accepted his amendment. But, Sir, if I accept his amendment that it should come at once then there will be certain difficulty. After the passing of the Bill there will arise certain trouble because the Hon'ble High Court and other authorities will then cease to function as appellate authorities. But I may assure the hon'ble Member that we shall try to enforce the Bill as soon as possible. Secondly, if I accept his amendment various difficulties will arise in constituting the Board. So, Sir, in view of the fact that I give the hon'ble Member assurance that we should try to put the Bill into operation as soon as possible, I think the hon'ble Member will withdraw his amendment.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): I accept his assurance and I withdraw my amendment.

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

Mr. DEPUTY SPEAKER: The question is that clause 1 do form part of the Bill.

(The question was adopted).

Mr. DEPUTY SPEAKER: Now clause 2. There is no amendment on this clause. So the question is that Clause 2 do form part of the Bill.

(The question was adopted).

*Speech not corrected.

Mr. DEPUTY SPEAKER: Now clause 3.

***Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** Sir, I have certain amendments on this clause. As the Hon'ble friend, the Deputy Minister, gave me assurance on clause 1, I do not find any difficulty for him to accept this amendment. Here I have given him 30 days time to overcome the difficulties. I think 30 days is quite a reasonable time. My amendment on this clause is this: "Substitute this sub-clause by the following:—" 3(1) Within thirty days of the Bill becoming an Act, the State Government shall by notification in the official Gazette constitute for the State of Assam a Board to be known as "the Assam Board of Revenue" (hereinafter referred to as the Board).

Adjournment

Mr. DEPUTY SPEAKER : You can take it up in the afternoon. The House now stands adjourned till 2 P.M.

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

After lunch

***Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** Mr. Speaker Sir, I was speaking on my amendment to Sub-clause (1) of Clause 3 of the Bill. The issue is very simple. I have considered the matter very carefully and I have found that there is no reason why Government should not be in a position to appoint a Board of two members within a period of 30 days or within a period of one month from the date on which this Bill becomes an Act and is put in the Statute Book. For making any progress in this Bill, the first thing is to form a Board; only after constitution of the Board will come the question of transferring the cases, whether those which are lying with this or that authority. Until and unless the Board is constituted, not a single step can be taken in the matter. As the Bill itself has provided as to what will be the qualification of members of the Board and also other conditions, and as the financial memorandum gives an indication as to what is going to be their probable salary, the appointment need not even wait for the framing of the rules. But I do not understand why the rules also cannot be framed immediately as soon as this Bill is passed by this House. The Department can go ahead with the framing of the rules and as soon as the Bill gets the assent of the Governor, the provisional rules may be published as required by law for the opinion of the people within a period of 15 days. As soon as these 15 days are over, then everything becomes right from the point of view of the requirements of law, and rules made thereunder for making the law operative. If it is supposed for some reason or other if the Government withholds the assent or the Governor sends it with a certificate for certain modifications or changes, then also the whole scheme becomes changed and the Government shall have to come before this House for reconsideration of the matter. Therefore, it is not a case where everything is left to the discretion of the Government; the ultimate discretion will definitely lie in this House if the Bill fails to fall in line with the Constitution of India. Therefore, I do not find any reason whatsoever as to why Government should not find itself in a position to constitute the Board within a period of 30 days from the date

on which this Bill becomes an Act, that is to say, from the date on which this Bill receives the necessary assent from the Governor. Mr. Das, the Deputy Minister, said that it was difficult for certain reasons to put the words "that the Bill shall come into force at once". He, of course, did not give the details. One of the difficulties that may be presumed was this appointment of the Board.

Now, therefore, in view of the assurance given by the Deputy Minister that the Government would go ahead with the application of the provisions of the Bill as soon as possible, I beg to submit that this period of 30 days should be quite legitimate and sufficient to cover the purpose. I, therefore, commend this amendment of mine for the acceptance of the House

***Shri RADHIKA RAM DAS (Deputy Minister, Revenue) :** Mr. Speaker, Sir, I have already stated that I shall try to enforce the Bill as early as possible. But if a time-limit is given, certain difficulties will arise.

***Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** What are those difficulties ?

***Shri RADHIKA RAM DAS :** It will take some time to appoint the members of the Board.

***Shri GAURISANKAR BHATTACHARYYA :** That is exactly the provision.

***Shri RADHIKA RAM DAS :** Secondly, Sir, it will take some time to appoint the staff. Thirdly, there is the difficulty that all cases will have to be brought from the Hon'ble High Court and if the Board is constituted, the Board will have to sit idly for some time. So, I can say this much that I shall try to enforce the Bill. I have already given my Friend an assurance that I shall try to bring it as early as possible and I request my Friend not to press his amendment.

***Shri GAURISANKAR BHATTACHARYYA :** I am prepared to concede that the taking over of the records or making the office well equipped will require a little time, may be more than one month. May I get the clarification from the Deputy Minister whether the first step with regard to the implementation will be taken, whether the appointment of the Board will be done within 30 days, or not ?

***Shri RADHIKA RAM DAS :** If the records are not brought the members of the Board are to sit idly. Rules will have to be framed and everything will have to be completed. In that case it will not be difficult for us to appoint the members of the Board. As I said, I have already given an assurance that I will try to expedite the matter.

***Shri GAURISANKAR BHATTACHARYYA :** I am not convinced, Sir, so I am not withdrawing my amendment.

Mr. SPEAKER : I put the amendment. The question is that in Sub-clause (1) of Clause 3, substitute this sub-clause by the following—“3(1) Within thirty days of the Bill becoming an Act, the State Government shall by notification in the official Gazette constitute for the State of Assam a Board to be known as “the Assam Board of Revenue” (hereinafter referred to as “the Board”).

(The question was negatived)

***Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 3, add the following at the end of this sub-clause :

“With the concurrence of the Hon’ble Chief Justice of the Assam High Court”.

Sir, a perusal of the subsequent provisions of this Bill will show that the duties and functions of the Board will be of a judicial nature and in many cases its jurisdiction will be appellate and revisionary. And therefore, only such person or persons should be appointed who are competent to deal with these matters in a judicial way. The Constitution of India has provided a machinery with regard to the functioning of the Judiciary. Sir, in the matter of appointment of the personnel to the Assam Judicial Service in the senior as well as in the junior category, the concurrence of the Hon’ble Chief Justice of the Assam High Court is necessary. For the appointment of a Munsiff, or Subordinate Judge, or Additional Judge or District Judge or the Legal Remembrancer, the concurrence of the Hon’ble Chief Justice of the Assam High Court has got to be obtained. Now a Board which will have to deal with matters which up till now were being dealt with by the High Court itself, a Board which will sit in judgement over matter which up till now have been under the jurisdiction of the High Court, the personnel of that Board should be selected not only by the wisdom of the Executive, the Government and the Minister, but that should be reinforced by the wisdom of the judiciary, viz., the Hon’ble Chief Justice of the Assam High Court. Though I am prepared to concede that the ultimate appointing function should remain with the State Government, the very valuable opinion of the Hon’ble Chief Justice of the High Court is, I think, indispensable in this matter if the Government desires proper and judicial discharge of the functions of the Board. Therefore, I have proposed that in addition to what has been provided in sub-clause (2) of clause 3, viz., that “the Board shall consist of two members to be appointed by the State Government”, these words should be there, viz., “with the concurrence of the Hon’ble Chief Justice of the Assam High Court”. I think, Sir, this proposition requires no further explanation and I hope and believe that the Government will be pleased to accept my suggestion in this matter.

Mr. SPEAKER : Amendment moved is : in sub-clause (2), add the following words at the end of this sub-clause.

“With the concurrence of the Hon’ble Chief Justice of the Assam High Court”.

Shri DANDESWAR HAZARIKA (Morongi) : Mr. Speaker, Sir, I cannot fully agree with the contention of my learned Friend Mr. Bhattacharyya. In the Statement of Objects and Reasons, it has been clearly stated that this Board will deal with cases of quasi-administrative nature which now go to the High Court. One of the reasons for creation of this Board is that such quasi-administrative cases need not go to the High Court. Had this been a purely judicial Board I would have agreed with my learned Friend that the opinion of the High Court should be taken for the appointment of the members of the Board, as in the case of District Judge and other judicial officers. I do not know what is the Government's view in this respect but my personal view is this as it will be a Board of quasi-administrative nature, I think it will not be very fair that appointments to this Board should go to the Hon'ble Chief Justice of the High Court for approval. It may so happen that some person with sufficient administrative experience may be appointed by the Government. In that case it will not be fair to ask the High Court to give their opinion as they are not aware of the service records of the officer concerned. It is the State Government who know the merits of an officer with sufficient administrative experience. For this reason, Sir, I oppose the amendment.

Shri RADHIKA RAM DAS (Deputy Minister, Revenue) : Mr. Speaker, Sir, I quite appreciate what my Friend Mr. Bhattacharyya has stated. His arguments would have been valid had this been a Revenue Tribunal because in that case it would have been a judicial body and for appointment of a judicial body the opinion of the Hon'ble High Court would have been obtained. But, Sir, this Board will not be a purely judicial body. It will exercise judicial as well as administrative powers and it will not be possible for the Hon'ble High Court to know the merits of the officer who will be appointed as administrative officer. He will be an officer of the highest rank because it is clearly stated in sub-clause (3) that he should be a person "who, in the opinion of the State Government, is by reason of his wide administrative and judicial experience is fitted to serve on the Board". That means there should be at least one person who has got wide administrative experience and capacity. In such a case it will not be possible for the Hon'ble High Court to give their opinion. So I request my Friend not to press his amendment. Had it been a purely judicial body, I could have accepted his amendment, but as it is I cannot for the reasons I have already stated. I would, therefore, request my Friend to withdraw his amendment.

Shri GAURISANKAR BHATTACHARYYA (Gauhati) : No, Sir.

Mr. SPEAKER : Then I put the question.

The question is that in sub-clause (2) of clause 3, add the following words at the end of this sub-clause:

"With the concurrence of the Hon'ble Chief Justice of the Assam High Court".

HOUSE DIVIDED

AYES—11

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|----------------------------------|--------------------------------|
| 1 Shri Bishwanath Upadhyaya | 7 Shri Mathias Tudu |
| 2 Shri Phani Bora | 8 Shri Nilmoney Borthakur |
| 3 Shri Gaurisankar Bhattacharyya | 9 Kumar Prokritish Chand Barua |
| 4 Shri Hareswar Goswami | 10 Dr. Srihari Das |
| 5 Shri Hiralal Patwari | 11 Maulavi Tajuddin Ahmed. |
| 6 Shri Khogendra Nath Barbaruah | |

NOES—50

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|-----------------------------------|---------------------------------|
| 1 Shri Bimala Prasad Chaliha | 26 Shri Indreswar Khaund |
| 2 Capt. Williamson A. Sangma | 27 Mrs. Joytsna Chanda |
| 3 Shri Fakhruddin Ali Ahmed | 28 Maulavi Kobad Hussain Ahmed |
| 4 Shri Rup Nath Brahma | 29 Shri Lila Kanta Borah |
| 5 Shri Kamakhya Prasad Tripathi | 30 Shri Mahadev Das |
| 6 Shri Hareswar Das | 31 Maulavi Mahammed Idris |
| 7 M. Moinul Haque Choudhury | 32 Shri Manik Chandra Das |
| 8 Shri Mahendra Nath Hazarika | 33 Shri Mohananda Bora |
| 9 Shri Biswadev Sarma | 34 Shri Mohi Kanta Das |
| 10 Shri Radhika Ram Das | 35 Shri Molia Tati |
| 11 Shri Larsing Khyriem | 36 Shri Narendra Nath Sarma |
| 12 Shri A. Thanglura | 37 Shri Omeo Kumar Das |
| 13 Shri Lolit Kumar Doley | 38 Shrimati Padma Kumari Gohain |
| 14 Shri Baikuntha Nath Das | 39 Shri Radha Kishan Khemka |
| 15 Shri Bhuvan Chandra Pradhani | 40 Shri Rajendra Nath Barua |
| 16 Shri Bishnu Lal Upadhyaya | 41 Shri Ram Nath Das |
| 17 Shri C. Chhungah | 42 Shri Ram Nath Sarma |
| 18 Shri Dandeswar Hazarika | 43 Dr. Ram Prasad Chaubey |
| 19 Shri Dandi Ram Dutta | 44 Shri Ranendra Mohan Das |
| 20 Shri Devendra Nath Hazarika | 45 Shri Sarat Chandra Goswami |
| 21 Shri Dwijesh Chandra Deb Sarma | 46 Shri Sarbeswar Bordoloi |
| 22 Shri Gouri Shankar Roy | 47 Shri Surendra Nath Das |
| 23 Shri Hakim Chandra Rabha | 48 Shri Tajammul Ali Barlaskar |
| 24 Shri Harinarayan Baruah | 49 Shri Tomijuddin Prodhani |
| 25 Shri Hem Chandra Chakravarty | 50 Shri Tankeeswar Chetia |

(The question was negatived).

Mr. SPEAKER: Next amendment, Mr. Deka.

***Shri TARUN SEN DEKA (Nalbari-West) :** Sir, I do not move my amendment.

Mr. SPEAKER: Next amendment sub-clause (3).

***Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** Sir, I beg to move *Delete* the words "administrative or" occurring between the words "wide" and "judicial" in line 3 of this sub-clause.

(ii) *Delete* the word "is" occurring between the words "experience" and "fitted" in lines 3 and 4 of this sub-clause.

(iii) *Detete* the words "or a person" occurring between the words "Boards" and "who" in line 4 of this sub-clause. The sub-clause so amended will be read like this:

"A member of the Board shall either be a person who in the opinion of the State Government, is by reason of his wide judicial experience fitted to serve on the Board who is qualified to be appointed as Judge of a High Court." Sir, as amended three categories of persons might be appointed in the Board if the clause is passed with the amendment. One category will be those persons who have wide administrative experience in the opinion of the State Government (2) those who have wide judicial experience in the opinion of the State Government and (3) those who have already qualified themselves for the appointment of a Judge of a High Court.

Of course, for all the 3 categories the appointing authority would be Government of Assam. If my amendment is accepted instead of 3 categories there would be 2 categories of persons who would be entitled to be appointed as a member of this Board. I also have retained that the appointment will be by the State Government. I also have retained that the man who has got a wide judicial experience will be so in the opinion of the State Government. I have also retained the third one that is to say who is qualified to be appointed as a Judge of a High Court. But I have sought to withdraw that category which has got only administrative experience, however wide that may be. They need not be appointed in this Board. Now if I would have been able to agree fully with what my friend Shri Hazarika, who is a lawyer, has said then of course there would have been no necessity of bringing this amendment. That this Assam Board of Revenue Bill is only an administrative affairs nothing to do with interpretation of law, nothing to do with administration of justice. It is only a matter of administrative convenience and at best you may say it is quasi-administrative i. e., in giving certain administrative order or taking certain administrative decision it is done judiciously. If that would have been the position of this bill well then of course this amendment would not have been at all necessary because though a man lives to learn and I do live to learn—I shall still have to learn. The point of view of my friend Mr. Hazarika as to what quasi-administrative is and what is quasi-judicial. I think it will not be taking unnecessarily the time of the Hon'ble House, if I say, for example, what is quasi-administrative affair. Take for example, there is an employee say in the State Transport Department and that employee is charged with some offence. Now he is to be departmentally punished. Then certain proceedings is to be drawn up against him, he will be charge sheeted, he will be given a chance to reply then if the authorities are not satisfied with his reply then he will be said this is the proposed punishment and what you have got to say. So, in terms of Article 311 of the Constitution of India and in terms also of the Government Servants' Conduct Rules or in terms of the specific Conduct Rules of the different administrative departments certain proceedings are to be drawn by the administrative superiors. But at the time of doing that they follow certain procedures and they take decision with a judicial mind, these matters though done with judicial mind, these are called quasi-administrative quasi-judicial matters because after all the step is administrative though applied in judicious way. Now what

is quasi-judicial is something else. In the example which I have just now given the substance is the administrative convenience or the administrative rule and the procedure or the adjunct is the judicial or judicious procedure. In quasi-judicial matter on the other hand there are certain administrative orders also as their adjunct. Take for example, the powers that are sought to be taken here, what does the judiciary do. judiciary interprets the law and the rule and administrative orders made thereunder. In a Government or in a State there are 3 branches—one is the legislative branch which makes the laws, one is the executive branch which executes those laws, and there is the third branch the Judiciary which interprets the laws which watches as to whether the Executive has executed the wishes of the legislature according to the Constitution and according to laws. That is the function of the Executive and in doing that some time the Executive also do certain judicial matters. They have to function also to a certain extent as Judicial authorities. But simply because they function so they do not become Judges. Similarly, the judiciary also in their discharge of judicial duties may give certain executive directions but thereby they do not become administrator, e.g., in a Sessions case what happens if the police does not investigate properly or there is some serious defect in the investigation then in addition to the judgment the Judge gives some *obiter dictum* that such and such officers did not do their job properly and Government should take proper steps. So that is something administrative. He is suggesting something administrative steps against those officers. He is not an administrator but a Judge, because the 3 branches are interlinked or interconnected. But we should not forget what is the trunk and what is the branch. What is the principle and what is an adjunct. If we lose sight of that then of course we become lop-sided. Now only from a cursory view of the thing that are sought to be done in this, let us take one instance. Through this bill what we propose to bring within the purview of the Board. There are so many schedules. Let us take serial No.1 of Schedule A. Now what is that Assam Land and Revenue Regulation Act, 1886 (Regulation I of 1886)? Now what is the jurisdiction that is sought to be brought? First the obligation against sale for arrears of revenue under section 81. This Section 81 of this Regulation is with regard to annulment of sale on the ground of hardship. Previously this was used to be functioned by the Commissioner and there after it came to the Chief Commissioner, after the Government of India Act of 1935 was passed, and then in terms of Section 286, if I remember aright, of course I am saying from memory, of the Government of India Act that the function of the Chief Commissioner that was transferred to the local Government by the administration order of 1937. So we find that a function which used to be done by a no less an officer than a senior I.C.S. officer, and thereafter by the Government that function came to be transferred to the jurisdiction of the High Court according to the Power Transfer and Jurisdiction Act, 1948. The Assam Revenue Tribunal (Transfer of Power) Act, 1948 that is Act IV of 1948.

So in 1948 it was thought that as the grip of the Executive in the matter of interpretation should be loosened and the judiciary should be gradually independent and more effective for making democracy a really success, this matter which gradually went on from the Deputy Commissioner to the Commissioner, from the Commissioner to the Chief Commissioner and from the Chief Commissioner to the Local Government and from the Local Government to the High Court—when this process was going on, can we just turn round about and come back again to the position of an

Executive Officer who will be appointed by the Government for his administrative capability? This is a matter of interpretation of law as to whether according to law there has been hardship on the man. Take for instance the second item 'Appeal against the original or appellate order passed by the Deputy Commissioner under section 147 (a)'. Now, there is an order passed by the Sub-Deputy Collector, after that there is an appeal to the Deputy Commissioner and as against that now an appeal lies to the High Court under section 147 (a) of the Assam Land and Revenue Regulation. Section 147(a) relates to a matter, that is an appeal shall lie under this Regulation to the Tribunal under section 296 of the Government of India Act, 1935—I am sorry, Sir, previously I said section 286, it should be 296 of the Government of India Act, 1935. Now, appeal shall lie under the Regulation to the Tribunal under section 296 of the Government of India Act, 1935 from any original or appellate order passed by the Commissioners this I have repeated because I want to draw the pointed attention to this particular provision of my lawyer friend Shri Hazarika: he said that he would not have any hesitation to agree with me and my amendment if the matter would have been that of a Tribunal instead of an Executive Board. So I beg to say that this is a subject matter which was of a Tribunal—a matter which from the Tribunal goes to the High Court, this is now sought to be brought under this Board by the present Bill. Therefore, now my friend in keeping with his own promise, would not have any hesitation to agree with me because the Government of India Act, 1935 and the Assam Land and Revenue Regulation itself speaks of this power of the Tribunal and not of any Board.

Then, let us come to the third item—'Revision under section 151'. That is against the Tribunal to be appointed under section 296 of the Government of India Act, 1935 now substituted by an Administrative Order of 1937 by the Chief Commissioner. Prior to 1937 this authority under section 151 used to be administered by the Chief Commissioner because at that time there was no legislature and so it was administered by the Chief Commissioner as the head of the State. Of course, in the name of the Chief Commissioner sometimes the Executive Officer also did but then the Executive Officer is a highly qualified person of the standing of a Minister. That power which used to be administered by the Chief Commissioner that came to the jurisdiction of the State Government by this Administrative Order of 1937 and then by this Transfer of Power Act, of 1948 that came to the High Court but this Bill that power is sought to be reverted back to the Executive Officer. This will be seen if we go to the fourth item: 'Appeal against annulment order passed by the Commissioner under provision to rule 149 of the Regulation. The Commissioner is the seniormost officer of the State and up till now he has been doing quasi-administrative and quasi-judicial functions also and there will be appeal against that order of the Chief Commissioner and the up till now is being heard by the High Court, but now this is being sought to be taken from the High Court to an Executive Officer under this Bill, or an officer with executive experience. Then, this appellate or revisionary power under rule 3 issued under this Regulation also is revisionary power—of revision. My lawyer friends of this House at least know that this revision is not a point of fact but a point of law. So here it is clearly, simply and categorically a matter of interpretation of law and nothing else. How can thereafter this be said that it is only an administrative affair or a quasi-administrative affair. As I have said, it is a purely and simply a matter of interpretation of law in revision. Up till now I have not touched,

all the items, I have touched only one—here I find there are as many as 11 items, but I have cited the instance of only one of them. All these I can show are matters either appellate or revision. These are all matters not of administrative affair. For example under Serial 4—the Assam Forest Regulation. So far this is concerned it might be said that it is an administrative affair but I shall subsequently show that that section or sections that are covered in the proposed Bill are all sections either appellate or revision. Let us see item 1 under serial 4—‘Appeals in matters of Sections 11, 12, 13, and 14, etc. From all these we shall see that these jurisdictions that are sought to be transferred to this Board are not administrative affair but mostly purely judicial and to some extent *quasi-judicial* matters. If that be so, why cannot those who have got administrative experience be appointed? Can we not find two persons in the State who have got such administrative experience or who are fit to be appointed as High Court Judges? Of course those who are to be appointed as High Court Judges should have over five years experience as a District Judge or ten years experience as an Advocate in the High Court. Why can we not find even these two men of eminence in our State? Even if we do not find them, there is the first provision that if the State Government is satisfied that a man has got *quasi-judicial* experience then he also can be appointed. There are persons who have been working as Munsiff or Sub-Judge for a pretty long time and sometimes hold the office of a District Judge, cannot such a person be appointed an High Court Judge. If Government thinks that because he has no judicial or *quasi-judicial* experience therefore, he may not be eligible for appointment, we have no objection. It may so happen that a man, for example, a Public Prosecutor, or a Government Advocate or a pleader some times is appointed as a District Judge. I do not propose to cite instances here, but this is being done in many cases. Probably last year or the year before last a man was appointed as a District Judge, and now he is retiring next year. Now, in case Government feel that his service is necessary for a further period, Government can do it; Government has got that power. So we want to stress that we are not in a position to agree to hand over the entire judicial function to an administrator. I say so without any disrespect to the administrators; they are quite capable persons in their own spheres. But in these days specialisation is of utmost importance. A legislator simply because he is very successful in his own sphere cannot be a good administrator. Similarly, a good administrator does not necessarily make a good Judge. Therefore let the people specialise and give their services in their own way. Why should we drag an administrator to the judicial line and a person putting in his services in the judicial line to the administrative line?

Then again, if the Government is given some wide powers, when I say this I do not propose to throw any suspicion on the Government, such wide powers of discretion in the matter of appointing administrators, then there is always the fear, at least apprehension of favouritism. I again repeat that I am not making any aspersion to the Government or the hon. Ministers. I simply say there is always the apprehension of favouritism and nepotism; jobs may be created not because there is necessity for it but because some people may be provided. That sort of thing, favouritism and nepotism may always be there. So from all these points of view I think the Deputy Minister and also all my friends here will be convinced that this Amendment is reasonable and I hope and trust that they will be pleased to accept it.

Mr. SPEAKER: The Amendment moved is: In sub-clause (3)—

(i) Delete the words, “administrative or” occurring between the words, “wide” and “Judicial” in line 3 of this sub-clause.

(ii) Delete the word, “is” occurring between the words, “experience” and “fitted” in lines 3 and 4 of this sub-clause.

(iii) Delete the words, “a person” occurring between the words, “Board or” and “who” in line 4 of this sub-clause.

Shri RADHIKA RAM DAS (Deputy Minister, Revenue): Mr. Speaker, Sir, I am sorry, I cannot accept the amendment of my Friend, Shri Bhattacharyya. If his amendment is accepted then it will frustrate the purpose of the Bill. The Bill, if his amendment is accepted, will then provide for appointment of only judicial persons without having any administrative experience. But the purpose of the Bill is to have both judicial and administrative functions. My friend wants to make it a purely judicial Tribunal. Sir, no where in our country, except in case of Bombay, where there is a Revenue Tribunal. In all other States a Board of Revenue has been created with personnels having both administrative and judicial powers. Our purpose is that our Board should function as a judicial and administrative body. If the amendment is accepted then it will be a purely judicial body with only judicial powers. Therefore I am sorry, Sir, I cannot accept his Amendment. I, therefore, request that my friend will be pleased to withdraw his amendment.

Mr. SPEAKER: Do you propose to withdraw, Mr. Bhattacharyya?

Shri GAURISANKAR BHATTACHARYYA (Gauhati): No, Sir.

Mr. SPEAKER: The question is:

(1) Delete the words, “administrative or” occurring between the words “wide” and “judicial” in line 3 of this sub-clause.

(2) Delete the word, “is” occurring between the words, “experience” and “fitted” in lines 3 and 4 of this sub-clause.

(3) Delete the words, “or a person” occurring between the words, “Board” and “who” in line 4 of this sub-clause.

(The question was negatived).

***Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, beg to move that the word, “shall” occurring between the words, “Board” and “Co-opt.” in line 3 of this sub-clause (5) be substituted by the word ‘may’.

The purpose of the amendment is very simple and particularly after speech just now given by the Deputy Minister, I think I need not give any further explanation. Because he has stated that in view of the fact that the administration should be properly represented, he has kept that clause. I say, "alright", as that has been the pleasure of the House although I am not at all convinced. But the point is while weightage has already been given, why should there be a clause in addition to that? When provision has already been made that there should be an officer of the department about which this particular matter is being discussed then why should that be. But then the point is that when there be certain technical thing without the help of the representative of the department the matter cannot be proceeded with. Then of course that provision may be left. But to do that does my Friend, Mr. Das want to make it compulsory to the Board to take a man of the department concerned to make it optional to the Board to take one if the Board thinks it necessary?

Mr. SPEAKER : The amendment moved is: In sub-clause (5)—The word "shall" occurring between the words "Board" and "co-opt." in line 3 of the sub-clause be substituted by the word "may".

Shri RADHIKA RAM DAS (Deputy Minister, Revenue): Mr. Speaker, Sir, I cannot accept this Amendment also. This amendment wants to make it discretionery on the part of the Board to appoint persons of other department. The section means that he will be an expert person who will give the opinion on judicial proceedings. So I want that it should be obligatory to appoint a person.

Mr. SPEAKER : Do you agree, Mr. Bhattacharyya?

Shri GAURISANKAR BHATTACHARYYA (Gaubati): No, Sir.

Mr. SPEAKER : The question is that the word "shall" occurring in between the words "Board" and "Co-opt." be substituted by the word "may".

(The question was negatived).

Shri DANDESWAR HAZARIKA (Morongi): Mr. Speaker, Sir, I beg to move that in sub-clause (6) substituted the words, "sixty-five," occurring between the words, "of" and "years" in the last line by the word "sixty."

The reason is that here in this Bill the age limit has been fixed upto 65 years. But after 60 years of age judges of High Court even retire, I do not think any person having some administrative and Judicial experience be given the membership of this Board after 60 years of age. Because after 60 years these persons may not have that judicial and administrative acumen which may be necessary for due discharge of the functions that he will be called upon as a member of the Board. So I think that the age for the membership should not exceed 60 years. I hope the amendment will be accepted.

Mr. SPEAKER : The amendment moved is: Substitute the word, "sixty-five" occurring between the words, "of" and "years" in the last line of this sub clause (6) by the word "sixty".

Shri RADHIKA RAM DAS (Deputy Minister, Revenue): Sir, I accept the amendment.

Mr. SPEAKER: The question is: In sub-clause (6) substitute the word, "sixty-five" occurring between the words "of" and "years" in the last line of this sub-clause by the word "sixty".

(The question was adopted).

***Shri GAURISANKAR BHATTACHARYYA** (Gauhati): I have got an amendment.

I beg to moved that in sub-clause (6) substitute the words "sixty-five" occurring between the words, "of" and "years" in the last line of this sub-clause by the words, "fifty-eight".

***Shri HARESWAR DAS** (Minister, Revenue): On a point of order, Sir. This amendment is out of order. I refer to rules 78 (ii) that an amendment shall not be inconsistent with any previous decision of the House on the same question. The previous amendment is accepted.

***Shri GAURISANKAR BHATTACHARYYA:** The House has not accepted it. Mr. Das is only a member.

***Shri HARESWAR DAS:** Yes, Sir, he is right. The Minister has only accepted it.

***Shri GAURISANKAR BHATTACHARYYA:** I have got great respect for everybody's personal feelings, not to speak of the personal feelings of Shri Hazarika but on these matters I cannot be guided only by that. There should be some logic behind the proposition which comes before the House. What is the logic behind it—to have 65 years as the age of retirement—because High Court Judges retire at the age of 65. Just a few minutes ago they said that members should not be the age of High Court Judges and experienced administrators would do. They want to run with the deer and haunt with the hound! They want to keep the doors open to the administrators for the purpose of appointments. In this matter they want to give the privilege of High Court Judges. This is a clear floodgate for favouritism. I am the Minister and when an officer retires day after tomorrow I appoint him a member to the Board. Naturally his service continues for five years more. This is keeping him in service by the backdoor. Why the age of 65, what is logic behind it (Shri Jahanuddin Ahmed—Even if there is logic, it will not be accepted). I want to express my views here so that it may be on the record and guide the future generation. My logic is that the Government have upto now fixed the age of retirement at 55 and for technical personnel, there may be extension upto 3 years. I consider that the members serving in this Board will be men of technical knowledge. So I am giving them 3 years so that the State can take advantage of their experience. Earlier also I ruled out the possibility of having 60 as the age of retirement. This is a matter of great principle because this will leave room for favouritism, nepotism and what not. I strongly and stoutly oppose the suggestion of 60 years put forward by my friend and with all respect to his feelings I move my amendment.

Mr. SPEAKER : The amendment is moved. The question is : substitute the words, "Sixty-five" occurring in between the words, "of" and "years" in the last line of sub-clause (6) by the words "fifty-eight".

(The question was negatived).

Mr. SPEAKER : The question is clause 3 as amended do form part of the Bill.

(The question was adopted).

Clause 4, Amendment No.9, Mr. Bhattacharyya, please.

***Shri GAURISANKAR BHATTACHARYYA :** I move that the following words be added at the end of the sub-clause (1) "save and except those vested in the Assam High Court under any general or special provision of law".

Sir, this clause 4 is the most important clause of the bill because this is a clause which covers the powers and functions of the Board and if you permit, Sir, I may take the other two sub-clauses as that will save time of the House.

Mr. SPEAKER : Yes, the other two amendments may also be moved.

***Shri GAURISANKAR BHATTACHARYYA :** In sub-clause (2) substitute the whole sub-clause by the following "(2) on and from the commencement of this Act, the powers and jurisdiction to entertain appeals and revise decisions in revenue cases as was vested in the authority appointed by general or special order of the State Government referred to in the Assam Revenue Tribunal (Transfer of Powers) Act, 1948 shall cease and shall be transferred to the Board and on such transfer the Board shall have the powers and jurisdiction to entertain appeals and revise decisions".

I move that in sub-clause (3) delete the words, "save and except those provided in sub-section (2)" occurring at the beginning of the sentence of this sub-clause.

Sir, my Friend, Shri Das, the Deputy Minister said that if he would have expedited my previous amendment that would have frustrated the purpose of the Bill. I appreciate that he is very keen about the purpose. But what is the purpose? What is the purpose of the Bill? The purpose of the Bill is to give certain powers and functions which are upto now exercised by different authorities to an authority constituted under the present Bill. Now, naturally the next question arises as to what are those powers which we are going to give to the Board? These powers and functions are of different types. First types come under the category of what used to be exercised by the High Court. The second type comes under those which are used to be administered by the State Government, that is to say, the different

Ministers in the name of the Government. The third categories are those exercised by the Heads of Departments or Directors and the last types are those exercised by some District and Session Judges. All these are different categories and all these things are now to be brought under the proposed Board. Through all my amendments I have suggested that whatever we may do about these things, we should not deprive the High Court from its powers and functions. That is the substance or purpose of this amendments. Not only that if we take away all the powers and functions from the High Court, it will have very little to do except entertaining petitions under Article 226 but it will be retrogressive and reactionary on the part of the legislature. I know that these two words are very harsh and it really creeps to say that anyone of us is retrograde and reactionary. The intention does not always matter. It is stated that the Board shall have the powers and jurisdiction to entertain appeals and revise decisions in revenue cases arising under the provisions of the enactments as are specified in the Schedule A. I have been again and again repeating that this Bill does not envisage the administrative orders, but it envisages disposal of cases which is a matter of tribunal and which is a matter of court. This is not the matter of a Board of Administrators and it is clear from the Bill that its functions are to dispose of cases but in its appellate and revisionary jurisdiction. If and when this Bill comes into operation the matters which are mentioned in Schedule A and which are now being administered and given justice to by the High Court will be taken away from the High Court. Even the pending cases will also be taken away and they will be vested in this Board. Along with them the cases which are pending before the Ministers and other Heads of Departments of the Government will also be vested in the Board. In sub clause 1 Clause 4 I have stated that let the jurisdiction of the Board be confined to other matters, save and except those vested in the Assam High Court under any general or special provision of Law. Now let me take into consideration this particular law, the Assam Revenue Tribunal (Transfer of Powers) Act, 1948. This was a very important place of legislation. In section 3 of this Act it is stated that "Subject to the provisions of sub-section (3) of this section the Assam High Court shall exercise such jurisdiction to entertain appeals and revise decisions in revenue cases as was vested in the Provincial Government immediately before the first day of April, 1937 under any law for the time being in force."

(2) In particular and without prejudice to the generality of the foregoing provision the Assam High Court shall have jurisdiction to entertain appeals and revise decisions in all revenue cases arising under the provisions of the enactments specified in Schedule A in which such jurisdiction was vested in the Provincial Government immediately before the first day of April, 1937, and

(3) Without prejudice to the foregoing provisions the authority appointed by general or special order of the Provincial Government shall exercise such jurisdiction to entertain appeals and revise decisions in matters arising under the provisions of the enactments specified in the Schedule B as is exercised now by the Revenue Tribunal and was vested in the Provincial Government before the first day of April, 1937, and

(4) The Assam High Court and the authority appointed by the Provincial Government shall have jurisdiction to entertain appeals and revise decisions within the field of jurisdiction respectively transferred by this Act to the Assam High Court and the Authority appointed by the

Provincial Government in cases specified in section 7(2). "It is stated in sub-section 2 of Section 7 that the appeals and applications for revision pending before the said Tribunal on the date on which this Act comes into force shall be deemed to have been instituted before the Assam High Court or the authority referred to in section 3(3) according to the field of jurisdiction transferred by this Act to the High Court and the aforesaid authority respectively and shall be decided as if they were instituted before the Assam High Court or the authority as the case may be.

8.(1) The Assam High Court may by notification in the official Gazette make rules consistent with the provisions of this Act for carrying out the purposes of this Act. The Provincial Government will likewise make rules for the guidance of the Authority appointed by it as contemplated in sub-section 3 of section 3.

(2) Such rules shall be subject to the condition of previous publication.

Thus you will see, Sir, that this Act of 1948 which came into force after independence made clear provisions for division of cases. The cases which were judicial or quasi-judicial were taken to the High Court and the cases which were administrative or quasi-administrative were taken to the authorities appointed by the Government. So, that was the provisions made by the Act of 1948. This was considered and adopted by this House. Now, to-day the Government is going to appoint an authority and give those powers which this legislature had given to the High Court in preference to the authority appointed by the Government or to be appointed by Government. Where are we going? Are we going more and more for democracy and independence of judiciary or are we going more and more for subjugation of the judiciary to the Executive for doing all judicial matters? Where are we going? If this provision is not retrogressive and reactionary what else can it be?

Again and again my friend, the Deputy Minister has been saying that except in the State of Bombay, in no other States there was a Tribunal. That does not matter. But one thing. How can we forget that apart from Bombay, in the State of Assam itself there was a Tribunal. Well, there was a Revenue Tribunal here in this State, one of the Judges of the High Court at that time was the Revenue Tribunal and the powers of the Revenue Tribunal were taken not to the Executive authority but to the High Court. That is to say, we wanted to go a step forward for judicious function of the Judiciary and for freeing the Executive from the judicial function. That was the history of this State itself. Can the Minister say that our experiences belied our hopes or justified anybody's fears that the High Court or even the Supreme Court or the Revenue Tribunal could not give justice to the people that they have created such situation where the administration came to a collapse? And therefore, for the sake of the very existence of the State, it has become necessary to divest the Judiciary of its powers and take them to the Executive? I am still to learn—Man lives to learn. I think there is not a single case where the Minister will be able to say that the High Court or the Tribunal had failed in their duty. In fact, the Supreme Court has given a verdict that this Government was acting like dictators—that was the judgement given by the Supreme Court of India. I am afraid that it is for fear of that—it is for fear of the misdeeds, if there be any, in going to the highest court of law in this country, that they want to divest that authority of all its powers

and bring them to the authority which is subordinate to it so that the highest judiciary in this country has no hand in their decisions. The Government wants to create such a subordinate authority. This is a most serious thing. There cannot be a Rule of Law in this way. Always we have been hearing quite a lot that ours is a democratic country—here there exists a Rule of Law. Does this Bill show an indication of the Rule of Law? Does this Bill show any respect for the Rule of Law where the interpreters of all laws are being brought from the High Court under a subordinate authority or to the ministry or the Government? Is this a Rule of Law? There are certain matters on which the public had been agitating for quite a long time; many of my friend are practising lawyers they know it, they know what difficulties they face when we are confronted with various cases. Our Indian jurisprudence which is in line with the English jurisprudence lays down that unless and until the case is proved beyond reasonable doubt by the prosecution, the case is supposed to be innocent. But here there are certain regulations where the owners are on the accused; where the presumptions are not in favour of the accused but in favour of the prosecutors. For example, let this Section 63 of the Assam Forest Regulation be taken. This I specifically mention because through this Bill the Minister wants to give the authority to a subordinate body. Under section 63 presumption is in favour of the Government. The presumption will be, when a case with regard to the forest produce comes up before Government. For instance, a piece of wood which has been found in my possession. The Forest Officer comes and says "This piece of wood you have stolen, it is our forest property". If I say, "you prove it is your property". That is the substance of Section 63. These are matters which require to be looked into if justice is to be given to the individual, if individual liberty is to be assured. These matters should be decided so long as the Regulation is not amended by an authority which is judicious, which is above the Executive pressure. A decision should not be taken on the sweet will of the Government. There should be an authority which should decide matters particularly when such sweeping provisions are there in the existing laws themselves. But, unfortunately, here through this Bill Government want to divest the High Court of all its powers. Let us read this sub-section (2) of this Bill. "On and from the commencement of this Act, the powers and jurisdiction to entertain appeals and revise decisions in revenue cases arising under the provisions of the enactments specified in sub-section (i) as was vested in the Assam High Court under the Assam Revenue Tribunal (Transfer of Power) Act, 1948 or in the authority appointed by general or special order of the State Government referred to in the said Act shall cease and shall be transferred to the Board and on such transfer the Board shall have the powers and jurisdiction to entertain appeals and revise decisions."

So, Sir, you will see the purpose of the Bill is not to ensure justice, its purpose is not even primarily to bring more administrative efficiency. The purpose of the Bill is to curb the powers of the High Court because Government is finding uncomfortable in certain cases when the High Court gives its decision. In that Act of 1948, Sir, there were two clear provisions in the two Schedules regarding the authorities to be appointed under them. I would very much like that this Act also comes under the High Court, particularly the one which I just now mentioned, viz, the Assam Forest Regulation Act in view of its Section 63. I would also very much like that the cases under the Assam Opium Act, 1878 and also the cases under

the Eastern Bengal and Assam Excise, Act and also under the Assam Motor Vehicles Taxation Act, 1939 to come to the High Court instead of being under certain administrative authority and instead of this Schedule 'B' to Act, 1948, the exclusive jurisdiction should come under the High Court.

But that jurisdiction of the High Court is now sought to be brought to the executor. As I have already said in the 1948 Act itself and under the Land Revenue Regulation it was contemplated that "at any time within sixty days from the date of the sale, application in writing may be made to the Commissioner or (where there is no Commissioner) to the State Government to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it". Again under section 81 also it has been said. "The State Government may on application made to him at any time within one year of a sale becoming final under section 80 set the sale aside on the ground of hardship or injustice." Sir, under Section 117 of the said Regulation it is said. "An appeal against the decision of the Deputy Commissioner making a partition shall lie to the Commissioner of the Division where there is no Commissioner to the State Government within one year from the date on which the partition takes effect." Again under section 147(b) it is said. "Appeal shall lie under this Regulation to the Tribunal to be appointed under section 296 of the Government of India Act, 1935 from any order original or appellate passed by a Deputy Commissioner of a district not included by a Deputy Commissioner of a district not included in any division of a Commissioner or by a Settlement Officer in any such district."

Now [Sir these powers have been sought to be brought under the Executive authority from the purview of the High Court. Not only this, bill sought to curtail the powers of the High Court in respect of The Opium Act, 1878 (Act I of 1878). The Assam Local Rates Regulation 1879 (Act III of 1879), The Assam Forest Regulation, 1891, The Eastern Bengal and Assam Excise Act, 1910, The Assam Public Demands Recovery Act, 1913, The Assam Temporarily Settled Districts Tenancy Act, 1935. The Assam Motor Vehicles Taxation Act, 1936. Sir, all these powers are sought to be brought from the High Court authority to a Board subordinate to the Executive Government. Is it the step forward towards Rule of Law? Is it the liberties of the individuals and his properties? Then Sir, I beg to submit that so far as the Act III of 1935 viz. [the Assam Temporary Settled District Act is concerned, this matter is of very great significant and important to the vast mass of our people namely the peasants. I also humbly submit that this Tenancy Regulation is prevalent in other States as well. My Friend Shri Das repeatedly says that in no other States in India such cases go to High Court for disposal but they are disposed of by a Board of Revenue, except Bombay where a Revenue Tribunal functions. I beg to submit that there is not a single state in the whole of India where the land regulations are not justifiable under a court of law. If this present bill be passed then the Assam Temporarily Settled District Tenancy Act, 1935 and the important provisions thereof become justifiable under a Board of Revenue than in the High Court or any Court of Law? I also cannot accept the arguments of my Friend Mr. Hazarika that this Board will only be an administrative authority. This is astounding. Sir, I do not know what is the purpose of my friend in bringing this bill. If he thinks that the purpose of the bill is to bring negation of the Rule of Law, to deny individual rights and liberty with regard to persons and property being agitated in

a court of law ; if that be the purpose of my friend, I cannot assist him in that purpose. If the purpose of my friend is really to hold the people in the matter of laws and in their interpretation, then I humbly submit that he should atleast accept the amendments which I have advanced under clause 4. With these few words Sir, I commend the amendment under clause 4 of the Bill.

Mr. SPEAKER : Amendments Nos. 9, 10 and 11 are moved.

***Shri HARESWAR GOSWAMI (Rampur) :** Mr Speaker Sir, I beg to support the amendments moved by my friend Shri Gaurisankar Bhattacharyya. Sir, as I have gone through the Statement of objects and reasons. I find that "after the establishment of the High Court of Assam in 1948, most of the powers exercised by the then Revenue Tribunal were transferred there under the Assam Revenue Tribunal (Transfer of Powers) Act, 1948." It is also not correct. Then again Sir, it is said that "This arrangement does not appear to be satisfactory. The cases which are disposed of by the High Court are of quasi-administrative as well as of quasi-judicial nature." Sir we have yet to learn what is quasi-administrative what is quasi-judicial one thing is quasi-judicial and another is quasi-administrative. If it is administrative it is quasi-administrative only. Now what is quasi-judicial is where the administrative authority is required to exercise a judicial mind although the matter is of administrative nature. You have to decided it by bringin in a judicial frame of mind, *i.e.*, quasi-judicial and therefore no that every administrative matters become thus quasi judicial. As soon as an administrative matter there is an appeal provided for it or there is another appeal of the administrative matter confined itself into a quasi-judicial matter, and that is the decision of the Supreme Court. The Supreme Court has said that the administrative matter which is initio administrative matter may become a quasi-judicial matter. Everything is either quasi-administrative or quasi-judicial. Now so far as the administrative matters are concerned certain administrative matters may become quasi-judicial. The cases which are disposed of by the High Court are of quasi-administrative as well as quasi-judicial nature. Sir, I beg to differ from the learned Deputy Minister that the High Court in exercise of the revenue jurisdiction exercises jurisdiction over administrative matters. So far as settlement of land is concerned here again there are certain distinctions. In Section 141 of the Revenue Regulation there are provision for appeal and when those appeals are heard it has been provided that those appeals are to be heard in a particular manner. Therefore they become quasi-judicial, and the High Court has been given authority over those matters in no other states in India and that is a different matter. Therefore this is done because the Board of Revenue is a different matter as it is concerned with the augmentation of revenue, as it is concerned with revenue matters. Therefore some other States it was considered. That was different argument. Then the argument that because these are quasi-judicial and because they are quasi-administrative, therefore, these must remain.

Sir, when I go into the clauses in respect of this particular matter, I find that so far as High Court is concerned one thing the High Court has done very nicely is in regard to revenue matters. The High Court has been able to bring about a uniformity of decisions. Whatever may be said so far as revenue matters are concerned, it is not that all matters go to the

High Court, only revenue regulations have come to the High Court. Other matters do not come to the High Court. If they come at all, *e. g.*, Excise matters under section 9 of the Excise Act, these are to be heard by the Excise Commissioner or by the Excise Appellate Authority, but those matters may be taken to the High Court as any matter can be taken to the High Court in the extraordinary jurisdiction of the High Court, *viz.*, under Articles 226 and 227 of the Constitution. Even then after the constitution of the Revenue Board if it is found that the Board has acted beyond its jurisdiction, that the Revenue Board has exercised its jurisdiction improperly, the Revenue Board has taken into consideration extraneous matters or irrelevant matters, that the Revenue Board has over ruled the principle of natural justice, or it has committed an error apparent on the face of the record, even then in spite of this Act, the High Court will have jurisdiction over these matters. But that jurisdiction will be very limited one—that jurisdiction can be utilised for scrutinising, for seeing whether the Board has gone beyond its jurisdiction, whether it has acted improperly, whether it has taken irrelevant matters into consideration, whether it has committed an error apparent on the face of the record, otherwise the High Court will not sit as a Court of an Appeal over the Revenue Board. Therefore it is one thing to take cases under Articles 226 and 227 to the High Court, and another thing is that as a matter of right you can go to the High Court. Now according to Revenue Tribunal (Transfer to Powers) Act what was done was that certain cases were left to the High Court. There the High Court sits as Court of Appeal. In a Revenue matter the High Court sits as a Court of Appeal. The High Court exercises revisional jurisdiction in revenue matters. Therefore it does not only exercises powers under Articles 226 and 227. We know of cases where the appeal failed but the High Court insisted on the party, “well, your appeal has failed but if you move an application under Articles 226 or 227 of the Constitution then we will be able to give you certain remedy.” Therefore, the revenue jurisdiction of the High Court is an appellate jurisdiction or a revisional jurisdiction that is provided for in the Revenue Manual itself. Therefore, now after exercising this jurisdiction the High Court has been able to produce a uniform type of decisions so far as revenue matters are concerned. Never before the taking over of these cases by the High Court we could get uniform decisions. The Tribunal used to give one type of judgment while another authority used to give another type of judgment. Even to day we find in the matter of Excise cases that one authority considering in one matter whereas another appellate authority considering in another matter. But as soon as the matters go to the High Court and its decision, even if a subsequent Bench of the High Court wants to go against it, then that matter has to be referred to the Special Bench take up and decide. Therefore, there is a definite advantage in getting decisions on certain matters and after that even if we leave these cases relating to revenue matters which are in the High Court, even then the Revenue Tribunal will have enough work to do. Therefore, I agree with my Friend Mr. Bhattacharyya that so far as cases which are left to the High Court where the High Court has definitely an improvement where the High Court has given uncertain decisions, there is no reason why we should interfere with it and why we should bring them back again to the Revenue Board. I feel that these cases which are pending—just to bring them from High Court to the Revenue Board will really look very odd and will not show wisdom in us. Therefore, my submission is that so far as I go through the Schedule I find that even if we leave these cases which are now being taken cognizance of by the High Court, which are

tried or heard by the High Court, other cases will be there. We find that Ministers have no time to look into the matters. There is no possibility for judicial mind being given to it. That there can be other things and these things if we leave to the Revenue Board then I think the purpose that we have in our mind will be better served, and with these words Sir, I support the amendment.

Shri RADHIKA RAM DAS (Deputy Minister, Revenue): Mr. Speaker Sir, I am sorry that I cannot accept the amendments moved by my friend Mr. Bhattacharyya. Moreover I am not at all convinced with the arguments advanced by him and by Mr. Goswami. Further Mr. Bhattacharyya has created a confusion. He states that he is in favour of Revenue Tribunal, but at the same time he is in favour of the fact that a very few cases should be given to the Revenue Tribunal and all the cases which are with the Hon'ble High Court should be left there. So, what is the use of keeping the Board? Now we find that the Hon'ble High Court has to deal with lots of criminal and civil cases and consequently the Hon'ble High Court gets little time to look after revenue cases. So only because that the Hon'ble High Court has got little time and because the Tribunal will be constituted, the cases should come to Revenue Board. He wants this. So I submit..... (Interruption).

Shri HARESWAR GOSWAMI (Rampur): Sir, on a point of clarification. The Deputy Minister has said that High Court has no time. Will the Minister enlighten us what is the total number of institutions in the High Court in 1958-59 and how many criminal cases and civil cases the High Court had to deal with?

Shri RADHIKA RAM DAS: It is not possible for me to give these information off hand.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Will the Minister mind if we give him these informations?

Shri RADHIKA RAM DAS: So, I am not at all convinced with their arguments, and I request my friend that when a Tribunal has been constituted which is an independent body some cases may be transferred to it. But my friend Mr. Bhattacharyya's apprehension is that as this Board will be appointed by the Government so there may not be independence of the Board. Now every officer is appointed by the Government whether by the State Government or by the Central Government. Now why there should be apprehension because he is appointed by the State Government? I request my friend not to have such apprehension in his mind and give his support to have this Body which is an independent body where the officers will be like those of the Judges of the High Court. Let that independent Body function. Let us see its working. Then my friend may come forward if he finds that the Body is not functioning properly and move an amendment or for any other action which he will think fit. With these few words I request the Hon'ble to withdraw their amendments.

Mr. SPEAKER: The question is In sub-clause (1) Add the following words at the end of this sub-clause —
“Save and except those vested in the Assam High Court under any general or special provision of law.”

In sub-clause (2) substitute the whole sub-clause by the following—

(2) On and from the commencement of this Act, the powers and jurisdiction to entertain appeals and revise decision in revenue cases as was vested in the authority appointed by the general or special order of the State Government referred in the Assam Revenue tribunal (Transfer of power) Act 1948 shall cease and shall be transferred to the Board and on such transfer the Board shall have the powers and jurisdiction to entertain appeals and revise decisions."

In sub-clause (3) Delete the words, save and except those provided in sub-section (2) occurring at the beginning of the sentence of this sub-clause.

HOUSE DIVIDED

AYES 9

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| 1. Shri Bishwanath Upadhyaya. | 6. Maulavi Jahan Uddid Ahemd. |
| 2. „ Phani Bora | 7. Shri Khogendra Naht Bar-
baruh |
| 3. „ Gaurisankar Bhattacharyya | 8. „ Nilmoney Borthakur. |
| 4. „ Hareswar Goswami | 9. Maulavi Tajuddin Ahmed |
| 5. „ Henry Cotton | |

NOSE 57

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| 1. Shri Bimala Prasad Chaliha | 10. Shri Biswadev Sarma |
| 2. Capt. Williamson A. Sangma | 11. „ Radhika Ram Das |
| 3. Shri Fakhruddin Ali Ahmed | 12. „ Larsingh Khyriem |
| 4. „ Rup Nath Brahma | 13. „ A. Thanglura |
| 5. „ Debeswar Sarmah | 14. „ Lalit Kumar Doley |
| 6. „ Kamakhya Prasad Tripathi | 15. „ Sai Sai Terang |
| 7. „ Hareswar Das | 16. „ Baikuntha Nath Das |
| 8. M. Moinul Haque Choudhury | 17. „ Bhuban Chandra Prad-
hani |
| 9. Shri Mahendra Nath Hazarika | 18. „ Bishnu Lal Upadhayay |

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| 19. Shri C. Chhunga | 37. Shri Mohananda Bora |
| 20. „ Dandeswar Hazarika | 38. „ Mohi Kanta Das |
| 21. „ Dandi Ram Dutta | 39. „ Narendra Nath Sarma |
| 22. „ Devenbra Nath Hazarika | 40. Maulavi Nurul Islam |
| 23. „ Dhirsingh Deuri | 41. „ Omeo Kumar Das |
| 24. „ Durgeswar Saika | 42. Shrimati Padma Kumar Gohain. |
| 25. „ Gouri Shankar Roy | 43. Shri Radha Kishan Khemka |
| 26. „ Hakim Chandra Robha | 44. „ Rajendra Nath Barua |
| 27. „ Harinarayan Baruah | 45. „ Ram Nath Das |
| 28. „ Hem Chandra Chakravarty | |
| 29. „ Joga Kanta Barua | 46. „ Ramnath Sarma |
| 30. Mrs. Jyotsna Chanda. | 47. Dr. Ram Prasad Chaube |
| 31. Maulavi Kobad Hussain Ahmed | 48. Shri Ranendra Mohan Das |
| 32. Prof. (Shrimati) Komol Kumari Barua. | 49. „ Sarat Chandra Goswam |
| 33. Shri Lila Kanta Borah | 50. „ Sarbeswar Bordol i |
| 34. Shrimati Lily Sen Gupta | 51. „ Siddhi Nath Surma |
| 35. Shri Mahadev Das | 52. „ Surendra Nath Das |
| 36. Maulavi Mahammed Idris | 53. „ Tajammul Ali Barlaskar |
| | 54. „ Tamijuddin Prodhani |
| | 55. „ Tankeswar Chetia |

(The question was negatived)

Mr. SPEAKER : The question is that clause 4 of the Bill do from part of the Bill.

(The question was adopted)

Recommendation of the Business Advisory Committee

Shri RAJENDRANTH BARUA (Galoghat-East): Sir, before the business of the House is adjourned for day, I would like to communicate to the House the recommendations of the Business Advisory Committee. The Advisory Committee recommends in order that the House may Business be in a position to finish the business before it, that on Friday next the House sit in two shifts, in the morning from 9 a. m. to 11-30 a. m. and then again after recess from 2-30 onwards.

Mr. SPEAKER : The House agrees with the recommendations of the Business Advisory Committee. (After a pause) Then the House will sit on Friday next from 9 A. M. to 11-30 A. M. and then in the afternoon from 2-30 P. M. onwards to discuss the outstanding Governme .t business.

Adjournment

The Assembly was then adjourned till 10 A. M. on Thursday, the 17th December, 1959.

R. N. BARUA,
Secretary, Legislative Assembly
Assam.