

Assam
Legislative Assembly
Debates



OFFICIAL REPORT

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

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The 1st November, 1971

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DEBATES OF THE ASSAM
LEGISLATIVE ASSEMBLY, 1971

October-November Session

Vol. II No. 6

The 1st November, 1971

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

— — —

The Assembly met in the Assembly Chamber, Shillong,
at 10 A. M. on Monday, the 1st November 1971.

PRESENT

Shri Mohi Kanta Das, M. A. B.L. Speaker, in the Chair,
twelve Ministers, eight Ministers of State, two Deputy
Ministers and forty four Members.

STARRED

QUESTIONS AND ANSWERS

(To which oral Answers were given)

Re : ONE MAN COMMISSION TO EXAMINE THE
ASSAM-NAGALAND BOUNDARY

Shri Dulal Chandra Barua asked :

*25. Will the Chief Minister be pleased to state -

- (a) Whether the Government of India have appointed a 'One man Commission' to examine the Assam-Nagaland boundary ?
- (b) If so, whether Government of Assam is aware about the terms of references made to the Commission for enquiry and if so, what are these ?
- (c) Whether the appointment of the said Assam-Nagaland Boundary Commission has been made after due consultation with this State Government ?
- (d) If not, why not ?

Shri Mahendra Mohan Choudhury (Chief Minister)
replied :

25. (a) & (b)—No such 'One man Commission' has been appointed by the Government of India to examine the Assam-Nagaland boundary. But the Government of India have appointed an Adviser in the Ministry of Home Affairs to look into the matters relating to the Assam-Nagaland boundary. The functions of the Adviser are as follows —

“ The Adviser will ascertain facts regarding Assam-Nagaland boundary and the need for any adjustment having regard to all the facts of the situation including the provisions of Section 3 of the State of Nagaland Act, 1962. He will consult the Chief Ministers of the

two State Governments and such other persons as he considers necessary. He will try to bring about an agreed solution likely to promote the welfare and interests of the people of the two States and to create faith and goodwill between them. He will also put forward suggestions, if necessary, to maintain peace and tranquility in the border areas pending his final advice."

(c) - The State Government was consulted.

(d) Does not arise.

Shri Dulal Chandra Barua—Sir, whether the recommendations that would be made by the Adviser will be binding on both the Governments?

Shri Mahendra Mohan Choudhury—Sir, he will give only advice and advice cannot be binding on any Government.

Shri Atul Chandra Goswami—মন্ত্রী মহোদয়ে ১৯২৫ চনৰ নগালেণ্ড আৰু অসমৰ সীমাৰ কথা কৈছে। এতিয়া যে Adviser ক appointment দিছে ইয়াৰ দ্বাৰা আমি আগৰ সীমা বেখাৰ পৰা আঁতৰি যোৱাৰ কথা ভাবিছে নেকি?

Shri Mahendra Mohan Choudhury—আঁতৰি যোৱাৰ কথা ভবা নাই। Adjustment ৰ কথাহে ভাবি আছে।

Shri Promode Chandra Gogoi—Whether this Adviser visited the disputed areas between Assam and Nagaland?

If so, which were the places that were visited by the Adviser ?

Shri Mohendra Mohan Choudhury—I cannot say as to which places the Adviser visited ; but the tour programme was conducted by the Deputy Commissioner, Sibsagar.

Shri Phani Bora—মই মন্ত্ৰীমহোদয়ৰ পৰা জানিব বিচাৰিছো যে ১৯২৫ চনত অসম আৰু নগালেণ্ডৰ যি সীমা নিৰ্দ্ধাৰণ কৰা হৈছিল, আজি সেই সীমা পৰ্য্যন্ত অসম চৰকাৰ আৰু অসমৰ জনসাধাৰণে দখল কৰি আছেনে নাই ? নে কোনো কোনো ঠাইত সীমা উলংঘা কৰি নগালেণ্ডে কিছু অংশ দখল কৰিছে।

Shri Mahendra Mohan Choudhury—এইবিলাক হল আমাৰ forest reserve Area. আৰু এইটো অসম চৰকাৰে দখল কৰি আছে। এই Forest Area বিলাকৰ পৰাই Coupe আদি দিয়া হয়। এই Area বিলাকেই নগালেণ্ডৰ মানুহে দখল কৰিছে আৰু নগালেণ্ডৰ পুলিচৰ সহায়ত তেওঁলোকে তাত চকি স্থাপন কৰিছে।

Shri Phani Bora—১৯২৫ চনৰ যিটো সীমা আছিল সেইটো বাস্তৱত এতিয়া সীমা হৈ আছেনে নাই। অৰ্থাৎ অসম আৰু নগালেণ্ডৰ ভিতৰত যিটো সীমা তাত অসমৰ ফালে নগালেণ্ড চৰকাৰ আৰু ৰাইজৰ দখল থকা কথাটো (actual control) চৰকাৰে স্বীকাৰ কৰে ?

Shri Mahendra Mohan Choudhury—সেইটো সত্য নহয়। আমাৰ Forest Reserve আছে আৰু তাৰ Coupe বিলাকো অসম গৱৰ্ণমেণ্টে দিয়ে। সেই অঞ্চল অসম চৰকাৰৰ সম্পূৰ্ণ দখলত আছে। নগালেণ্ড চৰকাৰৰ ফালৰ পৰা সীমা বিবাদ আবন্ত হৈছে আৰু তেওঁলোকে বে-দখল কৰিবৰ কাৰণে চেষ্টা কৰিছে। আমি সময়ে সময়ে সেইবিলাক উচ্ছেদ কৰিছো আৰু চৰকাৰৰ ফালৰ পৰা চেক প'ষ্ট স্থাপন কৰিছো।

Shri Dulal Chandra Barua—Whether it is a fact that the Nagaland Government from their side is trying to encroach into our territory, especially in the forest land, and whether it is a fact that they have practically encroached upon major portion of the Desoi Valley in the Sibsagar-Nagaland border and have established posts and villages there? If so, what action has so far been taken in this regard; whether all these things have been brought to the notice of the Adviser and the Govt. of India?

Shri Mahendra Mohan Choudhury (Chief Minister)—We have general discussion with the Adviser and we have explained our position. The stand we have already taken and are all along taking, everything has been explained to the Adviser. The facts about encroachment done by the people and the Nagaland government have been reported to the Government of India from time to time. It is also a fact that the people have attempted to encroach in some of the areas and they have also been trying to establish villages here. From our side we have evicted them and inspite of eviction, the reinforcement about the encroachments cannot be claimed to be rightful possession.

শ্রীসোনেখৰ বৰা মন্ত্ৰী মহোদয়ে ১৯২৫ চনৰে অসম আৰু নাগালেণ্ডৰ যি সীমাৰ কথা কৈছে, সেই সীমাৰ গোটেই অংশটো প্ৰকৃততে প্ৰাকৃতিকভাৱে নিৰ্বন্ধন সীমা নাছিল। কিছু কিছু ঠাইত মাত্ৰ শিলৰ খুটা দিয়া আছিল। এতিয়া সেই খুটা বিলাক নগা বে-দখলকাৰীয়ে উঠাই পেলাইছে। এইটো তদন্ত আয়োগৰ সন্মুখত আমাৰ চৰকাৰে যিবিলাক খুটা নগাই উঠাই পেলাইছে

সেইবিলাক অঞ্চলত সীমাৰ প্ৰমাণ কেনেকৈ কৰিছে? ঠিক তেনেকৈয়ে দয়াং, বেংমা আৰু ডিফু বিজাৰ্ভত অনেক নগাই বে-দখল কৰিছে আৰু সীমা উলংঘা কৰি বেংমা নদীৰ ওচৰত নগাবিলাক প্ৰায় ৮ মাইল পৰ্য্যন্ত আগবাঢ়ি আহি তেওঁলোকৰ সীমা দেখুৱাইছে আৰু এই ক্ষেত্ৰত আমাৰ চৰকাৰে কি ব্যৱস্থা লৈছে?

Shri Mahendra Mohan Choudhury—আমাৰ নগালেণ্ডৰ লগত এইদৰেই সীমা বিবাদ আৰম্ভ হৈছে। কিন্তু কিছুমান ঠাইত আমাৰ National boundary আছে। বেংমা নৈ পাৰ হৈ নগাবিলাকে বে-দখল কৰিছে আৰু সীমা দাবী কৰিছে। আৰু নগাবিলাকে তেওঁলোকৰ চৰকাৰৰ পৰা সহায় পাইছে। বেংমা নৈৰ দক্ষিণ পাৰে যিবিলাক Forest Coupe আছে সেইবিলাক বিতৰণৰ ক্ষেত্ৰত তেওঁলোকে বাধা দিছে। কিছুমান ঠাইত অসম আৰু নগালেণ্ডৰ সীমা কিছুমান জান, জুৰিয়ে নিৰ্দ্ধাৰণ কৰি আছে। যিবিলাক অঞ্চলত প্ৰাকৃতিক সীমাৰেখা নাছিল—সেই ঠাইত শিলৰ খুটা দিয়া হৈছিল। গতিকে সীমা বিবাদ নিষ্পত্তি কৰিবৰ বাবে কেন্দ্ৰীয় চৰকাৰে জৰিপ বিভাগৰ দ্বাৰা এই সীমা নিৰ্ণয় কৰিব বিচাৰিছে কিন্তু নগালেণ্ড চৰকাৰে সেই সিদ্ধান্ত মানি লোৱা নাই বাবেই এই বিবাদ চলি আছে। বৰ্ত্তমান আমাৰ যি গৰাকী কৰ্মচাৰীক এই কামৰ সম্পৰ্কে ভাৰ দিয়া হৈছে তেখেত আয়োগ নহয়, উপদেষ্টাহে।

Shri Debeswar Sarmah—মহোদয়, এইটো কথা হয়নে যেনগালেণ্ড আৰু আমাৰ মাজত য'ত প্ৰকৃত সীমা আছে তাৰ পৰা কেইবা মাইলো সোমাই আহি তেওঁলোকে ঘৰ দুৱাৰ মাজিছে আৰু চাউনী পাতিছে! আৰু আগৰ খুটা বা পকা গিলাৰ য'ত আছিল সি Notification তেই আছিল, তত্ৰাচ তেওঁলোকে অতিক্ৰম কৰি আহিছে, এইটো কথা হয়নে?

Shri Mahendra Mohan Choudhury—হয়, কথাটো সঁচা।

Shri Premodhar Bora—যোৱা বছৰ দুই ৰাজ্যৰ মুখ্য মন্ত্ৰীৰ মাজত যি আলোচনা হৈছিল সেই আলোচনাৰ পৰিপেক্ষিতত যি সিদ্ধান্ত লোৱা

হৈছিল তাক বুই কৰা হৈছে। যদি নাই হোৱা তেন্তে কেন্দ্ৰীয় চৰকাৰক জনোৱা হৈছেনে নাই ?

Shri Mahendra Mohan Choudhury—অধ্যক্ষ মহোদয়, মই মুখ্য মন্ত্ৰী হিচাবে নগালেণ্ডৰ মুখ্য মন্ত্ৰীৰ লগত কথা হোৱা নাই। কিন্তু যেতিয়া মই ৰাজহ মন্ত্ৰী হৈ আছিলো আৰু যেতিয়া আমাৰ আগৰ মুখ্য মন্ত্ৰী চলিহা ডাঙৰীয়া অসুস্থ অবস্থাত আছিল তেতিয়া তেনেকুৱা এটা আলোচনা হৈছিল আৰু তাত ৰাজ্যপালে মধ্যস্থতা কৰিছিল। সেই আলোচনাত নগালেণ্ডৰ মুখ্য মন্ত্ৰী আৰু ৰাজহ মন্ত্ৰী আছিল ; আমাৰ ফালৰ পৰা ৰাজহ মন্ত্ৰী হিচাবে মই আছিলো। সেই আলোচনাত কোনো সিদ্ধান্ত নহল।

Shri Dulal Chandra Barua—অধ্যক্ষ মহোদয়, মই মুখ্য মন্ত্ৰী মহোদয়ৰ পৰা এটা কথা জানিব বিছাৰিছো যে নগালেণ্ডৰ যিবোৰ encroached Area তাত তেওলোকে ঘৰত্বাৰ সাজি নতুন নতুন ঘৰ বহুৱাইছে কিন্তু আগৰ পুৰণি গাৱঁৰে নাম দিছে। নগালেণ্ডৰ এখন মেপ দেখাৰ মোৰ সৌভাগ্য ঘটিছিল আৰু তাত দেখিছিলো যে আমাৰ ৰাজ্যৰ কিছুমান বেদখল কৰি সেই বিলাক অঞ্চল সেই মেপত দেখুওৱা হৈছে। সেইবোৰ counter কৰিবৰ কাৰণে আমাৰ মেপত এতিয়া যা-যোগাৰ আছেনে নাই ?

Shri Mahendra Mohan Choudhury—অধ্যক্ষ মহোদয়, সেইবোৰ পুৰণা মেপ আৰু নগালেণ্ডে আমাৰ ভিতৰৰা যিবোৰ অঞ্চল বেদখল কৰিছে তাত চৰকাৰ সহযোগ আছে। আমাৰ মোককচাং অঞ্চলৰ ১৩ মাইল ৰাষ্ট্ৰৰ ভিতৰত ৮২ মাইল ৰাষ্ট্ৰ বেদখল কৰি তেওঁলোকে ৪২ মাইল ৰাষ্ট্ৰ চাউনী পাতিছে।

Shri Dulal Chandra Barua—অধ্যক্ষ মহোদয়, আমাৰ Govt. of India ই যি পৰামৰ্শ দাতা এই সম্পৰ্কে নিযুক্তি দিছে তেওঁ এই বিষয়টো finalise কৰোঁতে কিমান সময় লাগিব ?

Shri Mahendra Mohan Choudhury—তেখেতক ৬ মাহ সময় দিছে।

Shri Debeswar Sarmah—অধ্যক্ষ মহোদয়, Trade & Transport centre কবিবলৈ সেইসময়ৰ শিৱসাগৰৰ উপায়ুক্ত ডেকা কৈ মিজু লৰা জনেই দিছিল নে কি?

Shri Mahendra Mohan Choudhury—অধ্যক্ষ মহোদয়, সেইটো বহুদিনৰ পুৰণি কথা। উপায়ুক্তই অনুমতি দিয়া নাছিল। সোনাৰী অঞ্চলত Trade & Transport Centre কৰিবৰ নিমিত্তে চৰকাৰে অনুমতি দিছিল।

এডভোকেট জেনেৰেলৰ নিযুক্তি

শ্রীঅতুল চন্দ্ৰ গোস্বামীয়ে সুধিছে—

* ২৬। মাননীয় আইন বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্রহ কৰি জনাব নে—

(ক) অসমৰ বৰ্তমান এডভোকেট জেনেৰেলজনক কি কি স্বৰ্ভূত কেতিয়াৰ পৰা নিযুক্তি দিয়া হৈছে?

(খ) নিযুক্তিকালৰ পিছৰে পৰা এই এডভোকেট জেনেৰেলজনে ব্যক্তিগত লোকৰ হৈ কিমান বাৰ উচ্চ ন্যায়ালয় আৰু হেচন আদালতত ১৪৫ ধাৰা অনুযায়ী হোৱা গোচৰৰ জুকুম আৰু দণ্ডবিধি আইনৰ খালাচৰ জুকুমৰ আপিল পুনানীত হাজিৰ হৈছে জনাব নে?

(গ) ৰাজ্যিক চৰকাৰ সংশ্লিষ্ট থকা গোচৰত কিমানবোৰ এই এডভোকেট জেনেৰেলজনে ৰেভিনিউ ব'ৰ্ডত ভূমি বন্দৱস্তী লিজ, আৱকাৰী দোকানৰ পাৰ্টিট আদিত ব্যক্তিগত লোকৰ হৈ হাজিৰ হৈছে জনাব নে?

(ঘ) অসমৰ বৰ্তমান এডভোকেট জনে কি ক্ষমতাৰ ফলত চৰকাৰৰ বিৰুদ্ধে হোৱা গোচৰত ব্যক্তিগত লোকৰ হৈ ওকালতি কৰে আৰু এনে

কাৰ্য্যৰ দ্বাৰা তেখেতে এডভোকেট জেনেবেল সন্দ্বন্ধীয় বিধি ভঙ্গ কৰা নাই নে ?

(ঙ) যদি কৰিছে, চৰকাৰে সেই বিষয়ত কি ব্যৱস্থা গ্ৰহণ কৰিছে।

আইন-মন্ত্ৰী শ্ৰীযোগেন্দ্ৰ নাথ শইকীয়াই উত্তৰ দিছে —

২৬। (ক) চৰকাৰৰ বৰ্ত্তমানৰ মহাধিবক্তাজনক ১৯৭১ চনৰ ১২ এপ্ৰিল তাৰিখৰ এল্. জে. জে. ৭৭।৪৬-৭৬ নম্বৰৰ চৰকাৰৰ অধিসূচনাত থকা স্বতঃসমূহত ১৯৭০ চনৰ ১ লা ফেব্ৰুৱাৰীৰ পৰা ৫ বছৰৰ কাৰণে নিযুক্তি দিয়া হৈছে।

(খ) — মহাধিবক্তাজন ২টা ফৌজদাৰী গোচৰত আদালতৰ জৰুমৰ বিৰুদ্ধে উচ্চ ন্যায়ালত হোৱা আপিলত আৰু ৪টা ছেচন আদালতৰ ১৪৫ ধাৰা অনুযায়ী হোৱা গোচৰত হাজিৰ হৈছিল।

(গ) — মহাধিবক্তাজন ব্যক্তিগত লোকৰ হৈ ২টা গোচৰত হাজিৰ হৈছিল।

(ঘ) আৰু (ঙ) চৰকাৰৰ বিৰুদ্ধে হোৱা গোচৰত ব্যক্তিগত লোকৰ হৈ ওকালতি কৰিব পৰাকৈ কোনো সাধাৰণ অধিকাৰ দিয়া হোৱা নাই। এডভোকেট জেনেবেল নিযুক্ত হোৱাৰ আগতে তেখেতৰ হাতত যিখিনি গোচৰ আছিল সেইখিনি নিষ্পত্তি কৰিবৰ বাবে ৩১।৩।৭১ পৰ্য্যন্ত চৰকাৰৰ বিৰুদ্ধে হোৱা গোচৰত ব্যক্তিগত লোকৰ হৈ ওকালতি কৰিবলৈ অনুমতি দিয়া হৈছিল। এডভোকেট জেনেবেল সন্দ্বন্ধীয় বিধি ভঙ্গ কৰি কোনো গোচৰত তেখেতে ওকালতি কৰা নাই।

Shri Atul Chandra Goswami— অধ্যক্ষ মহোদয়, চৰকাৰৰ বিৰুদ্ধে যিবোৰ কেচত Decree হয়—সেইবিলাকত হাজিৰ হৈ চৰকাৰৰ বিৰুদ্ধে Affidavit দিছে, এই কথা চৰকাৰে জানেনে? যদি জানে কি ব্যৱস্থা কৰিছে?

Shri Jogendra Nath Saikia— ডিক্ৰি হয় দেৱানী গোচৰত। তেখেতে চৰকাৰৰ বিৰুদ্ধে কোনো দেৱানী গোচৰত ওকালতি কৰা নাই।

Shri Soneswar Bora—অধ্যক্ষ মহোদয়, (ঘ) আৰু (ঙ) প্ৰশ্নৰ উত্তৰত কৈছে যে এডভোকেট জেনেৰেল হোৱাৰ পিছত চৰকাৰৰ বিৰুদ্ধে হোৱা গোচৰত ওকালতি কৰিব নোৱাৰে, কিন্তু এতিয়া দেখা যায় যে তেখেতে ওকালতি কৰিছে—এইটো কেনেকৈ কৰিছে।

Shri Jogen Saikia—অধিবক্তা জনে চৰকাৰৰ হৈ যিবিলাক গোচৰত ওকালতি কৰে সেইবিলাকত ফিজ আদি পায় কিন্তু যিবিলাক গোচৰত চৰকাৰৰ বিৰুদ্ধে ওকালতি কৰে তাত ফিজ আদি নাপায়।

Shri Atul Chandra Goswami—মহাধিবক্তা জনে চৰকাৰৰ বিৰুদ্ধে কোনো গোচৰত ওকালতি কৰিবলৈ অনুমতি বিচাৰিছিল নে আৰু চৰকাৰে অনুমতি দিছিল নেকি?

Shri Jogen Saikia—মহাধিবক্তা হোৱাৰ লগে লগে তেওঁ চৰকাৰক জনাইছিল যে কিছুমান কাম কৰিবলৈ তেখেতৰ বাকী থাকিল আৰু তাৰ বাবেই অনুমতি বিচৰাত ৩১.৩.৭০ তাৰিখলৈ অনুমতি দিয়া হৈছিল।

Shri Atul Chandra Goswami—অধ্যক্ষ মহোদয়, মহাধিবক্তা জনে ফিজৰ বাহিৰে মাহেকীয়া দৰমহা পোৱাৰ কিবা বন্দবস্ত আছে নে কি? আছে যদি কিমান কৈ পায়।

Shri Jogen Saikia—মহাধিবক্তাই দৰমহা হিচাবে নাপায় কিন্তু retainer ফিজ হিচাবে মাহে ১৬শ টকা পায়।

Shri Soneswar Bora—চৰকাৰৰ বিৰুদ্ধে কৰা গোচৰতো মাহে ১৬শ টকা পায় নেকি?

Shri Jogen Saikia—চৰকাৰৰ বিৰুদ্ধে যেতিয়া হাজিৰ হবলৈকে দিয়া হৈছে তেনেস্থলত Retaining fees নোপোৱাৰ কথা নাই।

Shri Atul Chandra Goswami—চুক্তি থকা গোচৰ কেইটাৰ বাহিৰেও আন গোচৰতযে তেখেতে বুদ্ধি পৰামৰ্শ দি সহায় কৰিছে এই সম্বন্ধে চৰকাৰে জানে নেকি ?

Shri Jogen Saikia—তেনেকুৱা কোনো সংবাদ নাই।

Shri Atul Chandra Goswami—মহাধিবক্তা জনে কিছুমান প্ৰাইভেট গোচৰত দিহা পৰামৰ্শ দিয়াৰ কথা আমি শুনিছো। তেওঁক আমি “ডেনিয়েল” হিচাবেহে বিচাৰো “চাইলক” হিচাবে নহয়।

Shri Jogen Saikia—মহাধিবক্তা জনে চৰকাৰৰ বিৰুদ্ধে প্ৰাইভেট গোচৰত পৰামৰ্শ দিয়া বা লিখা পত্ৰ কৰি দিয়াৰ সম্বাদ আমাৰ হাতত নাই। যদি মাননীয় সদস্যই কিবা এনে গোচৰৰ কথা জানে তেন্তে আমাক জনাব পাৰে।

Shri Dulal Chandra Borua—আইনমন্ত্ৰী ডাঙৰীয়াই কৈছে যে Advocate General হিচাবে নিযুক্তি দিয়াৰ পাছতো তেখেতক চৰকাৰৰ বিৰুদ্ধে কিছুমান case লবলৈ অনুমতি দিয়া হৈছিল। এতিয়া মন্ত্ৰী মহোদয়ৰ পৰা আমি জানিব বিচাৰিছো—যে কোন আইনমতে এই Advocate General ক চৰকাৰে নিযুক্তি দিয়াৰ পাছতো চৰকাৰৰ বিপক্ষে খাৰা হবলৈ অনুমতি দিয়া হৈছিল ?

Shri Jogen Saikia—মহাধিবক্তাক যি আইনত নিযুক্তি দিয়া হৈছিল সেই আইনত আছে যে চৰকাৰৰ বিৰুদ্ধে case লব পাৰে।

Shri Dulal Chandra Borua—ক’ত আছে সেই আইনটো ; আমাক পঢ়ি শুনাওক।

Shri Jogen Saikia—এইটো ৬/৭ page হ’ব। কিতাপটো ছপা হৈ আছে। সেই কাৰণে মই Notification ৰ নম্বৰটো দি দিছোঁ।

Shri Dulal Chandra Barua - এই clause টো ক'ত আছে।

Shri Jogen Saikia - এই আইন সম্বন্ধীয় কথাটো মই পঢ়ি দিছোঁ।

His Limits—The Advocate General as a condition of his service is debarred from :—

(i) appearing or advising against Government or Court of Wards in any case either in the High Court or in any other Court, and from giving professional advice to any Ward without the previous permission of the Court of Wards.

(ii) defending accused persons in criminal prosecutions, unless permitted by the Governor.

(iii) advising private parties in cases in which he is likely to be called on to advise Government.

(iv) accepting brief from a legal practitioner or other person concerned in a case under the Legal Practitioners Act, without ascertaining whether his services will be required by the Governor in that case,

(v) appearing in any appeals against orders for the settlement of any lease, contract or for the grant of permits issued by Government or any officer of authority under Govt.

(vi) accepting appointment as a Director in any Company without the sanction of the Governor;

Note : Subject to the provisions of these rules and provided his private practice does not interfere with the efficient discharge of his official duties, the Advocate General will be permitted to practice without restriction.

Shri Promode Chandra Gogoi—আগতে যিসকল Advocate General ক চৰকাৰে নিযুক্তি দিছিল, সেই সকলক চৰকাৰৰ বিপক্ষে court ত হাজিৰ হবলৈ অনুমতি দিয়া হৈছিল নে কি ?

Shri Mahendra Mohan Choudhury—মই এইটো স্পষ্টীকৰণ কৰিব বিচাৰিছোঁ যে এই Advocate General জনক নিযুক্তি দিয়াৰ আগতে তেখেতৰ হাতত বহুতো case Pending হৈ আছিল। তেতিয়া মই অৱশ্যে মুখ্যমন্ত্ৰী নাছিলো আৰু এই বিষয়ে আমাৰ মন্ত্ৰী সভাত আলোচনা হৈছিল আৰু এই আটাইবিলাক case তে হাজিৰ হবলৈ তেখেতক মন্ত্ৰী সভাই অনুমতি দিছিল। যিখিনি case তেখেতৰ হাতত আছিল সেইখিনি case চলাবৰ বাবে দুমাহ সময় দিছিলো। এইটোৰ বাবে বন্দৱস্ত আছিল যে ৩১-৩-৭০ তাৰিখলৈকে চৰকাৰৰ বিৰুদ্ধে court ত হাজিৰ হব পাৰিব।

Shri Promode Chandra Gogoi—অধ্যক্ষ মহোদয়, মোৰ প্ৰশ্নটো আছিল যে আগতে যি সকল Advocate General ক চৰকাৰে নিযুক্তি দিছিল সেই সকলক চৰকাৰৰ বিৰুদ্ধে court ত হাজিৰ হবলৈ অনুমতি দিছিল নেকি ? তেনেকুৱা দৃষ্টান্ত আছে নেকি ?

Shri Mahendra Mohan Choudhury—সেইটো মই নাজানো।

Shri Phani Bora—Advocate General ক নিযুক্ত কৰাৰ কাৰণে চৰকাৰেহে বেছি আগ্ৰহান্বিত আছিল। তেখেতৰ বৰ ইচ্ছা নাছিল। তাৰ অৰ্থ এইটোৱেই নে কি যে তেখেতৰ বাদে Advocate General পাতিবৰ কাৰণে আন কোনো ব্যক্তি চৰকাৰে বিচাৰি পোৱা নাছিল। নে কাকো উপযুক্ত বুলি ভবা নাই ?

Shri Mahendra Mohan Choudhury—তেখেতক Apptt. দিবৰ কাৰণে বহুতো কথাই বিবেচনা কৰি চোৱা হৈছে আৰু বিবেচনা কৰিয়েই সিদ্ধান্ত গ্ৰহণ কৰিছিল। এই সিদ্ধান্তৰ পাছতহে তেখেতে সন্মতি জনাইছে।

Shri Atul Chandra Goswami—মন্ত্ৰী মহোদয়ে কৈছে যে দুমাহৰ বাবেহে তেখেতক case নবলৈ অনুমতি দিয়া হৈছিল। এই দুমাহত তেখেতৰ কিমান case Disposed হল আৰু কিমান case undisposed হৈ বন।

Shri Mahendra Mohan Choudhury—সেইটো কব নোৱাৰো।

Shri Atul Chandra Goswami—মুখ্যমন্ত্ৰী ডাঙৰীয়াই মহামান্য High Court ৰ পৰা এইটো খবৰ আনি জনাবনে যে এই দুমাহৰ ভিতৰত কিমান party ৰ হৈ চৰকাৰৰ বিৰুদ্ধে ওকালতি কৰিলে?

Shri Mahendra Mohan Choudhury—মহামান্য High Court ক এই বিষয়ে তদন্ত কৰিবলৈ দিলে ৰাজি নহব পাৰে; কিন্তু মই informally শুধিব পাৰো?

Shri Premodhar Bora—যি সকলে চৰকাৰৰ বিৰুদ্ধে High Court ত ওকালতি কৰে সেই Advocate General জনক Defend কৰিবলৈ কিবা ব্যৱস্থা আছে নে?

Shri Mahendra Mohan Choudhury—আছে। case বিলাক চলাবৰ বাবে Senior অধিবক্তাই তত্বাৱধান কৰে।

Shri Atul Chandra Goswami—মহাধিবক্তাক নিযুক্তি দিয়াৰ পাছত চৰকাৰৰ বিৰুদ্ধে High Court ত কিমান গোচৰত হাজিৰ হৈছিল, সেই সন্দৰ্ভে আমাৰ ফালৰ পৰা কিবা তথ্য পাতি দিলে কি ব্যৱস্থা কৰিব জনাবনে?

Shri Mahendra Mohan Choudhury—মই নিশ্চয় তদন্ত কৰিম।

Re : ARREST OF PAK SABOTEURS

Shri Maneswar Boro asked—

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

(a) The number of Pak saboteurs arrested so far in the State ?

(b) The number of goods trains, ambulance vans and bridges blown up by the Pak saboteurs and the total loss thereof ?

(c) The steps taken by the Government to stop such anti-social activities ?

Shri Mahendra Mohan Choudhury (Chief Minister) replied—

27. (a) So far 64 persons have been arrested in connection with the sabotage incidents, 55 of whom happen to be Indian Nationals.

(b) Three goods trains, one passenger train, one railway ambulance van, one railway bridge, seven road bridges were affected by explosions by Pak saboteurs upto the 20th October, 1971. The total loss incurred in these incidents is yet to be ascertained.

(c) All possible precautionary measures, such as patrolling over railway tracks, guarding of important rail/

road bridges and vital installations have been taken. The intelligence set up has also been geared up.

ক্ষতিপূৰণৰ ক্ষেত্ৰত দুৰ্নীতি

শ্ৰীভদ্ৰেশ্বৰ গগৈয়ে সুধিছে—

*২৮। মাননীয় ৰাজহ বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্ৰহ কৰি জনাব নে—

(ক) টিংখাং বেলবাৰী গড়কাপ্তানী মাটিৰ ক্ষতিপূৰণ দিওঁতে ৰাজহ বিভাগে কৰা দুৰ্নীতিৰ বিচাৰ শেষ হ'ল নেকি ?

(খ) যদি হৈছে, কি ৰায় হ'ল ?

(গ) যদি নাই হোৱা, এই বিচাৰ শেষ হবলৈ আৰু কিমান দিন লাগিব ?

ৰাজহ-মন্ত্ৰী শ্ৰীবিশ্বদেৱ শৰ্মাই উত্তৰ দিছে—

২৮। (ক) এই সংক্ৰান্তত কেইবাজনো বিষয়াৰ বিৰুদ্ধে বিভাগীয় বিচাৰ চলি আছে আৰু কেইজনমানৰ বিৰুদ্ধে বিচাৰ চলাবলৈ আয়োজন কৰা হৈছে।

(খ) চলি থকা বিচাৰকেইখন বিভাগীয় তদন্তাধীন হৈ আছে। তদন্ত শেষ হলে বিচাৰৰ ওপৰত ৰায় দিব পৰা হব।

(গ) বিচাৰ শেষ হবলৈ আৰু কিমান দিন লাগিব এই বিষয়ে নিৰ্দিষ্ট সময় বাধি দিব পৰা সম্ভৱ নহয়। সোনকালে বিচাৰ শেষ কৰিবৰ কাৰণে চেষ্টা কৰা হৈছে।

Re : COMPENSATION FOR ACQUISITION OF LANDS

Shri Pitsing Konwar asked—

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

(a) Whether Government have made provisions for payment of the compensation for the Land acquired including the cost of crops in the district of Nowgong ?

(b) If the reply to (a) be in the affirmative then why the A. D. C. Nowgong has refused to pay the crops compensation to the pattadars of Uttar Dharmatal and Dharamtul Bangalpatti in Uttarkhola Mouza of Nowgong for their acquired lands ?

(c) Whether it is a fact that the A. D. C. has given orders for payment of land acquisition cost including the acquired land of Barkur, Muladhaw and Sanper in Uttarkhola Mouza and accordingly crops compensation has been paid ?

(d) Whether it is also a fact that the A. D. C., Nowgong has given orders to L. A. O., Nowgong to pay land acquisition cost including crops compensation to the Pattadars of Ghunusa village in Gobha Mouza on back date ?

(e) If so, the reasons thereof ?

Shri Biswadev Sarma (Minister, Revenue) replied—

29. (a)—Such provisions are generally made by the acquiring departments.

(b) - Crops compensation has not been held up by the Additional Deputy Commissioner.

(c) - Yes.

(d) - No.

(e) - Does not arise.

Re: SPLITTING UP OF NALBARI REVENUE CIRCLE

Shri Prabhat Narayan Choudhury asked -

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

(a) Whether the assurance of the Government for the splitting up of the unweildy Nalbari Revenue Circle with 10 (ten), viz., Mouzas into three, namely Ghograpar and Chamata and Nalbari will be implemented ?

(b) Whether Government is aware that Nalbari Circle with 8 (eight), viz., Mouzas became most unweildy after transfer of two and half Mouzas to it consequent to creation of Nalbari Civil Subdivision in 1967 ?

(c) What effective steps have been taken to constitute the Revenue Circles forthwith with existing Mandal, Kanungos and Clerical staff by deputing two Additional Sub-Deputy Collectors in the houses offered by the public at Chamata and Ghograpar ?

Shri Biswadev Sarma (Minister, Revenue) replied —

30. (a), (b) & (c) — The matter is still under examination.

Re : LAND CEILING ACT

Shri Dulal Chandra Barua asked :

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

(a) Whether it is a fact that the Land Ceiling Act has not yet been implemented by the Government ?

(b) If so, what are the reasons for the delay in its implementation ?

(c) Whether it is a fact that Land Ceiling Act has failed to fulfil its aims and objects ?

Shri Biswadev Sarma (Minister, Revenue) replied —

31. (a) — No. It has been implemented.

(b) — Does not arise.

(c) — No.

Shri Dulal Chandra Barua — May I know from the hon. Minister to what extent it has been implemented ?

Shri Biswadev Sarma — Acquisition under Land Ceiling Act is in progress and an area of 23,07,639 bighas of

excess land have been acquired upto date and we have paid compensation to the tune of Rs. 18 lakhs up-to-date.

Shri Dulal Chandra Barua May I know from the Hon'ble Minister whether it is a fact that after the amendment of the Land Ceiling Act which has been passed last year no effective steps have so far been taken by the district authority to acquire surplus land specially the tea gardens ?

Shri Biswadev Sarma-- Sir, all possible effective steps are being taken to take over the surplus land from the tea gardens and they are to submit returns by the end of October. So, by November the entire picture will come out.

Shri Promode Chandra Gogoi — মাননীয় অধ্যক্ষ মহোদয়, মন্ত্রী ডাঙৰীয়াই যিটো হিচাব দিলে, সেইটো চিলিং Act হোৱাৰে পৰা এতিয়ালৈকে লোৱা মাটি। কিন্তু চিলিং আইন সংশোধন হোৱাৰ পাছত চৰকাৰে এইটো কথা জানেনে যে যি বিলাক বাগানত অতিৰিক্ত মাটি আছিল, সেইখিনি মাটি চিলিং আইনৰ ফলত চৰকাৰে লোৱাৰ সম্ভাৱনা আছিল। চৰকাৰৰ সংবাদ থকা স্বত্বেও মালিক সকলে বাগানৰ মাটিবিলাক ইতিমধ্যে বিক্ৰি কৰি শেষ কৰিছে ?

দ্বিতীয় প্ৰশ্ন হল সেই মাটি বিলাক বাগানৰ মালিক সকলে বিক্ৰি কৰাৰ ক্ষেত্ৰত বিক্ৰি বন্ধ কৰাৰ সম্পৰ্কে চিলিং আইনৰ জৰিয়তে যিখিনি ব্যৱস্থা চৰকাৰে লব লাগিছিল, সেইখিনি ব্যৱস্থা নোলোৱাৰ ফলত পৰোক্ষ ভাবে বাগানৰ মালিক সকলে চৰকাৰক হাত কৰিছে। এই কথা জানেনে ?

Shri Biswadev Sarma (Minister, Revenue)—I entirely disagree with the hon'ble member. Sir, we have issued

a circular as per provision of the Ceiling Act that after April, 1970 all transaction of land by the Tea gardens will not be recognised. Now if any transaction after that date i. e. 1.4.70, with a view to defeat the purpose of the Act, took place we shall see that these transactions are not recognised by the district authorities. Secondly, there are complaints of transfer of land to various people and we have issued a secret circular to the Deputy Commissioners and Sub-Divisional Officers to guard against all these things.

Shri Dulal Chandra Barua—I am glad that a secret circular has been issued and we are not concerned with the contents of that circular. Whatever it may be, whether the Government is aware of the fact that, so far as my knowledge goes, two tea companies viz ; Jorehaut Tea Company and Jokai Tea Company were asked to submit their return by the district authority, but even after receiving the instruction they have sold out many surplus land. If so, what action Government is going to take against them.

Shri Biswadev Sarma, (Minister, Revenue)—Action can be initiated only after the return is received. Up to 31st October, 1971 they have been allowed to send the return. If they fail to submit their returns accordingly, we can initiate action.

Shri Dulal Chandra Barua—The Chief Minister promised us that special machinery would be appointed for

implementing the provision of the Ceiling Act. Now this has been left out at the hands of the tea garden owners and the landlords to submit their returns. Is there any machinery to scrutinise these returns?

Shri Biswadev Sarma, (Minister, Revenue)—Of course. We have set up machinery in various districts.

Shri Debeswar Sarmah—Mr. Speaker, Sir, where is the Secretary? He is not to be seen in the House.

Mr. Speaker—I have sent him for some purpose.

Shri Debeswar Sarmah - Even a Chaprasi is not here. I want to send a slip but I do not find anybody in the House. (Chief Minister pointed to one Bearer). He has come just now. If you have sent the Secretary, it is all right. But at least one man must be here.

Shri Nakul Chandra Das চাহবাগিছাৰ যিবিলাক উৎকৃত মাটি সেই বিলাক বাগানৰ মালিক সকলৰ বড়যন্ত্ৰ ক্ৰমে বন্ধুৰা সকলে ইতিমধ্যে বেদখল কৰিছে। এই সম্পৰ্কে চৰকাৰে কি ব্যৱস্থা গ্ৰহণ কৰিছে?

Shri Biswadev Sarma - বন্ধুৰা সকলে দখল কৰিলেও Surplus 50% মাটি আমাৰ মানুহক দি দিম।

Shri Soneswar Bora - যি বিলাক চাহবাগানৰ উৎকৃত মাটি ওলাব সেই বিলাক বাগানে ইতিমধ্যে ভিতৰুৱা বন্দবস্তিত মাটি বিক্ৰি কৰিয়ে আছে। উদাহৰণ স্বৰূপে মোৰ ঘৰৰ ওচৰৰ বৰহোলা, আৰু মৰং আদি বাগানত এই ঘটনা চলি থকা স্বত্বেও ভিতৰুৱা চাৰকুলাৰ খনে বোধ কৰিব পৰা নাই। এনেকুৱা হলে দুখীয়া খেতিয়কৰ অৱস্থা কি হব?

Shri Biswadev Sarma—কিছুমান বাগানত এনেকুৱা ঘটনা চলিছে বুলি অভিযোগ পাইছো। এই বিষয়ে আইন আমাৰ আছে কিন্তু প্রকাশ কৰাত কিছু অসুবিধা আছে, উপযুক্ত ব্যৱস্থা লবলৈ দিহা কৰিছো ?

Shri Atul Chandra Goswami—কিছুমান কাণ্ড চলিছে, চৰকাৰৰ পক্ষৰ পৰা নিৰ্দেশ দিছে নে নাই কব নোৱাৰো, উপপ্রতি সমহতী সকলে গাওঁ পঞ্চায়তৰ সভাপতি সকললৈ Circular দিছে যে কাৰ কাৰ বেছি মাটি আছে জনাব লাগে। এই লিষ্ট পোৱাৰ পিচতহে যাৰ ৭৫ বিঘাতকৈ বেছি মাটি আছে তেতিয়াহে S.D.C য়ে ব্যৱস্থা গ্ৰহণ কৰিব। কিন্তু এই খবৰ পোৱাৰ লগে লগে বহুতে মাটি বিক্ৰি কৰিছে। এতিয়া কথা হ'ল এই গাওঁ সভাৰ সভাপতি সকলে Land records বিষয়েই জানে কিমানে ?

Shri Biswadev Sarma— এইটো ক'ব ঘটনা।

Shri Atul Chandra Goswami— মোৰ সমষ্টি কলিয়াবৰত।

Shri Biswadev Sarma—মই খবৰ কৰিম।

Shri Mahendra Mohan Choudhury—মই স্পষ্টকৰণ দিছো। Circle Officer সকলে কাৰবাৰ যদি বেলেগ বেলেগ Circle ত মাটি আছে নিজৰ Circle ৰ বাহিৰেও সেইটো জানিবৰ কাৰণে গাওঁ সভাৰ সভাপতি সকলৰ পৰা জানিব বিছাৰিছে।

Shri Phani Bora—মাননীয় মুখ্যমন্ত্ৰী মহোদয়ে কৈছে যে কাৰোবাৰ আন ঠাইত যদি মাটি আছে সেইটো সংগ্ৰহ কৰিবৰ কাৰণে লিষ্ট খুজিছে। কিন্তু জকাইচুক গাওঁ সভাৰ সভাপতিয়ে গড়ৈমাৰীত কাৰ কিমান মাটি আছে কেনেকৈ জানিব ?

Shri Mahendra Mohan Choudhury—আচল কথা হল নিজৰ গাওঁৰ মানুহেহে জানে কাৰ ক'ত কিমান মাটি আছে। মোৰ গাওঁৰ মানুহে এতিয়া

জানে কাৰ ক'ত কিমান মাটি আছে বা ক'ত ভিতৰুৱা অঞ্চলত কিমান মাটি থাকে কব পাৰে। গতিকে এই খবৰ পোৱাৰ পিচত অফিচাৰ সকলে তদন্ত কৰিবৰ সুবিধা হয়।

Sarat Chandra Rava—গোৱালপাৰা জিলাত এই আইনখন কাৰ্য্যকৰী নহয় নেকি? জমিদাৰী অধিগ্ৰহণ হৈ যোৱাৰ পিচতো গোৱালপাৰা জিলাত যিবিলাক চাহবাগিছাৰ মাটি চাহবাগানৰ সংশ্লিষ্ট ওচৰ চুবুৰীয়া খেতিয়ক সকলে বাগানৰ প্ৰজা হিচাবে খাজনা দি খেতি কৰি খাই আছে। গতিকে এই টিলিং আইন গোৱালপাৰা চাহবাগানৰ মালিকৰ ক্ষেত্ৰত কিয় আজিও কাৰ্য্যকৰী হোৱা নাই? এই বিষয়ে চৰকাৰে জানেনে?

Shri Mahendra Mohan Choudhury—নহোৱা নহয়, হৈছে কিন্তু তাত আগতে tanancy Act উঠি যোৱাৰ পিচত স্বয়ংক্ৰিয় ভাৱে Assam Revenue Regulation Act ত আহি যাব।

Shri Debeswar Sarmah—এতিয়া আপুনি চাওঁক বৰহোলা আদি বাগানত বাষ্টা দাঁতি কাষৰ মাটি বিক্ৰী কৰি খণ্ড বিখণ্ড কৰিছে। ফলত মাটি পাবলৈ নহোৱা হৈছে।

Shri Mahendra Mohan Choudhury—যিবিলাক মাটি বিক্ৰী কৰিছে আমাৰ ৰাজহ মন্ত্ৰীমহোদয়ে কৈছে যে Ceiling Act কাৰ্য্যকৰী হোৱাৰ পাচত যিখিনি মাটি বিক্ৰী কৰিছে সেইটো ancillary purpose বাদ দিয়া হ'ব।

Shri Promode Chandra Gogoi—প্ৰশ্নটো হৈছে যে, মুখ্য মন্ত্ৰী ডাঙৰীয়াই কৈছে বাগান বিলাকৰ মাটি টিলিং আইনৰ যোগে চৰকাৰৰ হাতলৈ আহিছে। কিন্তু ইতিমধ্যে যিবিলাক বাগানৰ মাটি বিক্ৰি কৰি হস্তান্তৰিত কৰিছে সেই বাগান বিলাকে দুটা লাভ পাব, এটা বিক্ৰি কৰাৰ বাবে আনটো চৰকাৰৰ পৰা পোৱা ক্ষতি পূৰণ, বিঘাই প্ৰতি ৫০০ টকাকৈ পাব আৰু ক্ষতি পূৰণৰ ধনও পাব। গতিকে যি বিলাক বাগানৰ কৰ্ত্তৃপক্ষই

আইনখন বাঞ্চাল কৰিবৰ কাৰণে ইতিমধ্যে মাটি বিক্ৰি বা হস্তান্তৰিত কৰিছে সেই বাগান কৰ্তৃপক্ষৰ বিৰুদ্ধে চৰকাৰৰ তৰফৰ পৰা কিবা ব্যৱস্থা লোৱা উচিত আছিল নে নাই? আৰু ইতিমধ্যে কোনো ব্যৱস্থা লবনে?

Shri Biswadev Sarma—এতিয়া নোৱাৰিম। Return Submit কৰিলে কৰিব পাৰিম।

Shri Matilal Kanoo -কৰিমগঞ্জ মহকুমায় বাগান গুলিত সরকার কোন ব্যবস্থা করেননি। শ্রমিকদের জমি ব্যবস্থার উন্নয়নের জন্য সরকার কোন কিছুই কয়ছেন না। ন্যাস্তয়ের মধ্যে সরকার বলেছিলেন, তাও কোন কিছু হলো না। I.N.T.U.C র দ্বারা এই সম্বন্ধে লিখে দেওয়া হয়েছে সরকারকে কিন্তু তার ও কোন ফল হয় নি।

শ্রীবিশ্বদেব শৰ্মা—এই সম্বন্ধে আমাৰ কোনখবৰ পাইনি। মাননীয় সদস্য যদি একটা কিছু লিষ্ট আমাৰদেয়কে জানান, তৰে আমি ব্যৱস্থা কৰব।

Re : GRANT FOR EXCURSION TO COLLEGES

Shri Benoy Krishna Ghose asked :

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

(a) Whether any money was sanctioned to any Government Aided Colleges for excursion during the years 1969-71?

(b) If so, the names of the Colleges receiving such grants (to be shown year-wise)?

(c) Whether Goalpara College received any such grant?

(d) If not, the reasons thereof ?

Shri Mahendra Mohan Choudhury (Chief Minister)
replied :

32. (a) Yes, some amount was sanctioned.

(b) A list of Colleges receiving such grants is placed
on the Table of the House.

(c)—No.

(d) The Goalpara College was given a grant of Rs.
2,000 (Rupees two thousand) only in the year 1966-67.
But due to funds being limited no grant could be given
in subsequent years.

Shri Benoy Krishna Ghose—Whether it is a fact some
students of Goalpara College met the Chief Minister in
his last to Goalpara for sanctioning money for excursion
during the current year ?

Shri Mahendra Mohan Choudhury (Chief Minister)—
In the current year we sent two special trains one for
College and another for the school students for all India
tour. We have also got some funds for excursion of
the students of science college sections and from that
fund Goalpara College is being given Rs. 2,000/- for
excursion of science students studying in Goalpara College
science section.

Shri Dulal Chandra Barua—What are the conditions that have been laid down in respect of merging these two wings ?

Shri Manendra Mohan Choudhury—The only condition is regarding fixing the seniority. The Social Education Officers whose service have been merged with the Education Deptt. of the Govt. half of their services will be counted and on the basis of that they will get the benefit of seniority.

Shri Dulal Chandra Barua—The persons who have been appointed due to the merger been taken place they should be seniority from the very date of their appointment.

Shri Mahendra Mohan Choudhury—No Sir. The Social Education Deptt. was a temporary Deptt. and when that Deptt. faced a crisis that is when Development Blocks was normalised then the services of these people were found redundant and avoid this redundance, to avoid duplicacy the Govt. decided to get the Social Education Organisation merged with the Education Deptt. and while giving benefit of confirmation to the Social Education organisers their services will be reduced to half.

Shri Dulal Chandra Barua—May I request the Chief Minister to re-examine this point and it will go against the Procedure laid in the Govt. Servants' Conduct Rules ?

Shri Mahendra Mohan Choudhury—This is not the only case in the case of Rural Development Officers when encadred in their case also the date of confirmation was fixed by the Govt.

**Re : MERGER OF SOCIAL EDUCATION BRANCH
WITH EDUCATION DEPARTMENT**

Shri Dulal Chandra Barua asked :

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

(a) Whether it is fact that Government have decided to merge the Social Education Branch with the Education Department ?

(b) If so, when such merger is likely to be effected ?

Shri Mahendra Mohan Choudhury (Chief Minister)
replied :

33. (a)—Yes.

(b)—The merger has taken effect from 1st April, 1971.

Shri Atul Chandra Goswami—মহিলা সামাজিক শিক্ষা বিষয়া সকলৰ কথা Sen Gupta ই সদায় কৈ থাকে। গতিকে তেখেতসকলৰ কি হৈছে মুখ্য মন্ত্ৰী মহোদয়ে জনাবনে ?

Shri Mahendra Mohan Choudhury—চাব, এই বিলাক পঞ্চায়ত বিভাগে Appointment দিয়ে, পঞ্চায়ত বিভাগৰ fund নোহোৱা বাবে

এতিয়া দৰমহা দিব পৰা নাই। কিয়নো Normalised হৈ গলে fund ত টকা নাথাকে, সেই কাৰণে অনুবিধা হৈছে। গতিকে আমি চেষ্টা কৰিম equivalent কামত নিযুক্ত কৰাৰ কাৰণে। চেষ্টা কৰি আছে।

Shri Nakul Chandra Das—সামাজিক শিক্ষা বিষয়ক D. I. পৰ্যায়লৈ নিয়াৰ, Seniority Basis ত কিবা ব্যৱস্থা কৰিছে নে?

Shri Mahendra Mohan Choudhury—যি গৰাকী কৰ্মচাৰী সম্পৰ্কে কৈছে তেখেতক মই জানো। দৰঙ জিলাৰ এইজন বিষয়া জিলাৰ কাৰণে Senior হ'ব পাৰে কিন্তু তেখেত Senior নহয়। Vacancy ওলালে Seniority অনুসৰি নিযুক্তি দিয়া হৈছে কিন্তু তেখেতে এইটো Chance নাপায়। তেখেতৰ স্থান পঞ্চমতহে আছে।

Re : ARREST OF MERCHANTS

Shri Maneswar Boro asked :

* 34. will the Minister-in-charge of Supply be pleased to state —

(a) The number of merchants so far arrested under the maintenance of internal Security Act, 1971, since 1st January, 1971 ?

(b) The names of such arrested merchants ?

Shri Ramesh Chandra Barooah (Minister, Supply) replied :

34. (a)—Two.

(b)—Shri Motilal Kothari and Shri Mishrilal Jain both of Fancy Bazar, Gauhati, District Kamrup.

Re : BILL ON SEPARATION OF MEGHALAYA
FROM ASSAM

Shri Dulal Chandra Barua asked :

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

(a) Whether the Bill for complete separation of the autonomous State of Meghalaya from Assam have been finalised ?

(b) If so, whether the Bill has been finalised in consultation with this State Government ?

(c) When the said Bill is likely to be introduced in Parliament ?

Shri Mahendra Mohan Choudhury (Chief Minister) replied :

35. (a)—Yes. The North-Eastern Areas (Reorganisation) Bill, 1971, besides giving full State-hood to Meghalaya also contains other provisions.

(b) Yes.

(c)—The Bill is required to be considered in the State Assembly for expressing its views under Article 3 of the

Constitution before it is introduced in the Parliament. It is expected that the Bill will be introduced in the Parliament in November-December, 1971 Session.

Shri Dulal Chandra Barua—Sir, in reply to (b), the Chief Minister replied 'Yes'. May I know if the Bill which has been presented before this House has got the approval of the Cabinet earlier?

Shri Mahendra Mohan Choudhury—Yes, Sir, this has been accepted in principle. We have however made certain comments. When I shall reply to the debate on this Bill, I shall be able to give the comments which we have made.

Re : INTRODUCTION OF N. E. C. BILL

Shri Dulal Chandra Barua asked :

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

(a) Whether it is a fact that the North-Eastern Council bill will be introduced in the ensuing Parliament Session ?

(b) Whether the said Bill has the approval of the Government of Assam ?

(c) Whether the Government is aware that the proposal for the formation of the North-Eastern Council has not been accepted by the people of Assam ?

(d) If so, whether the Government proposed to explain the implication of the Bill to the people of Assam?

Shri Mahendra Mohan Choudhury (Chief Minister) replied :

36. (a), (b) & (c) - Provision for setting up the North-Eastern Council already exists under the North-Eastern Council Act, 1970 as enacted by the Parliament. The Act is yet to be enforced by the Government of India.

Consequent upon Government of India's decision to grant full statehood to Manipur, Tripura and Meghalaya and the status of Union territory to N.E.F.A. and Mizo Hills, Government of India contemplated to have a new council with more powers and functions than provided under the North-Eastern Council Act, 1970. The State Government informed the Central Government not to curtail any of the constitutional powers of the State of Assam. The final shape of the proposed Council is yet to be known but there are indications that constitutional rights of the State will not be altered and that the functions of the Council will be spelt out in more details than what is provided under the North-Eastern Council Act, 1970.

Government have no information when the Bill regarding the proposed Council will be introduced in the Parliament. The provisions relating to the proposed Council

were discussed with the State Government and our comments were conveyed to the Government of India.

The Government are aware of the people's re-action to the N. E. C., but feel that the re-action is mostly due to fact that the final shape of the proposed Council is not yet clearly known.

(d) - Government of India will be requested to consider to circulate the proposed Bill to elicit public opinion.

Shri Dulal Chandra Barua—Sir, from the reply given by the hon. Chief Minister, are we to understand that not to speak of accepting the Bill in principle, but every clause of the Bill has got the approval of the Assam cabinet.

Shri Mahendra Mohan Choudhury—Sir, it is still under consideration. We have not given our views yet on certain clauses.

Shri Debeswar Sarmah—What is the answer to (d).

Shri Mohendra Mohan Choudhury—(Read the reply) "Government of India will be requested to circulate the proposed Bill to elicit public opinion".

Shri Debeswar Sarmah—Where it will be circulated—in Assam ?

Shri Mahendra Mohan Choudhury—Yes.

Shri Promode Chandra Gogoi—Whether Government will be pleased to circulate the N. E. C. Bill to the hon. Members of the Assamby ?

Shri Mahendra Mohan Choudhury—I may place the Draft Bill as we have received to-day on the table of the House for information of the hon. Members.

Shri Phoni Bora—আপুনি পাইছে নেকি ?

Shri Mahendra Mohan Choudhury—We have received the proposals.

Shri Dulal Chandra Barua—The Government of India formulated a Bill and it was sent to the Government of Assam. The Government of Assam has rectified certain provisions of that Bill, and sent it back, and by doing so Government of Assam will be bound to accept in principle all the provisions of the proposed Bill, which will be introduced in Parliament. So do the Government consider it proper to bring it before this august House and then convey its approval to the Central Government ?

Shri Mahendra Mohan Choudhury—That is not so. The Government of India sent us a Draft Bill in the beginning. That Draft Bill was rejected outright by the Government of Assam, because in that Bill there were certain provisions by which the autonomy of the State would have been curtailed. After rejection of that Bill, a new proposal was submitted to us. On that we had

a discussion and in principle that Draft Bill is generally acceptable to us. Sir, it cannot be that for every little thing, the Government will come to the Assembly for decision. The Government is competent to take certain decisions. If the Bill would have been unacceptable to the Govt. of Assam and inspite of that if the Government of India would have tried to impose on us, we would have come to the Assembly and explain the position and seek for advice what the Government should do in that regard.

Shri Debeswar Sarmah - এতিয়া ভাৰতবৰ্ষত Advisory Council ৪ খন আছে নহয় নে? North, South, East & West এই ৪খন আছে। আমি Eastern Council ত পৰিছো। Bengal, Bihar, Orissa, Nagaland, Assam, Tripura এই zonal council ৰ ভিতৰত পৰে বুলি মুখ্য মন্ত্ৰীয়ে কৈছে তাত অবাঞ্ছনীয় কথা আলোচনা হয় তেনেহলে আমাৰ দেশখন খণ্ড বিখণ্ড কৰি Special council ৰ কি দৰকাৰ আছে? আমাৰ ওপৰত Special Council impose কৰাৰ মানে অসম চৰকাৰৰ power curtail কৰা। U. P. বা West Bengal য়ে ভোগ কৰা ক্ষমতাৰ পৰা অসম বহুত তললৈ নামি আহিব। গতিকে special council নহৈ zonal council কৰি দিয়ক—এইটো অসম চৰকাৰে insist কৰিব নোৱাৰে নে?

Shri Mahendra Mohan Choudhury - এইখন এখন উপদেষ্টা বোৰ্ড, এই উপদেষ্টা বোৰ্ডৰ উপদেশ আমি মানিবও পাৰো নামানিবও পাৰো আৰু সেই council ত বহিবও পাৰো আৰু নবহিবও পাৰো।

Shri Dulal Chandra Baruah—মুখ্য মন্ত্ৰী মহোদয়ে কৈছে যে উপদেষ্টা বোৰ্ডৰ সিদ্ধান্ত আমি মানিবও পাৰো নামানিবও পাৰো, কিন্তু

Advisory Council য়ে দিয়া উপদেশ সমূহ আমি মানিবই লাগিব। Delhi ৰ পৰা দিয়া যেই কোনো D. O. letter request নহয় সেইটো order হে। কিন্তু Eastern Zonal Council হোৱাৰ পৰা এনেকুৱা পৰিস্থিতি হব যে অসমৰ A class state ৰ মৰ্যাদা নাথাকিব। গতিকে মই মুখ্য মন্ত্ৰীক কব খুজিছো যে তেখেতে যি কাম কৰক সেই কামৰ ফল অকল আজিয়ে নহয় আমাৰ পো-নাতিকো জ্বলাই পেলাই খাব, এইটো অকল মোৰ কথাই নহয় আমাৰ সকলো বাইজেই কয়। গতিকে আমি এই ১টা কথা ভাবি চাব লগা হৈছে।

Shri Mahendra Mohan Choudhury—আমি এই বিলাক কথা আলোচনা হোৱাৰ সময়ত বকুৱা ডাঙৰীয়াৰ উপদেশ আগত ৰাখি কৰিছো।

Shri Promode Chandra Gogoi—মুখ্য মন্ত্ৰী ডাঙৰীয়াই কৈছে যে আমি পৰিষদত বহিবও পাৰো নবহিবও পাৰো মানিবও পাৰো নামানিবও পাৰো; এই কথা সচাঁনেকি যে Regional development ৰ Scheme সংখ্যা গৰিষ্ঠৰ সিদ্ধান্তৰ ওপৰত নিৰ্ভৰ কৰিব এই ধাৰাটো তাত আছে নেকি ?

Shri Mahendra Mohan Choudhury—বিলখনৰ খচৰাটো মই সদনত দিম। এই বিলত স্পষ্টভাৱে কোৱা হৈছে—

The Council will be an advisory body and may discuss any matter to which some or all of the States represented on the Council or the Union and one or more States represented on that Council have a common interest and advise the Central Government or the Government of each State concerned as to the action to be taken on any such matter. In particular the Council may make recommendations with regard to the.....Therefore, this is an advisory body.

Shri Debeswar Sarma—এইটো কথা চৰকাৰে উপলব্ধি নকৰেনে যে চৰকাৰে আত্ম প্ৰত্যাৰণা কৰিছে। কাৰণ এতিয়া দেখা গৈছে দিল্লী আৰু অসমৰ ভিতৰত যেনেকুৱা সম্পৰ্ক বুকুৰনেচীয়া বাঘ আৰু ছাগলী পোৱালীৰ মাজত তেনেকুৱাই সম্পৰ্ক।

Shri Mahendra Mohan Choudhury—আত্ম প্ৰত্যাৰণাৰ ভাৱ আহিব পাৰে, যেতিয়া আত্মবিশ্বাস নাথাকে।

Re : ENQUIRY REPORT ON ASSAM STATE
ELECTRICITY BOARD.

Shri Dulal Chandra Barua—Sir, the hon. Chief Minister said the other day that the enquiry report on the State Electricity Board has not been printed but my information is that it has already been printed.

Shri Mahendra Mohan Choudhury (Chief Minister)—I did not say that the report was not printed. The report is ready with us. What I said is that the Cabinet has not taken any decision on that report and the report will be placed before the Assembly after the Cabinet has gone through it. The Cabinet has gone through the report and it will be placed before the Assembly on the 4th of November.

DISCUSSION ON THE SUPPLEMENTARY STATEMENT OF EXPENDITURE CHARGED ON THE CONSOLIDATED FUND OF THE STATE FOR 1971-72

* Shri Dulal Chandra Barua – Sir, while taking part in the discussion on the supplementary statement of expenditure charged on the consolidated fund of the state for 1971-72, I want to make certain observations. Sir, out of the 12 items under this Fund in 10 items Government is asking for money for decretal amount. In this connection I would like to mention here that many times we have asked the Government to gear up the representing machinery in the court of law. To-day we are again reminded about it when the hon. Member Shri Goswami asked about the activities of the Advocate General and the hon. Minister for Law gave his reply. It has been seen that it is not the Government but the individual who dictates the terms to the Govt. Sir, I do not know the basis on which the Advocate General of the Government is allowed to advocate against the Government in different courts of law in different cases. Sir, it has been seen that the Government lawyers who have been appointed, have been appointed not on the basis of merit and experience but most of them have been appointed on political consideration and that is why the efficiency is not there in the persons who have been

* Speech not corrected

representing the Govt., in the court cases. Every time we find that the Government is losing the cases for which they are incurring heavy expenditure. Sir, the Govt. should take serious notice of the observations made in this House times without number. But instead of listening to the suggestions made here they are going on with the old practice and are not taking any steps to gear up the machinery. Sir, in page 71 in the explanator note it has been stated "To meet the decretal amount in connection with a money execution case in the court of Assistant Sessions Judge, Barpeta, an advance of Rs. 11,627 had to be taken from the Contingency Fund as the existing budget provision was inadequate. Hence the Supplementary Appropriation to regularise the advance taken from Contingency Fund." Now we have repeatedly asked the Government to give the details in the explanatory note but no details have been given and the Government is silent about it. Again in the item No. 2 in the explanatory note it has been stated "The High Court of Assam and Nagaland decreed a sum of Rs. 100 in a Supreme Court Appeal case. There being no provision for the Expenditure, the amount was advanced from the Contingency Fund. Hence the Supplementary Appropriation for regularisation of the advance." Again in page 73 it is said "The Amount is required to satisfy the decree of the Court in connection with a Money suit (Case No. 81 of 1964) in the Court of the Assistant

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District Judge, Gauhati. There being no provision in the budget, the amount was taken as an advance from the Contingency Fund. Hence the supplementary Appropriation to regularise the same." In Grant No. 4 also it is stated "The amount was required to satisfy the decree of the Hon'ble High Court in a civil case. To meet the decretal amount an advance was taken from contingency Fund. This Supplementary Appropriation is to regularise the said advance". It has not been specifically stated what are those cases and how the money is going to be spent. Again in item No. 5 it is said "The amount of Rs. 1,442 was required to satisfy the decree of the court in respect of case N. S. No 45/67 between M/S. Traders and Builders Corporation Vs. the State of Assam and others. It was a charged expenditure under law. To meet the decree the advance was taken from Contingency Fund. The Supplementary Appropriation is to regularise the said advance." In the same way in item No. 9 it is stated "The amount is required for payment of decretal amount in connection with a money appeal case in the Court of Assistant Judge, Silchar. As there was no provision in the budget advance from Contingency fund was obtained to meet the expenditure. Hence the Supplementary Appropriation to regularise the Advance."

Then again, an amount of Rs. 16,62,635 is required

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to meet the expenditure in connection with decretal order passed by the Assistant District Judge, Gauhati, enhancing compensation for land acquired for Gauhati Refinery. There is no provision under appropriate head in the Budget for the year 1971-72. Sir, I want to know, who are the persons whom this amount has been paid? We have got the smell where this money has gone. The House want to know how these things are going in this way and what sort of anomalies are going on in the Government machinery. Government is not giving land to the landless people. They are making some provision only for the high ups. They are making provision for making the rich richer and poor poorer. I want to know from the Hon'ble Finance Minister who are the persons to whom these lands are given and why there is undue delay in payment for the purpose? For the Gauhati Refinery, land has been acquired long back, and why such a huge amount was required to meet the expenditure in connection with decretal order. We came to know from realible sources that manipulation is going on in this respect. I am told that persons who have gone to the court, have got higher rate for their lands acquired for the purpose of Refinery. We have asked the Government to settle these cases as early as possible and they have also given assurance many times in the floor of this House, but of no avail. The Minister in

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charge of Revenue has also has given assurance that effective steps have been taken in respect of Land Ceiling Act. We are hopeful that it will be done vere successfully. But it is very difficult to see perfectness at the time of implication. Why there should be a scope to go to the Court for getting decree at a higher rate ? Why the Government cannot do it themselves ? Therefore, I want to know from the Government why the Government is complacent about it ? Why there should be this sort of anomalies ? They are allowing these anomalies to increase from day to day. In this respect, a report - the report of Land Settlement Implementation Advisory Committee, is going to be placed before the House on the 4th November, 1971. The House will be pleased to know what sort of anomalies are going on regarding land settlement.

Again, Sir, in item (a) at page 82, under the Explanatory Notes, we find that an amount of Rs. 3,342 is required for payment of decretal amount including the cost of money execution case No. 29/70, in the Court of the Munsiff, Jorhat payable to the decree holder M/S Balchand Badriparsad.

In item (b) Rs. 6,623 - This amount is required for immediate payment of a decretal amount in connection with the Money Suit No. 13 of 1968 in the Court of

Assistant District Judge at Tezpur payable to the decree holder M/S Rikhabchand Sohanlall.

In item (c Rs. 6,000—This amount is required for immediate payment of a decretal amount in connection with Money Suit No. 1371 of 1964 in High Court, Calcutta payable to M/S Vishnu Agency Private Limited.

In these respects, it has depicted a very diplorable picture. I hope all the government machinery in this respect should be geared up. Therefore, I submit, Sir, this being the last session of the House, the honourable Finance Minister who appears to be jubilant and who assured this House many time previously, will give proper explanation in what way these amounts have been spent.

Now, in respect of Demand No. 7, at page 77, we find that Rs. 5,796 Sexé was required for addition and alteration of Sectional Assistant's quarter last year and some amount is also required for addition and alteration of the Guest House and for providing separate water connection to hot water boiler. The President's approval in the matter was received late and as such there was no scope for additional provision by Supplementary Appropriation during the year 1970—71. The amount was advanced from the Contingency Fund.

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Hence the Supplementary Appropriation to regularise the advance.

In (ii) we find, the amount of Rs. 1,22,081 was required last year for annual repairs including painting in the Raj Bhawan and Out Houses, Shillong and the annual repairs of the Cheyeu at Upper Shillong, pay and allowances of work-charged establishment, maintenance of gardens, purchase of uniforms for mali and sweepers and payment of electric charges. The amount was advanced from the Contingency Fund. Hence the Supplementary Appropriation for regularisation of the advance.

Sir, I want to know to whom the Raj Bhawan belongs to? My question is who is to look after the maintenance of the Raj Bhawan—whether Assam Government alone or by the N. E. F.A., by the Nagaland or by Meghalaya? I do not find any reason why the building for the Governor at Upper Shillong is kept? For what purposes it is kept? For the Governor why there should be one house here and another is there? Why alone our Government is spending so much money for this purpose? There are five other States—why then only one State is spending the money? Why we are alone taking the liability? Leave the liability at the hand of Meghalaya Government. We have seen many governors, of course I do not like to criticise our Governor in person. This Governor of ours is not like other

Governors. He was in America, automatically he may have certain facilities more than others. we have the socialistic pattern of society. Is it the principle of the socialistic pattern of society to spend so much money for a particular people when people are groaning in the flood effected areas and practically starving for want of land in the embankments and die like dogs and cats ?

Even after that if we spend money like that I fail to understand what they mean by socialistic society which they profess. Our Finance Minister Shri Y. B. Chavan has Stated the other day that the taxes that have been imposed will be withdrawn as soon as the refugee problem is solved. Sir, this has reacted in the minds of people in different ways. When we are suffering there is no point in spending so much money for the luxurious living of particular individual. It is now high time to look after the interest of the poorest section of the people living in the villages. It is known to all that there is heavy onrush of people to Shillong and there is no accommodation anywhere nor even in the Assembly hostel. Why they have been coming to Shillong. It is because the administrative machinery is not functioning properly. Therefore, it is high time to re-organise the entire Governmental machinery, and the Govt. should take affective measures to help the poorest section of the people whose Votes count the most than those people

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living in multi-storied buildings. On the eve of election we go to the huts in the villages and say many things, but soon after the Government is formed every promise is forgotten. This is not democracy. Further the budgeting system should also be changed. The Finance Minister will bear me out that it should not be a chronic habit to take money from the consolidated fund easily. The provisions of the Consolidated fund should be used sparingly.

With these observations I conclude my speech and I hope that what we have stated in the House will be borne in mind by the Finance Minister and thereafter his successor.

Shri Jogen Saikia (Minister, Law etc.)—Mr. Speaker, Sir, hon. Member Shri Barua has made some references to the Law Department particularly to the decrees passed by Courts in certain cases. The records of those cases are not, however, with me at present; but I want to say that the presumption on which Shri Barua has been speaking that these decrees were passed because the Govt. side was not properly represented may not be correct in all cases. However much the Government may try to win the cases or the lawyers representing the Government try to do to there may be reasons for which the Courts may pass decrees against

the Government. Thereby I do not want to say that all that is happening in the Law Department is perfect. It is far from it. We have limitations and shortcomings in this Department, and, therefore, we have taken in right earnest the question of re-organisation of this Department including re-organisation of the machinery through which we represent the cases of the Government in various Courts. The Cabinet has discussed this matter and we have also discussed this matter with the Union Law Minister and some other eminent lawyers of the country. We are finalising the matter almost and the Government will take a decision very soon. I want to assure the Hon'ble Member that no pain will be spared by the Government to see that the Govt. cases are properly represented in the Courts. Shri Barua has also referred to the appointment of Govt. Pleaders and Govt. Advocates to conduct cases in various Courts. Sir, he has made a sweeping remark ...

Shri Dulal Chandra Barua—Sir, I take exception I have not made any sweeping remarks. What I was saying was definite. What has Govt. done in the matter of appointment of the Govt. Pleader at Dibrugarh and at Gauhati? There were so many senior lawyers, but some junior lawyers were appointed on political consideration. In view of this how the Minister could say that my remark was sweeping.

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Shri Jogen Saikia -I have not been able to complete the sentence even

Shri Debeswar Sarmah—What is the wrong with the Dibrugarh appointment. The Dibrugarh Govt. pleader is a senior and respectable lawyer and also an able lawyer. I do not know about whom he is talking.

Shri Dulal Chandra Barua I am speaking about the Asstt. Govt. Pleader.

Shri Jogen Saikia—What I wanted to say was that the remark that the Govt. Pleaders were appointed on political consideration is not only not correct it casts unkind and wrong aspersions on some eminent lawyers of the State who represent the Govt. in various cases. The appointment of some of the Govt. lawyers may be criticised but to say that all the Govt. lawyers are appointed on political consideration is far from the truth.

Shri Dulal Chandra Barua—What is the procedure followed in the matter of appointment of Govt. lawyers.

Shri Jogen Saikia—So far as the procedure of the appointment of Government pleaders are concerned, this is done with utmost care and caution. Sir, the Deputy Commissioners of the districts concerned are requested to consult the matter with the District and Session Judge and

then recommend the names to the government. To my knowledge there has been not a single case in which government has gone against the recommendation or advice of the District Judge and the Dy. Commissioner because the District Judge and the D. C. are the proper persons who can advise the government on this matter. Therefore their advice is always respected. Now, Sir, one thing that has been pointed out by Shri Barua is with regard to the decrees passed in land acquisition cases. That matter is a very difficult one. I do admit that in some cases, if the facts placed before the Courts were put up in a more effective ways, the Court's orders might have been different. Here various factors come in. I have seen from records where the witness or the evidence produced did not support the government. Even in some cases the government officers of the lower rung belonging to the Revenue Department succumb to cross examination and in some cases they directly or indirectly admit that the value of the land concerned could have possibly been higher than fixed by the officers concerned. This is only one of the causes I put before the House. There are other difficulties also. At any rate, we are trying to gear up the machinery and trying to see that these things do not happen. With regard to another remark of Mr. Barua that the government has succumbed to the pressure or influence in respect of the Advocate General's terms and conditions or appointment etc., my reply will be a cate-

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gorical 'no'. Nothing has been done which is against the rule and which has not been done in the case of other Advocates General. The only thing which was pointed out the other day during the question hour was regarding the use of the groundfloor of the residence of the Advocate General for his office and library. I have verified the matter. It was not the Advocate General who approached the government for taking part of this building on rent but on the other hand government have decided when they decided to shift his office from Shillong to Gauhati to ask the D. C. to find out a suitable accommodation. The D. C. has categorically informed that there was no possibility of any accommodation being available for this in any of the government buildings. Therefore he was on the look out for another house and not finding any other premises recommended the house of the Advocate General. I have further examined this matter with regard to the allegation that Rs. 540/- have been paid for one room. This is not correct. The House has got as many as six rooms and the plinth area is more than 2,300 sq. ft. and the rent was fixed by the D. C. under Urban Areas Rent Control Act. I want to add one thing—however great a man might be, the government will never succumb to any pressure or influence unless their point of view has got justification. Therefore to say that the government has succumbed to the influence of somebody is not correct.

I am not defending anything which is not correct and which is not on record. I am defending the just cause so that no injustice is done to anyone. I hope that after all that has been said, the Hon'ble member will be satisfied, particularly because we are trying to reorganise the whole thing as suggested by hon'ble members on various occasions including Shri Barua.

*Shri Kamakhya Prasad Tripathy (Minister, Finance)—
I am thankful to the hon. Law Minister for having intervened and had explained the position with regard to the appointment of government pleaders, particularly with regard to the Advocate General. I am also thankful to Shri Barua for pointing out to the Finance Minister regarding working out of so much money against the deficit budget. He has said that I had the money and did not give ; I think, that is not very correct, I have given Rs. 42 crores more than what I got in the last year's budget ; this year, I have given Rs. 44 crores more than what I have taken. Therefore, this Finance Minister has been under the misfortune to work out every year more money than he takes back. That is the misfortune. With regard to the land acquisition cases, I agree that this has become a very difficult question. The law provided the protection, namely, the court will fix the compensation ; there would be no direct connection

* Speech not corrected

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between the officers and the persons whose land is taken. In that case there might be something fishy. We know that large number of land speculators have appeared and they have in every developing area purchased half or one khatta with very high price.

Shri Debeswar Sarmah—Who started the game ; who set the ball rolling ; was it started by your predecessor ?

Shri Kamakhya Prasad Tripathy—Speculation is a human frailty prevailant all over the world wherein speculation takes place.

* Shri Phani Bora—This is some exaggeration. There are human beings and all human beings are not accustomed making speculations, and it is the product of the capitalism. The Hon'ble member, Shri Sarma, I think, will never agree that there is a thing called capitalism. He always finds it very difficult to hear the word—capitalism, as if it is something which is no in existence. That is very unfortunate. Let anybody come any say that speculation is not the product of capitalism. Let anybody dare say that.

Shri Debeswar Sarmah—ইয়াৰ কোনো প্ৰয়োজন নাই।

Shri Kamakhya Prasad Tripathy (Minister, Finance)—
I agree. Sir, I shall be more specific. It is necessary to
* Speech not corrected

private profiteers. Capitals build profit and speculation is a private matter and for private property. There I agree with on but the problem is that price of land has been rising constantly. Shri Gaurishankar Bhattacharjee had sold a house in which case the price was thrice revised ; first in the lower court then in the High Court and then finally in the Supreme Court but everytime the price was raised. Therefore all our efforts are not productive because of land speculation.

Now, with regard to expenditure of Governor's residence, it will be seen that the amount is required for Section Assistant's quarters and it is perfectly in socialistic line.

There is also a question of annual repairs and other things. These are laid down in P. W. D. code as to what should be the type of house and what expenditure should be involved. We from our side are trying to reduce the expenditure but have not been succeeded very much. The other day I think some body was sitting here that according to the scale expenditure provided the amount required was 12 crores but the amount provided was 3 crores and the Flood Control Minister was telling me that ...

Shri Dulal Chandra Barua—It is better not to refer the P. W. D. and the Flood Control Ministers. They are expert in spending.

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Shri Phani Bora—Before we are going to curtail this very heavy expenditure for the Governor, can we not curtail it by practice, by not paying more money in the Governor's business ?

Shri Kamakhya Prasad Tripathi—(Minister, Finance)—This is what is happening. In the budget we are curtaining and it is coming by way of supplementary demand. So, any way, this has been there. The Governor's residence is not a personal residence. It is a residence created by the State for all sorts of guests.

Shri Debeswar Sarmah—Are the guests entertained there ? They are passed on to the Pinewood Hotel. Almost all of them are passed on to the Pinewood Hotel !

Shri Kamakhya Prasad Tripathi—I thank the Hon'ble Members for their suggestions—these will be given due consideration.

Shri Promode Chandra Gogoi—Sir, I need one clarification. In Grant No. 10 in the Explanatory Note (b) it is said, "As per judgement of the Supreme Court in Land Acquisition case for accommodation of landless and flood-affected people from Sibsagar it was necessary to pay a sum of Rs. 1,09,370.92. As there was no provision in the relevant head of account, the entire sum of Rs. 1,09,370.92 had to be drawn from the Contingency Fund.

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May I know, if this acquisition case for which such a big amount had to be paid as compensation, who are the owner of these land ?

Shri Kamakhya Prasad Tripathi— I do not have it ready with me now. I shall supply it later.

Shri Dulal Chandra Barua— Sir, there is a point of order. When there is any big demand there should be proper explanation in the Explanatory Notes or any clarification sought by the hon'ble Members should be given by the Hon'ble Finance Minister. When the Finance Minister is not in a position to give an explanation further discussion on this demand should not proceed now.

Shri Kamakhya Prasad Tripathi—What happens is this. In charging account the Government is forced to pay because of a decree. The main problem is the extent of a decree. As soon as a decree is there the Govt. bound to pay— whatever amount it may be and to whomever it may be. I will however supply the names.

VOTING ON SUPPLEMENTARY DEMANDS FOR
GRANTS FOR 1971-72

Shri Kamakhya Prasad Tripathi (Minister, Finance)— Sir,
I move Demand No. 1.

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Shri Phani Bora—I move my cut motion.

Shri Debeswar Sharma—I move my cut motion.

Mr. Speaker—The cut motions are moved.

* Shri Phani Bora—Sir, in moving my Cut Motion I want to make a few points. I am not going to talk generally with regard to sales tax because it is not within the scope. The purpose for which this supplementary demand is put forward is with a view to check the incread trend of evasion of taxes. It has been decided to set up Check posts on our broder with West Bengal and Tripura.

The first thing is the évation of taxes. There is innumerable number of instances that the persons who collect the sales tax from the people do not give it to the Government and that is why they try to find out all kinds of means to evate paying the money to the Government which is due to the Government. So far as the people are concerned, the consumers are concerned they always pay the taxes; they do not get any benefit out of the evation. They have been exploited to their bones, they have been sucked; their blood is sucked. But after sucking the blood of the consumers, the commo-ners these business people, particularly the big business people they evade paying the taxes collected from the

* Speech not carrected.

people, to the Government. And unfortunately there is no stringent measure to force these tax evaders and hook them to pay the money and to give them proper punishment. Now there are so many regions and as far as my information goes lakhs of cases are pending. Even in the matter of assessment there is lot of delay and it is some-time said that there is no sufficient number of assessing officers. Previously, the Inspector of Taxes asked to do the preliminary assessment. Actually the Superintendents are to do it; legally Inspectors are not supposed to do it though the Inspectors are used to do it. For these over works entrusted to the Inspectors they are also not rewarded. As a result, for the last few months the Inspectors have not undertaken the work for which a large number of cases are pending. That is one aspect of the matter. Another aspect of the matter is that unless there is increased number of assessing officers I do not think proper assessment will be done and evasion could be prevented.

Then, Sir, in this connection some check posts are created. I think it was long overdue. Then, is it alone going to prevent the evasion? I am afraid, it will not. It might be able to check certain commodities passing to this State on which evasion of tax by means various mechanism adopted by these big business people and also due to different rates of taxes in West Bengal and Assam because certain goods which are taxed in Assam

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are not taxed in West Bengal and in the name of payment of taxes in West Bengal they evade the taxes in Assam. Now, as regards these Check posts as far as my information goes proper facilities for the officers to stay there are not made. In the border of West Bengal and Assam there is jungle. Elephants and tigers come out at night and at that place there is no proper arrangements for the officers to stay there and in such places the officers are afraid to go and stay. Apart from that the big business people have got other means to threaten the officers and even they try to butcher them. So necessary protection to the life of the officers should be given. If the check posts are supposed really to function for the purpose for which it is established then this aspect of the matter should be taken into consideration.

In this connection. I would say that the Government should provide some incentive to the Inspectors. Some Ministers used to make certain remarks 'well the Inspectors are well to do. They are not to depend on the salary, they have got some out income etc'. But I differ with these people. I categorically and fundamentally differ. I say if out income or the back-door income is encouraged then corruption cannot fought. I say the officers who are likely to have out income or back-door income they should be paid properly and prevented strictly from taking any bribe. They should paid properly

and given necessary facilities for doing their job and if some body is found indulging in corruption they should be punished severely so that other people will not dare following the corrupt persons. So, in this connection I would say that there should be proper scope for promotion for the Inspectors to the posts of Superintendents of Taxes. I fail to understand why Superintendents are recruited direct. Only 50% of the posts are filled up from the Inspectors. If want to get some work from them and if the Inspectors have the qualification then why 50% promotion from the Inspectors ? The Superintendents promoted from the Inspectors will give us better works as Superintendents and that will give an incentive to the Inspecting staff. That is why I would say that Government should consider these things and in respect of recruitment of Superintendents the Inspectors having the qualification should be promoted to the rank of Superintendents and assessing officers which will not only give intensive among them but will give Government more work increasing our revenue. Then the taxes due from the people must be collected and for that purpose the machinery will have to be corrected. In other words, what is intended to be done in the proposal should be properly acted upon.

Shri Debeswar Sarma—মই এই কৰ্ত্তন প্ৰস্তাবটো আনিছিলো, এজন সদমাই মোক সুধিছিল আপুনিও সেই কৰ্ত্তন প্ৰস্তাৱ আনিছে নে তেতিয়া মই কলো ইয়াৰে ২টা নাম case চাওকচোন, চাই কওক মই কিবা অন্যায়

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কৰিছো নে? এই বিষয়টো আপোনাৰ আৰু ৰাইজৰ দৃষ্টি গোচৰৰ নিমিত্তে
অনা উচিত বুলি ভাবিছো।

মই যিটো আলোচনা কৰিব খুজিছো সেইটো হৈছে কথা কথিত নীতি লৈ
প্ৰায় ৪৩ লাখ টকা হৰিলুট দিয়াদি দিবলৈ খুজিছে—তাকো ধনী উদ্যোগপতি
সকলৰ মাজত। যদি কিছুমান দুখীয়া আৰু কোনোমতে ২/৫ জনৰ পৰিয়াল
পোহপাল দি থাকিব পৰা উদ্যোগপতিক এইদৰে কিছু টকা বকচিচ্ হিচাবে
দিয়া হয় তাত আপত্তি নাথাকিব যদিও কথাটো আপত্তিজনক। এই কথাটো
মই দুবছৰে চৰকাৰলৈ লিখাৰ মূৰত এই প্ৰশ্নটো আপোনাৰ ওচৰলৈ আহিছে।

এতিয়া কথা হৈছে ১৯৬৯ চনৰ ২৯ April ৰ এখন Gazette Noti-
fication হৈছে তাৰ নম্বৰটো FTX/62/68/69.

"Gazette Notification : No. FTX. 62/68/69—In exercise
of the powers conferred by Section 39 of the Assam
Finance (Sales Tax) Act, 1956 (Assam Act XI of 1956),
the Governor of Assam, after previous publication and
consideration of the objections and suggestion, is pleased
to finalise the Assam Finance (Sales Tax) (Amendment)
Rules as follows :—

1. Short title and commencement : (1) These Rules
may be called the Assam Finance (Sales Tax) (Amend-
ment) Rules, 1968

(2) They shall be deemed to have come into force
from 1st January, 1968".

এই টকা বিলাক দিবলৈ ঠিক কৰিছে with Nutrospective effect,
Retrospective effect দিয়া হব ১৯৬৮ চনৰ Jan. মাহৰ পৰা অথচ

publish কৰা হৈছে ১৯৬৯ চনৰ June মাহত, তাৰ যি clauses সেইটোৰ প্ৰতি সদনৰ দৃষ্টি আকৰ্ষণ কৰিব খুজিছো। সেইটো হৈছে—

“A dealer paying tax on the purchase of raw materials for manufacture of goods for sale shall be granted a draw back, set off or a refund of the amount of tax so paid subject to the condition that the Commissioner is satisfied that the raw materials have actually been used within the State of Assam in the manufacture of the goods for sale.” In allowing draw back, set off or refund the provisions of the Rules 39 & 46 shall apply.

Shri Kamakhya Prasad Tripathi—I replied in this House to a charge made by Shri Gaurisankar Bhattacharjee that I have no share in any concern anywhere in the world.

Shri Debeswar Sarmah—ইয়াত কৈছে যে অসমৰ উদ্যোগক বিক্ৰী কৰাৰ কাৰণে যদি কোনো স্থানীয় কেঁচা মালৰে বস্তু প্ৰস্তুত কৰা হয় তেতিয়া হলে সেই কেঁচা মালৰ যি tax দিয়ে সেই tax ঘূৰাই দিব লাগে। যদি সেই tax আমাৰ প্ৰদেশত পৰি থকা উপাদান ব্যৱহাৰ কৰাৰ কাৰণে পঠাই দিয়া হয় তেনেহলে সেইটো সমৰ্থন যোগ্য কিন্তু কেনেকুৱা উদ্যোগক দিয়া হৈছে বা দিবলৈ ব্যৱস্থা কৰিছে বা দৰ্খাস্ত কৰিছে তাৰ কেইটামান উদাহৰণ দিও। গোটেই খিনিৰ উদাহৰণ দিবলৈ যাওতে মোক সময় লাগিব গতিকে তাৰ কেইটামানৰ উদাহৰণে দিম। আজি কেইবাবছৰ আগতে Everest Cycle Company হ’ল তাত ৫৫ হাজাৰ ৫শ ৫৫ টকা দিয়া হ’ল। তাত স্থানীয় কি বস্তু ব্যৱহাৰ কৰিছিল নাজানো। নজনা কথা বহুত থাকিব পাৰে। আৰু বোধহয় ২ লাখ টকাৰ ভাৰা পৰি আছে। আন এটা উদাহৰণ দিও India Carbon Limited তাত Petroleum calcin coke ব্যৱহাৰ কৰে। মই অৱশ্যে

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chemistry ৰ কথা নাজানে কিন্তু শুনিছো এই coke ৰ বৰ মূল্য আছে এইটো A.O.C. ৰ পৰা আনে। এইটো অনাৰ বাবে তেওঁলোকে সৰ্বমুঠ দাবী কৰিছে— ১৫ লাখ ২১ হাজাৰ ১০৫ টকা। সিদিনাখন মুখ্য মন্ত্ৰীয়ে সঁচা কথা কৈছিল যে গুজৰত কাণ নিদিব কথাটো ভালেই কিন্তু আমাৰ নিচিনা মানুহ যিবিলাকে official Document ৰ বিষয়ে নাজানে তেনেকুৱা সকলে আনৰ মুখৰ কথা জনাৰ বাহিৰে কি উপায় আছে মই কাণ নিদিলেও, সূৰ্য্যক কোনে ঢাকিব পাবে সেইকাৰণে গুজৰটো পৰিষ্কাৰ কৰি লোৱাই ভাল। এটা কথা বৰকৈ জনা যায় যে আগৰ Industry minister আৰু এতিয়াৰ Industry minister ৰ হেনো India Carbon ত বেনামী অংশ আছে।

গোঁসাই ঘৰত কোন? মই কল খোৱা নাই এই কথাষাৰলৈহে মোৰ মনত পৰিছে।

Shri Kamakhya Prasad Tripathy—মই আগৰ Industry minister ৰ কথা কোৱাৰ কাৰণেহে কৈছো।

Shri Debeswar Sarmah—মই সেই বুলি কোৱা নাই। হাড় নাইকীয়া জিভা কয় কিবা কিবা। মই আগৰ মন্ত্ৰী বুলি কোৱা নাই। আগৰ মন্ত্ৰীৰ বেনামী অংশ আছে বুলি শুনিছো। ত্ৰিপাঠীদেৱে কিয় জাপ মাৰি উঠিবলগীয়া হ'ল কব নোৱাৰো। আমি এজন বন্ধু মানুহ। মই যদি ৰাজহুৱা কথাৰ স্বার্থত তেনেকৈ সমালোচনা কৰিব লগীয়া হওঁ তেখেতে মোক মাজুনা কৰিব বুলি অনুৰোধ কৰো। Indian Carbon ত কি কৰা হৈছে। কিয় উদগনি দিবলগীয়া হ'ল? Indian Carbon ত কিমান Guest House থাকে কোনে Telephone কৰি ৫/১০ হাজাৰ টকা আনিব পাৰে। সেই বিলাক কথানো কেনে বাক? Everest Cycle ক কিমান দিছে সেইটোও জানো। তাৰ পিচত Plywood ৰ কথা কৈছো। কিছুমানে Sale-tax দিয়ে, কিছুমানে নিদিয়। তিনিচুকীয়াৰ National Plywood ত দিয়ে ১০ হাজাৰ টকা। এই বিলাক আমাৰ ৰাজহুৱা টকা নহয়নে? Notification দি Retrospective

affect দি দিছে। মই নাম দি দিছো। National Ply-wood ক দিব লাগে ১ লাখ ২ হাজাৰ এতিয়াও। অলপ উনিশ বিশ হব পাৰে। মোৰ প্ৰশ্নৰ উত্তৰত দিয়া কথা। অলপ ছুই চাৰি হব পাৰে। Upper Assam Plywood ক দিব লাগে বিশ হাজাৰ টকা। Himalayan Ply wood ক দিব লাগে চৌষষ্ঠি হাজাৰ ৫০ টকা। Wood Craft Jaipur ক দিব লাগে ওঠৰ হেজাৰ পঁচশ বাৰন্ন টকা। চৰ্দা প্লাইওদ জয়পুৰক দিব লাগে ছাপন্ন হাজাৰ টকা। যোৰহাটৰ মৰিয়নী Ply wood ক দিব লাগে বিয়ান্নবৈ হাজাৰ ছুই টকা। Assam Hard Board ক দিব লাগে চোৱাল্লিশ হাজাৰ টকা, তেওঁলোকে Notification মতে পায়। মুঠতে ply wood factory ক পঞ্চল্লিশ লাখ টকা ওলোটাই দিব লাগে। মুখ্য মন্ত্ৰীৰ অৱশ্যে দিয়া দস্তব আছে। আমাৰ ওঠত পৰহি নে তাৰ আগদিনা খনতে লাগি আছে। তেখেতে টকা থাকিলে কাপৰ্য্য নকৰে। স্কুলৰ কথা কওঁতে D. P. I ও আছিল কিন্তু টকা নাই বুলি কলে। যি বিলাক দেশৰ অত্যাৱশ্যকীয় কথা আছে তাত চৰকাৰৰ পইচা নাই। অৱশ্যে নথকাতো সত্য কথা। মানুহক দি থাকিলে থাকিব ক'ত? পৰোক্ষ বা প্ৰত্যক্ষ ভাবেই হওক অসমত আটাইতকৈ বেছি দামত বস্ত্ৰ কিনিবলগীয়া হয়। ভাৰতৰ ভিতৰতে অসমত বেছি। ৫/৬ বছৰ মান আগতে Government Statistical Report ত পাইছো যে অসমৰ ভিতৰতে শিৱসাগৰত আটাইতকৈ দাম বেছি। এতিয়া অৱশ্যে লক্ষীমপুৰ Highest হব। Ply wood factory এ লক্ষীমপুৰ আৰু শিৱসাগৰৰ কাঠ কাটি নষ্ট কৰিছে। যোৰহাটত মৰা মানুহ খৰি দিবলৈ টান হব। এক ট্ৰাক কাঠৰ দাম ৩৫০ টকা লাগে। কিন্তু গেচ তাত দিয়া হোৱা নাই।

Shri Eiswadev Sarmah—গেচ দিয়া হৈছে।

Shri Debeswar Sarmah—কাগজতহে হৈছে।

Shri Biswadev Sarmah—গেচ গুদাম আপোনাৰ ঘৰৰ ওচৰতে আছিল এতিয়া Industrial Estate ত সাজি আছে।

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Shri Debtswar Sarmah—আমাৰ কেইঘৰ মানৰ ঠিক পানী পছাৰ মাজতে সাজিবলৈ লৈছিল সেইটো আপত্তি কৰা কাৰণেহে হৈছে। আমাৰ সেইখিনিত ডি ভট্টাচাৰ্য্য আছে বদন বৰুৱা আছে সেই খিনিতে পানী পচাই পানী পচাই লাগি থকা ঠাইতে দিছে।

আমাৰ মৰিয়নীৰ পৰা জোনাই লৈকে কাঠ কাটি নোহোৱা কৰিছে। আকৌ ply-wood কে পইচা দিব লাগেনে? যিটো উদ্যোগ ১০/১২ বছৰ ধৰি চলিল তেনেকুৱা flourishing অৱস্থাত কিয় টকা দিবলগীয়া হ'ল? কিন্তু লক্ষীমপুৰ আৰু শিৱসাগৰ জিলাৰ কাঠ কাটি নাইকীয়া কৰিছে। আমাৰ ধুবুৰী Match factory হৰৰ আজি ৩০ বছৰ হ'ল কিন্তু এতিয়াও Match factory ক পইচা দিয়ে। গতিকে এই ২ লাখ টকা অসম মেচ ফেক্টৰীক Refund দিব লগা হৈছে। এই কথাবোৰ যদি মই পঢ়ি শুনাও তেতিয়া দেখিব যে, কিমান টকা আমাৰ পৰা গৈ আছে। এই টকাবোৰ কি পদ্ধতিত কি নীতিত দিয়া হৈছে। ইয়াত কিবা নিয়ম আছে নেকি? আমাৰ যিবিলাক Raw material সেইবিলাক লৈ কোনো উদ্যোগ গঠন হোৱা নাই। আমাৰ অৰ্থমন্ত্ৰীয়ে এখন ঘাটি বাজেট মিট কৰিব লগা হৈছে। তাত মোৰ সহানুভূতি আছে। এনে ধৰণে পইচা দিয়াত মোৰ সহানুভূতি নাই। ইয়াত প্ৰায় ৪৫ লাখ টকা আছে। ইয়াৰে পৰা আমাৰ শিক্ষক সকলক দিব নোৱাৰেনে নাইবা আমাৰ যি সকল বিদ্যুৎ কৰ্ম্মীয়ে ধন্যঘট কৰাৰ বাবে Notice দিছে, তেওঁলোকে ইয়াৰ কিছু টকা দিলে Redress কৰা নহবনে? তেতিয়া হয়তো তেওঁলোকে ভালকৈ কাম কৰিব পাৰিব। তাকে নকৰি যিবিলাক উদ্যোগ আগতে প্ৰতিষ্ঠা কৰিছে সেইবিলাককে পুনৰ টকা দিয়াৰ ব্যৱস্থা কৰিছে। অসম মেচ ফেক্টৰীক কম মূল্যত শিমলু কাঠ দিয়াৰ পাছতো পুনৰ ২ লাখ টকা Refund দিব লগা হৈছে।

Shri Mahendra Mohan Choudhury (মুখ্য মন্ত্ৰী)—এই টকাবিলাক Demand নে payment ?

Shri Debeswar Sarmah—কিছুমান Demand আৰু কিছুমান Payment. সেই কথাটো মই নকও বুলিয়েই ভাবিছিলো। আমাৰ গাৰলীয়া এটা কথা আছে “বোকাতে কোব মাৰিলে গাত চিঠিকি পৰে”। যি হওক এই টকা নিৰ্বাচনৰ আগতে দিয়া হব। আমাৰ আশা হল নিৰ্বাচনৰ সময়ত আমাকো কিছু Percentage দিব। আকৌ ইয়াৰ Sale tax কিমান দিব লাগিব সেইবিলাক হিচাব কৰোতে ব্যস্ত। এতিয়া মই জানিব বিচাৰিছো যে, এইবিলাক কি নীতিৰ ওপৰত ভিত্তি কৰি দিছে? অসম forest Product দিছে ৬৬ হাজাৰ, অসম উদ্যোগক দিছে ২০ হাজাৰ, Bhart Woods Works দিছে ২১ হাজাৰ, Jaypore Timber Vencer দিছে ৯৫ হা: ৯ শ ৪৫ টকা, Assam Match factory ক দিছে ২ লাখ ৬৩ হা: ১৩১ টকা, Dhubri Soap factory ক দিলে ৪,৭০০ টকা, Aluminium Industries ক দিলে ১৪ হাজাৰ, Dhanpatrai Agarwall ক দিলে ৮৫ হাজাৰ, Bharat Steel Co. দিলে ৪৭ হাজাৰ, Metal & Alloys Ind. দিলে ২১ হাজাৰ, Assam Steel Wire Product দিলে ১০ হাজাৰ ৭ শ টকা, Bharat Timbers Pr. Ltd. দিলে ৩১,৫৩৩ টকা, Assam Valley Plywood ক দিলে ৬৫ হাজাৰ, Assam Metals ক দিলে ১৬ হাজাৰ Upper Assam Plywood ২০ হাজাৰ, National Saw & Plywood ১০ হাজাৰ, Lakhi Narayan Soap দিলে ৬ হা:, Jayram Dutta দিলে ৭ হাজাৰ, Wood Craft, Mariani ক দিলে ৯১ হা: ৪ শ।

এইদৰে একাদিক্ৰমে বহুতো Industries ক ইমান টকা দিলে অসমৰ কি লাভ হব। মোৰ কথা হৈছে এই উদ্যোগ বিলাক আমাৰ ব্ৰহ্মপুত্ৰৰ বিহ-মেতেকা লৈ স্থাপন কৰে তেন্তে চৰকাৰৰ লাভ হব আৰু পইচাদিও ভাল লাগিব। এইদৰে আমাৰ সৰু আমাৰ সৰু সুৰা উদ্যোগৰ বাবে যিবোৰ বস্তু আছে সেইবিলাকত দিয়ক। “তেলিৰ মূৰত ডেল দিয়া”ৰ কথা মই সমৰ্থন কৰিব নোৱাৰো। আজি আমাৰ সৰ্বসাধাৰণ মানুহে মাটিৰ খাজনা দিবলৈকে হাজাৰ গৰু, তিবোতাৰ কাণৰ কেৰু বেটিব লগা হয়, গতিকে এই বিলখন

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যাতে withdraw কৰে আৰু নহলে এই টকাবিলাক নিদিয়া কৈ থাকক।
এইখিনিকে মই নিবেদন কৰি সামৰণি মাৰিলো।

Shri Dulal Chandra Barua—Sir, while moving our cut motion I want to make a few observations under this particular head. In the explanatory note it is stated “With a view to check the increased tempo of evasion of taxes it has been decided to set up check-posts on our border with West Bengal and Tripura immediately ...” The explanatory note speaks for itself. Sir, we have no objection to vote for this demand but the picture that I am going to present before the House is about evasion of taxes, and after that the House cannot concede to this demand. Sir, according to my own calculation—of course I have taken the help of an expert outside the House the annual evasion of taxes comes to about Rs. 2½ crores on sales tax. Now, arrear of taxes upto date comes to about Rs. 22.27 crores under different heads sales tax, taxes on vehicles, agricultural income tax etc. The forest arrear comes to Rs. 5.05 crores.

Mr. Speaker—The House stands adjourned till 2 P. M. to-day. Shri Barua will continue.

ADJOURNMENT

The House then adjourned for lunch till 2 p. m.

(The House reassembled at 2 P. M. after Lunch with Mr. Deputy Speaker in the Chair.)

Shri Dulal Chandra Barua Mr. Deputy Speaker, Sir, I was dealing with the arrears of taxes. I have already said annual evasion of taxes came to about $2\frac{1}{2}$ crores on sales tax and other arrears of taxes came to about 22.27 crores under different heads, sales tax, taxes on vehicles and Agricultural income-tax and taxes on goods carried by roads, waterways and inland water transport. The forest arrear comes to Rs. 5.05 crores. So, the total arrears comes to Rs. 30.39 crores, which we are now having. As I have already said – what we find from the Explanatory Notes ? We find that “With a view to check the increased tempo of evasion of taxes it has been decided to set-up check-posts on our border with West Bengal and Tripura immediately.” Here specifically it is mentioned that the amount is required only for setting up check posts on our border with West Bengal and Tripura. What about avasion of taxes here ?

Mr. Deputy Speaker—The provision is for regularising the advance to check the increased tempo of evasion of taxes.

Shri Dulal Chandra Barua—We are to express our views. The whole quest on is that we are agreeable to vote any amount to strengthen the machinery, but we [want to know what is result thereof that is to be exa-

mined. The honourable Finance Minister has assured us that tax machinery has been geared up. We also know all evasion of taxes cannot be stopped all on a sudden, but effective steps should be taken to stop to some extent. Had some effective steps been taken in this direction, certainly there would have been some control. Sir, my submission is not only for the road taxes alone but for arrear taxes particularly from different firms, effective steps have not been taken by Government. Sir, As I have already said in my budget speech that one big medical firm of Dibrugarh who was a regular defaulter and who was practically blacklisted by the Health Department was evading sale taxes. Even now, no effective steps have been taken by the Government to bring that firm into book inspite of repeated charges brought against this firm. The name of the firm is Rafiulla Sir, you will be surprised to know what Shri Rafiulla said before a responsible officer here. He said that he could show thumb finger to us. The entire Government is at their hands. That is his version. Every honourable members know in what way taxes are evaded indulging in corruption.

Even now no effective steps have been taken by Government to collect the arrear taxes from that particular gentleman. Government is having an unholy alliance with that gentleman who is supplying outdated medicines. Even now this firm is recognised by the Government

and medicines are purchased from that firm at higher prices. It seems that Government machinery is not functioning in the case of these people, who are the richer section of the community. The law is there only for the poorer sections of the people. With regard to the Forest Department, I find that we have to get a huge amount of arrear from the plywood factories. Here also we find some discrimination. My information is that small local businessmen are heavily taxed and all sorts of methods are resorted to for realising the taxes from them. But the Woodcrafts, Mariani, another factory started at Tezpur (Jalan & Co.) and Assam Plywood Factory in Notsadiya side are not paying a single farthing for the last 10 years. Government have given concessions to them in respect of royalty. On the other hand, obstacles are placed in the way of our local boys, who want to start any kind of business, by imposing all sorts of taxes. I want to know, Sir, why Government are showing this kind of indulgence to a particular community, while taxing the common people. As the hon. member Mr. Sarma has rightly pointed out, there is a lacuna in the circular which has been issued in respect of purchase of raw materials for which we are to pay nearly 45 lakhs to different firms. This sort of thing should be stopped. The circular has to be amended. Then, Sir, we want to know from the Finance Minister particularly about the Purchase Tax Act. It has been given effect to and I want to know whether any collection has so far been

made on that account. According to my information we are losing nearly 2.64 crores under this particular head. Therefore, my whole submission is that the tax collecting machinery should be geared up to collect the taxes which we are imposing by passing different taxation measures in this House. In the Audit Report 1970, it has been stated in respect of revenue receipts that the increase was partly offset by decrease under agricultural income tax from Rs. 3.47 crores in 1967-68 to Rs. 0.95 crores in 1968-69. If this is the condition of the tax collecting machinery, I am afraid the Finance Minister has little justification in asking us to vote for different taxation measures. Then, Sir, it is also a fact that the present Act is very defective in respect of assessment of taxes. The Finance Minister has given assurance to us that this would be amended so that proper authority can be given even to the senior inspectors of taxes. Generally, the assessing authority is the Superintendent, but the general assessment is done by the Inspectors. As soon as assessment is made, the individuals or firms prefer appeals to the Court. In the Court the Government is to go by default. Therefore, my contention is that if the Government want to have an effective machinery either the number of Superintendents should be increased or the power of assesment should be entrusted to the Senior Inspectors of Taxes.

Then, Sir, the hon. member Mr. Bora has rightly pointed out, many grievances have been placed before

the Government by the senior and junior officers of the Tax Collecting Department, which need looking into. We must have a satisfied cadre of employees and workers. Unless they are satisfied we cannot expect efficient and whole-hearted service from them. I would, therefore, urge upon the Finance Minister to look into their grievances, both administrative and financial, so that there is effective collection of revenue in a poor State like ours.

On the one hand we are asking the people to pay more taxes but on the other we are failing in collect the arrear taxes. If this is allowed to continue a time may come when the people will lose all faith in the Acts of the Government. My contention, therefore, is that the tax collecting machinery should be geared up so that all taxes are collected in time. If arrear taxes can be collected and evasion cut off, then the people will not feel frustrated and tax collection will go up. With these observations I move my cut motion.

Shri Sailen Medhi—মাননীয় উপাধ্যক্ষ মহোদয়, আমি বছৰি বছৰি ঘাটি বাজেট পাই আহিছো; ইয়াৰ কাৰণ সমূহৰ ভিতৰত মুখ্য কাৰণ হ'ল অনাদায়ী কৰ সংগ্ৰহ কৰিব নোৱাৰা। এই অনাদায়ী কৰ সংগ্ৰহ সম্পৰ্কে ইতিমধ্যে এইবিধান সভাত বহুত ধৰণৰ সমালোচনা হৈ গৈছে। আগতে আমাৰ বস্ত্ৰবিলাক বেলেবে আহিছিল তেতিয়া হয়তো কিছু দেৰী হৈছিল কিন্তু এতিয়া road communication ৰ উন্নতি হোৱাৰ লগে লগে বয় বস্ত্ৰ বিলাক মটৰেৰে আহিবলৈ ধৰিলে। ফলত বস্ত্ৰ বিলাক সোনকালে আহি পালে হয়

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কিন্তু বেলত আহোতে যিধৰণৰ হিচাব নিকাচ কৰিব পৰা হৈছিল এতিয়া তাৰ কোনো সুবিধা নথকাত আয়কৰ ফাকি দিয়া দেখিবলৈ পাইছো। গতিকে পৰিপূৰক মঞ্জুৰী ১ লাখ ৯০ হাজাৰৰ যিটো দাবী আনিছে তাৰ ওপৰত ছৰাৰমান কৰ খুজিছো।

আমি দেখিছো যে কৰৰ মূল বস্তু বেছিকৈ আহে দাইল, চেনী, আটা মইদা আদি বস্তু বাহিৰৰ পৰা আহে। কিন্তু এই বস্তু বিলাক আগতে বেলবে আহোতে গুৱাহাটী Station তে সকলো বস্তুৰে হিচাব হৈছিল বা গুদামলৈ এই বস্তুবিলাক নিয়োতে হিচাব কৰি নিছিল কিন্তু এতিয়া মটৰেৰে অহাৰ লগে লগে চহৰ সমূহলৈ এই বয় বস্তু সমূহৰ কোনো হিচাব নাথাকে ফলত আয়কৰ বিষয়া সকলে ফাকি দিবলৈ বেছি সুবিধা হয়। আজি কেইদিনমানৰ পৰা দেখিছো গুৱাহাটীৰ আগেপাশে কিছুমান হ'কাৰে কাপোৰ কানি বিক্ৰী কৰা দেখিবলৈ পাইছো, এইবস্তু বিলাক বিক্ৰী কৰোতে Cash memo নিদিয়ৈ ফলত কৰ বাকি দিয়াত সহজ হৈ পৰে। এইটো অকল গুৱাহাটীতে নহয় অন্যান্য ডাঙৰ ডাঙৰ চহৰতো একে অৱস্থা। যিবিলাক ordinary এনেকুৱা বস্তু এইবিলাকৰ কোনো হিচাব নথকাত ব্যৱসায়ী সকলে কৰ বাকি দিয়াত সহজ হৈ পৰিছে। আজি যি Check gate খোলাৰ কথা কৈছে অকল পশ্চিমবঙ্গৰ বোৰ্ডাৰতে Check gate দিলে সুবিধা নহব। উপাধ্যক্ষ মহোদয়, আপুনি জানে যে এসময়লৈ upto চাৰিআলিলৈকে অহা বাষ্টা এটাই। চাৰিআলিৰ পৰা এটা তেজপুৰ উত্তৰ লক্ষীমপুৰলৈ উত্তৰ পাৰেদি যোৱা বাষ্টা আৰু গুৱাহাটী হৈ দক্ষিণ পাৰলৈ যোৱা বাষ্টা। গতিকে ইয়াত যদি এটা check post নকৰে তেন্তে কৰ বাকি বোধ কৰিব নোৱাৰে। ইয়াৰ বাহিৰেও ঠায়ে ঠায়ে Check post খুলিব লাগে। আৰু অন্যান্য বিভাগৰ নিচিনা Mobile ৰ ব্যৱস্থা কৰিব লাগে। এই ব্যৱস্থা নকৰিলে কৰ ফাকি বন্ধ কৰিব নোৱাৰিম। সেই কাৰণে কৈছো কেন্দ্ৰীয় ঠাইত Check post বিলাক ঘন ঘন হ'ব লাগে।

উপাধ্যক্ষ মহোদয়, ইয়াত বিপদো নহোৱা নহয়। এই Check post বিলাকৰ জৰিয়তে কিছুমান বিষয়ই নিজৰ সুবিধাকণো আদায় কৰে কাৰণ

কোনোৱে fees নিদিয়াকৈ সাৰি যাব নোৱাৰে নহলে জুলুম কৰে । এতিয়া চাওঁক কলিকতাৰ পৰা এখন Loaded truck আহিছে তেওঁলোকক Check-gate ত ধৰি যদি মাল বিলাক নমাবলৈ নিৰ্দেশ দিলে মাল নমোৱাটো সম্ভৱপৰ নহয় । তেওঁলোকে উপাই বিহীন হৈ বিষয়ালৈ পইছা আগবঢ়াই আক বিষয়া সকলে এই সু-যোগ গ্ৰহণ কৰে । সেইকাৰণে Check gate ৰ লগে লগে Mobile ৰ ব্যৱস্থা ৰখা উচিত যাতে নজৰ ৰাখিব পাৰে আৰু এইটো খবৰও ৰাখিব লাগিব যে ইটো Check gateৰে ১০ খন truck পাৰ হয় সিটো Check gate ত ইমান সময়ত এই ১০ খন truck গৈ পাইছে নে নাই বা ৪ বজাত গৈ পোৱা কথা আছিল যদি ১০ বজালৈ গৈ নাপায় তেতিয়া বৃদ্ধিৰ লাগিব কৰবাত মাল নমাইছে । এই যোগাযোগ আদি কৰিবৰ কাৰণে Check gate বিলাকত tele-communication ৰ ব্যৱস্থা কৰিব লাগে ।

তাৰ পিচত আমোদ কৰৰ বিষয়ে কওঁ যে আজি প্ৰায় বিলাক চিনেমা হ'ল আদিত আমোদ কৰ ফাকি দিয়া দেখা গৈছে । এইখন এখন চাবুৰা শঙ্কৰ টকিজৰ টিকেট । ইয়াত কৰ লগোৱাৰ কোনো চিন মোকাম নাই । অকল চাবুৰাতেই নহয় ছিলং নতুবা অসমৰ বিভিন্ন ঠাইত এই অৱস্থা চলিয়ে আছে । এই ক্ষেত্ৰত আমাৰ চৰকাৰৰ কেবাবাৰো দৃষ্টি আকৰ্ষণ কৰা স্বত্বেও কোনো ব্যৱস্থা লব পৰা নাই ।

উপাধ্যক্ষ মহোদয়, আজি উচ্চ পদৰ কৰ বিভাগৰ বিষয়া সকলে কৰ আদায় কৰিবলৈ গলে, কৰ ফাকি দিয়েই ফাস্ত নাথাকি তেনে বিষয়া সকলোকো দুৰ্বাৰহাৰ কৰে, এনেকি দুৱাৰ বন্ধ কৰি লৈ মাৰপিট পৰ্য্যন্ত কৰে । কিন্তু কৰ বিভাগৰ বিষয়া সকলক দিব লগীয়া সুবিধা চৰকাৰৰ ফালৰ পৰা দিয়া নাই । কিছুমানে কৰ আদায় কৰি চৰকাৰৰ স্বীকৃতি পাইছে যদিও বহুত অস্বীকৃত হৈও আছে । কৰ বিভাগৰ Inspector গৈ Check কৰোতে দুৱাৰ বন্ধ কৰি মাৰ-পিট কৰাটো বৰ দুখৰ কথা । ইয়াৰ Case পৰ্য্যন্ত

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চলি আছে অথচ চৰকাৰৰ ফালৰ পৰা ইবিলাকৰ বাবে কোনো Protection দিয়া নাই।

Shri Kamakhya Prasad Tripathi — কাক মাৰিলে ? তেওঁৰ নাম কি ?

Shri Sailen Medhi ঠিক মনত নাই, চেতীয়া বুলি জানো। নামটো পিচত জনাম। বহী Chease কৰোতো দুৱাৰ বন্ধ কৰি মাৰধৰ কৰিছে আৰু Case গুৱাহাটী আদালতত চলি আছে। কৰ বিভাগৰ বিষয়া সকলৰ ওপৰত ইমান গুৰু দায়িত্ব থকা সত্ত্বেও তেওঁলোকৰ অভাব অভিযোগ বিলাক আজি লৈকে পূৰণ কৰা নাই। দুৰ্নীতি পৰায়ন বিষয়া সকলৰ বিৰুদ্ধে শাস্তিমূলক ব্যৱস্থা লব লাগে হেহে কৰ বিভাগৰ উন্নতি সাধন কৰা হব। ইয়াকে কৈ প্ৰস্তাৱটো সমৰ্থন কৰি মোৰ কবলগীয়া শেষ কৰিলো।

*Shri Promode Chandra Gogoi—উপাধ্যক্ষ মহোদয়, এই সদনত বহুত কথাই আলোচনা হৈ গৈছে মই মাত্ৰ কেইটামান কথা চৰকাৰৰ দৃষ্টিগোচৰ কৰিব বিচাৰিছো। এই সদনতে দাখিল কৰা ১৯৭০ চনৰ Audit Report ত অনাদায়ী ১৭ কোটি টকাৰ হিচাব দেখুৱা হৈছে। সেই টকা আদায় কৰিবলৈ চৰকাৰৰ তৰফৰ পৰা কি ব্যৱস্থা লোৱা হৈছে। মই কওঁ প্ৰকৃততে কোনো ব্যৱস্থাই লোৱা নাই। আকৌ হিচাবত ধৰা সংখ্যাতকৈ প্ৰকৃত পক্ষে চৰকাৰে পাবলগীয়া টকা বেছি। কৰ বিভাগৰ বিষয়া সকলৰ দুৰ্নীতিৰ কাৰণে এই বিলাক খেলি মেলি হৈছে। কিন্তু এই টকা আদায় কৰাত চৰকাৰী কৰ বিভাগৰ দায়িত্ব বেছি। কিন্তু কৰ বিভাগৰ Sub Inspector এজনেও যিমান সম্পত্তি কৰিছে তাক দেখি সন্দেহ হয় যে তেওঁলোকে এইবিলাক সম্পত্তি কৰ পৰা কৰিছে। তদন্ত কৰি ইবিলাক কৰ বিভাগৰ কৰ্মচাৰী দুৰ্নীতিত লিপ্ত বুলি প্ৰমাণ পোৱা যায় তেওঁলোকৰ বিৰুদ্ধে শাস্তিমূলক ব্যৱস্থা লব লাগে। গতিকে মই কব খোজো যে কমকৈ দেখুওৱা কৰ খিনি প্ৰকৃততে কৰ বিভাগৰ অফিচৰে আদায় কৰিছে। কিন্তু অনাদায়ী কৰ খিনি

*Speech not corrected

আদায়ৰ বাবে চৰকাৰৰ তৰফৰ পৰা কোনো ব্যৱস্থা লোৱা নাই। এই ক্ষেত্ৰত যোৰহাটৰ চকলাটিং বাগিচাৰ কথাই কওঁ, কেইবালাখো টকা চৰকাৰে এতিয়াও আদায় কৰিব পৰা নাই। তাত চৰকাৰৰ কৰ বিভাগৰ উচ্চ বিষয়া জড়িত আছে নেকি তাকো কোৱা টান। চৰকাৰৰ ফালৰ পৰা financial Corporation এ টকা দিছিল কিন্তু সেই টকাও এতিয়ালৈকে আদায় কৰিব পৰা নাই। বাকীজাই Case কৰা বুলিও শুনিছিলোঁ। কিন্তু High Court তে শেষ হৈ আছে।

গোটেই ভাৰতবৰ্ষতে এনেকুৱা প্ৰায় ৫০০ কোটি টকা অনাদায়ী হৈ পৰি আছে। গতিকে এই কৰখিনি আদায় কৰাৰ বাবে খৰতকীয়া ব্যৱস্থা লোৱাৰ কাৰণে চৰকাৰক জনাই মোৰ বক্তব্যৰ সামৰণি মাৰিলোঁ।

Shri Kamakhya Prasad Tripathi (Minister, Finance) -
First of all I will reply to the point raised by Shri Sarma. He has quoted a very long list showing that about 45 lakhs will have to be paid by way of draw-back of sales tax. I may inform him that the Finance Department has no intention of paying these amounts. What we have paid I will now quote. In 1968 on this head we have paid Rs. 14,8,64.40 Paise, in 1969 we have paid Rs. 19,9,89.80 Paise, in 1970 we have paid Rs. 37,1,71.91 paise. So, in three years we have paid only about Rs. 72,000/-

Now, there was an industries conference by our new Industries Minister in 1969 and in that a question was raised that the industries were being doubly taxed. Firstly they were being taxed on the raw materials and

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secondly they were again being taxed when selling their finished products. There was a policy decision taken that when the finished product is sold there will be a rebate given on the raw materials used and taxed. Shri Sarma referred to a notification. I have also seen the notification. That notification does not qualify as it should have qualified. The intention of the Finance Deptt. was that it should be applied only to small scale industries which have an investment of only Rs. 5 lakhs. Most of the parties quoted from the list by Shri Sarma fall in the medium and major industries. They do not fall in the small scale industries. So, also we do not want to give the facility to monopoly industries. We do not want to give it to major industries and we do not want to give it to medium industries. The only industry which will qualify is the small scale industries which has an investment of Rs. 5 lakhs.

Shri Debeswar Sarmah—মোৰ হাতত কাগজখন নাই কোনোবা বিপৰ্য্যবে নিছে। মই এই কাৰণেই কৈছো যে এই কথা বিলাক চৰকাৰী কাগজত আছে। অৱশ্যে Small Scale industry ৰ কাৰণে ৫ লাখ টকা দিয়াটোৱেই আমাৰ কাৰণে ডাঙৰ কথা। কিন্তু এই বিলাক কথা চৰকাৰৰ কাগজত নাই। আৰু এই গোপনীয় কথা বিলাক আমি শুনাত চৰকাৰৰ চাৰকোলাৰ হৈছে। এই বিলাক কথা কৈ আমাৰ মনৰ খো-ধোৱনী ভাঙক। আৰু যদি Notification হৈছে তেন্তে সেইটো দুৰ্ঘোৰ অন্যান্য কৰা হৈছে। যদি ক্ষমতাত ৰাখিব খুজিছে ৫ লাখ ১০ লাখ ১৫ লাখ সকলোৰে কাৰণে কৰক তাকে নকৰি গোপনীয় ভাবে কৰিলে ভাল নহব।

Shri Kamakhya Prasad Tripathy—যি খন চাকোলাৰৰ কথা মাননীয় সদস্যই কৈছে সেই খন সংশোধন কৰিব লাগিব।

Shri Debeswar Sarmah— এই চারকোলাৰ বিলাক আমাক অলপতে দিছে।

Shri Kamakhya Prasad Tripathi claim যি বিলাক আছে সেই বিলাক আমি দিয়া নাই।

Shri Dulal Chandra Barua— তেখেতে যিটো 'কোট' কৰিছে সেইটোৱেই হয়নে নহয় ?

Shri Kamakhya Prasad Tripathi— এইটো আমাৰ বিভাগত দিছে।

Shri Dulal Chandra Barua— Sir, it amounts to breach of privilege of the House. Because the Government has furnished some information to the Hon'ble member and the Finance Minister has furnished some other picture. If we accept the figure given through Mr. Sarma then the Minister...

Mr. Deputy Speaker— You have seen the list that has been supplied to Mr. Sarma. Is there any mention of any payment made by the Government ?

Shri Kamakhya Prasad Tripathi— There is an amount. ...

Mr. Deputy Speaker— Not yet paid. I think just now the hon'ble Finance Minister has made mention of the year 1968, 1969 and 1970 that some small amounts have been paid. In fact, Govt. has not disbursed the amounts. When such a question has arisen it will be in the fitness of things, even if it take some time, the Finance

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Minister should have the scope to apprise about the real position. Because some notes have been supplied we cannot just shut him down to verify this question. So I wish the Finance Minister will clarify the position.

Shri Kamakhya Prasad Tripathi— I will.

Shri Atul Chandra Goswami— এইটো claim

Mr. Deputy Speaker—I have just spoken what you have been desirous of speaking.

Shri Atul Chandra Goswami—তেখেতে সময় লৈ হলেও কথা বিলাক আমাক জনাওক।

Mr. Deputy Speaker Mr. Goswami you have put the cart before the horse. If any lapse is found on the part of the office certainly action will be taken against them.

Shri Dulal Chandra Barua We submit to your observation. But the reply has been prepared on the basis of the observation made by Shri Debeswar Sarma. Then why.....

Mr. Deputy Speaker—Mr. Barua, I have already said that the Finance Minister will just clarify it. We should have prudence that when the Finance Minister has assured the hon'ble members should allow him to reply.

Shri Phani Bora—This is not the only views of the hon'ble member Shri Sarma. What the hon'ble Minister wanted to contradict we find that there is discrepancy and conflict between the two statements. Therefore, you should ask the Minister to varify his statement and report to the House.

Shri Dulal Chandra Barua—Then the demand should be kept pending.

Mr. Deputy Speaker—Not necessary. As he has assured to verify this aspect and apprise about it then you should not stand on the way of this particulars grant. These are extreneous issues which will come all the time.

Shri Dulal Chandra Barua If you go for vote then we will lose. But the question that the major portion of the observation cannot be replied now. So this demand should be kept pending.

Mr. Deputy Speaker—You are making a fundamental mistake. It has been decided categorically and explain that this is the particular point of dispute. So nothing should stand on the way of passing this grant. So, far as this particular aspect is concerned statement has been supplied by the Department. If there is any mistake, the Minister will verify it and will inform the House.

Shri Dulal Chandra Barua—I am not challenging you. But I am not convinced. This is part and parcel of the

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observation made by Shri Sarma. He is not making a statement under rule 301 or so. It has relation with the particular demand.

Shri Kamakhya Prasad Tripathi—May I explain. This demand relates to the check posts. This does not relate to the Excise duty on raw materials. This is not germane to the issue. This was brought by the way.

Shri Debeswar Sarmah—I raise a point of order. My friend, perhaps is right that it is ancillary. But almost of his supplementary demands come under the provision of the Constitution then the whole thing has to be done away with. Supplementary demands, under the Constitution are to be placed before the House with the consents of the Governor. The Constitution framers never contemplated that our Government will spend money.

Mr. Deputy Speaker—What is your point of order?

Shri Debeswar Sarmah—Let me develop it Sir. It will take some time to develop it. The fundamental principle is that the expenditure which could not have been anticipated is put under supplementary grants. In this case the money is spent from the consolidated fund. Here the consolidated fund has been abused. Now, what our Govt. is doing? Whenever they need money they draw from the consolidated fund—it is not anybody's own

money that as one likes he should spend. It was never without the vote of the representatives. How can the Govt. expenditure can be brought ? Sir, my point is the Supplementary Demands themselves are out of order. But the Speaker has allowed it. The Cut motions have been allowed by the Speaker and therefore my friend Mr. Tripathi cannot raise it now. My point is the Supplementary demands are out of order. (Voice : Oh) You need not say oh. The Supplementary demands are out of order. This cannot come like this. Whenever they need Money they spend from the Contingency and then come to the House for sanction, which is out of order. I have not raised this point because the Speaker has allowed. This is Caurisan's money. If the Speaker has allowed we do not object and therefore we cannot raise it.

Mr. Deputy Speaker—Mr. Sarmah, it has become a convention it has been followed for years together. The present Finance Minister is following the same convention which was followed in his time when he was also the Finance Minister. I therefore rule out the point of order and I would just request the hon. members....

Shri Debeswar Sarmah—Sir, try to understand me. The supplementary demand itself is out of order and what has been allowed by the Speaker the Hon. Finance Minister Mr. Trapathi cannot object to it.

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Shri Kamakhya Prasad Tripathi—I am not objecting. My point is that the demands cannot be withheld.

Shri Dulal Chandra Barua - A Point of order Sir. The Finance Minister was very enthusiastic earlier. It has got some relation with this particular demand and it cannot be withdrawn till a reply is given.

Mr. Deputy Speaker—Mr. Baruah, this is not pertinent with this point of order. Mr. Sarmah has been allowed by the Speaker and in course of the discussion he has brought some matters of financial interests. Now, hon. members will allow the Finance Minister to continue.

Shri Dulal Chandra Barua—Sir, we are here to learn things. But I fail to understand how this cannot be a part and parcel of that particular grant.

Mr. Deputy Speaker—Obviously because of the passage to the grant itself. I wish no such things should be brought before the House because it spoils the time of the House. You will get the reply day after tomorrow... ..

Shri Dulal Chandra Barua—Do you rule out the observations made by Mr. Sarmah?

Mr. Deputy Speaker—No, no that. Now, Mr. Tripathi.

Shri Kamakhya Prasad Tripathi—I have already said that these are the amounts paid and this has to be

reconciled. I shall find out the facts and get before the day after tomorrow.

The second point is with regard to the evasion. On this point I think Shri Medhi has made a correct speech. Nearly 55% of goods to Assam used to come by steamer and 45% by rail. In 1965 the steamar route was closed and as a result thereof the things were diverted to roads and as a result of this diversion to the roads more evasion has started taking place. Because of this diversion it has become very difficult to find what amount of goods have come. They are never included in the correct Khata. As a result thereof what the Govt. gets is on account of railway and only a part from the road and therefore there is leakage of revenue in our state. For this reason we thought of the check posts. Now, there are two check posts. These check posts are meant for plugging the loopholes. More houses to be built up there and these posts are to be organised properly and therefore the amount was taken from the contingency fund. Sir, it is also correct to say that there a great deal of evasion and therefore we are thinking of introducing postal and teleprinters service in these posts. One at Gauhati and the other at some intermediate point. With the introduction of this service we will be able to relay that such and such lorries are going to such and such points and at the ckeck posts we will not detain these Lorries. We will merely ask for a declaration about what it contains, where from

it is coming and where it is going to be delivered. These three information will be there, and as soon as that is filled up and given, the teleprinter will immediately relay the information to that station that such and such lorry is going, such and such lorry is meant for so and so, so that our Tax Officer with his counterpart Tax Officer will be able to find out whether the lorry has come and if so, whether those goods have come, and then the leakage will be avoided. I agree that at the point at Charali from where the road branches off to North Lakhimpur we will have to put a Check post. We have also decided to put a check-post at Charaibari where the road enters Tripura. We will have to put another check-post at the road points where it enters Nagaland. we may ultimately put another check-post at the point of entrance to Meghalaya when Meghalaya is separated. These check posts will not be utilised for the purpose of putting difficulties to the trucks. They will be utilised for the purpose of checking whether the information is correctly relayed. Now some people may say we are going to Dharmanagar. Dharmanagar is in Tripura. Actually, they do not go to Dharmanagar, they go to Karimganj and off-load the goods. Sometimes, they off-load the goods at Gauhati even. Now if they do so, when the truck will be coming back, we will relay the information and the men will be caught on the border and asked why he did not deliver the goods at the declared place. His explanation will be asked. Now how this explanation can

be utilised for the purpose of penal action has not been visualised. I think some penal action will have to be put so that the system may become foolproof. Now with regard to arrears, hon. members have cited several figures.

Shri A. N. Akram Hussain—এই Teleprinter Service দিয়াৰ ক্ষেত্ৰত আমি যথেষ্ট সতৰ্ক হ'ব লাগিব। কাৰণ এতিয়াও আমাৰ অসমত লাখ লাখ টেক্স বাকী পৰি আছে। সেই বিলাক উঠাব পৰা নাই। গতিকে এই Teleprinter Service ত যাতে ঘাটি নপৰে তাৰ বাবে বিত্তমন্ত্ৰী ডাঙৰীয়াই সারধানে লক্ষ্য ৰাখিব লাগিব।

Shri Kamakhya Prasad Tripathi—Corruption ৰ ঘাটি ভাঙিবৰ কাৰণেহে এইটো ব্যৱস্থা কৰা হৈছে।

Shri Sailen Medhi—মাননীয় সদস্যসকলে Teleprinter সম্পৰ্কত এইটো কথা ক'ব বিচাৰিছে যদি তেওঁলোকৰ ভিতৰত দল গঠন কৰি বন্দৰস্ত কৰি লয় যে অমুক Truck খন গৈছে একো নকৰিবা—এই ধৰণে কৰিলে Corruption আৰু Double হ'ব।

Shri Kamakhya Prasad Tripathi—Teleprinter ত এইটো information হৈ যাব। No. (১) Truck No.

(২) Owner

(৩) Destination

(৪) কি কি মাল আছে।

Teleprinter ত কথা নাপাতে। গতিকে যিখিনি ক'ৰা হয়, সেইখিনি Record থাকিব। গতিকে ধৰা পৰি যাব।

Shri Dulal Chandra Barua—Teleprinter ত যদি Code Word ৰ বন্দৰস্ত কৰি লয়, তেন্তে কি হ'ব।

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Shri Kamakhya Prasad Tripathi—Teleprinter, Telephone
নহয় যে তাত কাণে কাণে কথা কব। গতিকে তাত অনাবশ্যকীয় শব্দ বাদ
পৰিব। অনাবশ্যকীয় শব্দ থাকিলে তৎক্ষণাত্ ধৰা পৰিব।

Shri A. N. Akram Hussain—Teleprinter Service ব carbon
copy টো ফালি পেলালে তাক ধৰা পেলাব নোৱাৰি।

Mr. Deputy Speaker—সন্দেহৰ ওপৰত আলোচনা কৰিলে, আলো-
চনা নিৰ্দিষ্ট সময়ত শেষ নহব।

Shri A. N. Akram Hussain—মই জানো Check post বিলাকে
এৰি দিয়ে—গতিকে Teleprinter Service ব ক্ষেত্ৰত Shillong ত এটা
Machine ৰাখিব লাগে যাতে সকলো ধৰিব পাৰে।

Shri Kamakhya Prasad Tripathi—Teleprinter ব কাগজ
ফালিব নোৱাৰে। কাৰণ তাত একেৰাহে কাগজ ওলায়েই থাকে। আমাৰ
যিবিলাক Check post আছে, তাত গোটেই বিলাক Check কৰা হয়।

Shri Debeswar Sarmah—তাত যিবিলাক অফিচাৰ দিয়া হয়;
সেইবিলাক Permanent Gazetted Officer দিলে ভাল হয়; তেতিয়া
কাম হব।

Shri Kamakhya Prasad Tripathi—সেই বিলাকত Gazetted
Officer দিয়া হব।

আমাৰ Tax Deptt. ত কিছুমান দোষ আছে। কাৰণ তেওঁলোকে
কেৱল ১০টাৰ পৰা ৬টা লৈকেহে কাম কৰে। তাৰ পাছত নকৰে। এতিয়া
দেখা গ'ল যে ৰাতিহে বেছি Delivery হয়। এতিয়া আমি বাধ্য কৰাইছোঁ।
আনফালে ৰাতি Delivery হোৱাটোত বহুত Risk আছে। সেইটো বিবেচনা

কৰি Check post ৰ বাবস্থা কৰা হ'ব আৰু তাৰ কাৰণে যথেষ্ট বন্দবস্তও কৰিব লাগিব।

তাৰ পাছত মাননীয় সদস্যসকলে বাকী পৰা Tax ৰ সম্বন্ধে কৈছে। মই কিন্তু Sale Tax ৰ বিষয়েহে ক'ব বিছাৰিছো যে—

১৯৬৮ চনত ৩ কোটি ২০ লাখ।

১৯৬৯ চনত আছিল ৪ কোটি ৮৮ লাখ।

১৯৭০ চনত আছিল ৫ কোটি ৭৯ লাখ।

১৯৭১ চনত আছিল ৬ কোটি ৭ লাখ।

এতিয়া মাত্ৰ ৬ কোটি আছে। তাৰ ভিতৰত ২ কোটি Carriage Tax.

এই যে ৬ কোটি টকা তাৰ ভিতৰত ২ কোটি টকা Carriage Tax ৰ আছে। Carriage Tax ৰ কেচটো Supreme Court ত আছে।

Shri Debeswar Sarmah—নটিচ নিদিয়াকৈ টকা পাম বুলি ভাবিছে নেকি?

Shri Kamakhya Prasad Tripathi—মাননীয় সদস্য উকিল তেখেতে মোতকৈ বেছি জানে।

Shri Dulal Chandra Barua—Figure টো যে দিছে সেইটো ভালকৈ পৰীক্ষা কৰি দিছেনে? এইটোৰ ওপৰত Privilege আনিব পাৰি।

Shri Kamakhya Prasad Tripathi—মাননীয় সদস্যসকলে Superintendent আৰু Inspector ৰ সম্বন্ধে এটা পৰামৰ্শ দিছে যে Suptd. ৰ assess কৰাৰ অধিকাৰ আছে আৰু Inspector ৰ নাই। সদস্যসকলে পৰামৰ্শ আগবঢ়াইছে যে অন্ততঃ যিসকল Senior Inspector তেওঁলোকক assess কৰাৰ অধিকাৰ দিব লাগে। দুই নম্বৰ পৰামৰ্শমতে বৰ্ত্তমান থকা প্ৰমোচনৰ হাৰ শতকৰা ৫০% ভাগ প্ৰমোচন আৰু শতকৰা ৫০% ভাগ পোনপটীয়া নিয়োগৰ ঠাইত প্ৰমোচনৰ মাত্ৰাটো বেছি কৰিব লাগে।

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Shri Debeswar Sarmah – প্রমোচননো কেনেকৈ হয়? Normally Seniority Basis ব ওপৰত হয়। যিবিলাকৰ Career Colourless তেওঁলোকৰ প্রমোচন সোনকালে হয়। কাৰণ দৰ্শাই Superseded নকৰিলে আজিকালি Court ত সপক্ষে ৰায় পায়।

Shri Atul Chandra Goswami – Tax বিভাগক যাতে চান্দা তুলিবলৈ দিয়া নহয়, তাৰ অভিজ্ঞতা বহিমুদ্দিন চাহাবক সুধিলেই গম পাব।

Shri Kamakhya Prasad Tripathi – যদি un-officially চান্দা দিয়ে তেন্তে চৰকাৰৰ কবলগীয়া একো নাই।

Tax আমাৰ বহুত বাকী আছে। এই বিষয়ে আমি কেন্দ্ৰীয় চৰকাৰৰ লগত কথা হৈ আছে। তেওঁলোকে টেক্স তুলিব নোৱাৰাৰ কাৰণে আমাকেই দোষ দিছে। চাহৰ পৰা ৪ কোটি টকা Tax পাইছিলো কিন্তু এতিয়া গৈ গৈ Less than one core হৈছেগৈ। আমাৰ Over Draft ২৪ কোটি টকা আছিল। আমি কেন্দ্ৰীয় চৰকাৰৰ লগত আলোচনা কৰোতে ১১৫ টকা টেক্স কৰিছিল আৰু তাৰ বাবদ ৯ কোটি টকা পালে।

Shri Atul Chandra Goswami – ইয়াৰ পৰা লাভ হলনে লোক-চান হ'ল!

Shri Kamakhya Prasad Tripathi – Obviously Profit হ'ল।

আচলতে কেন্দ্ৰীয় চৰকাৰে শতকৰা ৪০ ভাগ আৰু অসম চৰকাৰে ৬০ ভাগ চাহৰ পৰা Tax পায়। এতিয়া Discriminatory Tax Policy হোৱাৰ কাৰণে অসমৰ চাহৰ ওপৰত পশ্চিমবঙ্গ চাহতকৈ বেছি Tax লগাইছে। এইটো আমি কেন্দ্ৰীয় চৰকাৰৰ ওচৰত আপত্তি দৰ্শাইছো যাতে ভাল মিমামসা কৰি আমাক জনাই।

চাহ শিল্পৰ পৰা আমি দুটা Tax পাইছিলো – এটা হৈছে কৃষি আয়কৰ আৰু আনটো হৈছে পৰিবহন কৰ। পৰিবহন কৰ ২২ কোটিৰ পৰা ৪ কোটি

পাইছেগৈ। কিন্তু Court এ rule out কৰাৰ কাৰণে এতিয়া কমি কমি
গৈ ১ কোটি টকা পাইছেগৈ।

Shri Dulal Chandra Barua—That is also another matter of privilege.

Shri Kamakhya Prasad Tripathi—Unless the Minister is proved wrong, no privilege arises. The Minister's figures are supposed to be correct.

Shri Dulal Chandra Barua—We want harmony but why a senior member like the Finance Minister should lose his temper? I said that he has not been correctly briefed.

Mr. Deputy Speaker—You are also a senior member and therefore don't be abusive. When the Minister gives the figures, there are supposed to be correct but if you disagree with the figures, you can reconcile them. If you find that the figures are wrong, you can bring privilege motion.

Shri Dulal Chandra Barua—Though the Finance Minister has good intention to give the correct position, the figures supplied by his Department are wrong.

Shri Kamakhya Prasad Tripathi—I am only trying to point out how the realisation has improved. In 1968-69 the total arrear increased to Rs. 1,68,00,000, 1968-70 it increased to Rs. 91,00,000 and in 1971 it increased to

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only Rs. 28,00,000. The increase has gone down and the collection improved.

With regard to the arrears with Bakijai and appeals, in 1968 the amount was Rs. 1,90,00,000, 1969 the amount was Rs. 1,87,00,000, in 1970 the amount was Rs. 2,46,00,000 and in 1971 the amount went up to Rs. 3,33,00,000. So the transmission of the cases to Bakijai has increased.

মই উত্তৰত কৈছোৱেই যে কেৰেজ টেক্স আমাৰ যি বেট আছে তাকৈ আমি টেক্স বঢ়াব নোৱাৰো। আৰু এই টেক্স বেচি কৰিব পৰা হলে আমি যি ঘাটি আছে সেইটো আমাৰ পূৰণ হ'লহেঁতেন। কেৰেজ টেক্স বঢ়াবলৈ আমাৰ অধিকাৰ আছে কিন্তু সেইটো বঢ়াবলৈ নিদিয়াটো উচিত হোৱা নাই। এই কেৰেজ টেক্সটো বঢ়াবলৈ নিদিলে চাহ শিল্পৰ ওপৰত এনেকুৱা টেক্স লগাব পাৰো য'ৰ পৰা আমাৰ এইটো পূৰণ হব। এই ৯ কোটি টকাৰ টেক্সটো আমাৰ ওপৰত বেচি হৈছে আৰু সেইটো ফ্লেট হব লাগে বুলি কৈছিলো। কিন্তু সেইটো নহল আৰু এই টেক্স আমি জোনেল কৰিব নোৱাৰো কেন্দ্ৰৰ সন্মতি নহলে।

Shri Debeswar Sarmah—কেন্দ্ৰই কি সমিধান দিলে।

Shri Kamakhya Prasad Tripathi—বিষয়টো পৰীক্ষাধীন হৈ আছে। গতিকে চাহ শিল্পত বেচি টেক্স লগোৱাৰ কাৰণে আমাৰ ইনকাম কমি গৈছে। কেন্দ্ৰীয় বিত্ত বিভাগে এই বিষয়ত কিবা এটা কৰিব বুলি কৈছে। ইয়াকে কৈ মোৰ বক্তব্য সামৰিলো।

Shri Kamakhya Prasad Tripathi—This was taken account by the Finance Commission. For Assam they have taken a higher award of discontinuance of the carriage tax.

Mr. Deputy Speaker—Mr. Barua, you are going to withdraw your Cut Motion ?

Shri Dulal Chandra Barua—Hon'ble Minister has not requested to withdraw the cut motion.

Shri Kamakhya Prasad Sripathi—I have already requested in my very speech to withdraw.

Shri Dulal Chandra Barua—We are not going to withdraw our cut motion.

Mr. Deputy Speaker—Now, I put all the cut motions together.

Shri Debeswar Sarmah—No, no—all cut motions should not be put together. Mine is only for discussion. Mr. Speaker was pleased to allow us to discuss.

Mr. Deputy Speaker—The hon'ble member Shri Sarma was kind enough to withdraw his cut motion, as it is only a sort of discussion. I hope the House has its approval.

Shri Phani Bora—He has not withdrawn. He did not to withdraw. It is there.

Shri Debeswar Sarmah—I do not think I have to withdraw.

Shri Phani Bora—Withdrawal will have to be voted.

Mr. Deputy Speaker—It makes little difference. So, I am putting all the cut motions together. Shri Sarma's withdrawal has already come in the record.

Shri Soneswar Bora—এই কৰ্তন প্ৰস্তাৱত তেখেতে স্বাক্ষৰ কৰিছে।

Shri Phani Bora—তেখেতৰ এইটো অকলশৰীয়া নহয়।

Mr. Deputy Speaker—On this particular case, I rule it out. This cut motion has not only come in the name of Shri Debeswar Sarmah, Sarbasri Lakhyadhar Choudhury, Bhadreswar Gogoi and Soneswar Bora have also jointly moved this motion. But in view of the fact that one of the members viz. Shri Sarma withdrawn the cut motion, it is presumed that all other members have also withdrawn the same. It is also in record that Shri Sarma desires to withdraw his cut motion.

Shri Dulal Chandra Barua—Mr. Dy. Speaker, in that case you yourself are going to break the convention.

(Interruption)

Mr. Deputy Speaker—I am not going to break the convention. Has the House the approval of putting all the cut motions together ?

Shri Dulal Chandra Barua—It should be recorded that only on the request of Shri Phani Bora, Shri Sarma has withdrawn his cut motion.

Mr. Dy. Speaker—Now, I put all the cut motions together again. The Cut Motions are lost.

(The Cut Motions are lost by voice vote)

I now put the main Motion. “That the additional amount of Rs. 1,90,000, be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March, 1972, for the administration of the Head “12—Sales Tax and 13—Other Taxes and Duties.”

...The Grant is passed...

Grant No. 2

Shri Mahendra Mohan Choudhury (Chief Minister)—
I beg to move grant No. 2.

Mr. Deputy Speaker—Grant No. 2 moved.

Shri Atul Chandra Goswami—মাননীয় অধ্যক্ষ মহোদয়, মই
কৰ্তন প্ৰস্তাৱটো উত্থাপন কৰি দুঃখমান কৰা বিচাৰিছোঁ।

As per direction of the Election Commission of India the revision of the Electoral Rolls for use in the next General Election 1972 has been taken up by house-to-house enumeration by engaging Enumerators and Supervisors in the entire State of Assam including Meghalaya except in the case of the four border districts of Cachar,

Goalpara, United K & J Hills and Garo Hills where summary revision was taken up simultaneously under the order of the Election Commission. As the direction of the Election Commission was received late after the submission of budget estimates, no provision could be made in the budget.

মহোদয়, যদিও নিৰ্বাচনী নিবন্ধন বিষয়া সকল ঘৰে ঘৰে গৈ ভোটাৰ লিষ্ট কৰিবলৈ দিয়া হ'ল নাইবা ঘৰৰ মুৰব্বীজনক এখন Slip দিয়াৰ কথা কোৱা হ'ল তথাপি কাৰ্য্যক্ষেত্ৰত দেখা গ'ল যে, ভোটাৰ হ'ব লগা লোক তাৰপৰা বাদ পৰিল আৰু যি সকল লোকৰ ভোট দিয়াৰ কোনো যোগ্যতা নাই; তেওঁলোকৰ নাম ভোটাৰ লিষ্টত ভৰ্ত্তি কৰা হ'ল। উদাহৰণ স্বৰূপে মই দুজন মানুহৰ কথা কওঁ। মই নিজে গৈ কলো যে, এই মানুহ দুজন Indian Citizen আৰু Card আছে তথাপি তেওঁলোকৰ নাম ভোটাৰ List ত ভৰ্ত্তি কৰা নহ'ল। আনহাতে অলপতে অহা বাংলাদেশৰ ভগনীয়া লোকৰ যিবিলাকৰ Indian Citizenship Card নাই সেই সকলৰ নাম ভৰ্ত্তি কৰা হৈছে। ভোটাৰ List ৰ চুবাস্ত তালিকাখন আঞ্চলিক পঞ্চায়তলৈ পঠোৱা হ'ল কিন্তু যাৱতীয় ফৰম পঠোৱা নহ'ল। তাৰ পাছত ফলত গাঁৱৰ দুখীয়া লোক সকলে ভোটাৰ List ত নাম নথকাৰ বাবে আকৌ ৩০।৩৫ মাইল দূৰ আহি ভোটাৰ List ত নাম ভৰ্ত্তি কৰিবলৈ অফিছলৈকে আহিব লগা হ'ল। তথাপিও তেওঁলোকৰ নাম ভৰ্ত্তি নকৰি পুনৰ তেওঁলোকৰ ওচৰত থকা মানুহ লৈ যাবলৈ কলে। এইদৰে বাবে বাবে অহা যোৱা কৰিব লগা হোৱাত দৰিদ্ৰ লোকসকলৰ অৱস্থা শোচনীয় হৈছে। আমাৰ নগাঁও জিলাত Sub-division নাই সেইকাৰণে তাত যি এজন নিবন্ধন বিষয়া আছে তেখেতে সকলো কাম সুকলমে কৰিব নোৱাৰে। গতিকে নগাঁওত আৰু এজন নিবন্ধন বিষয়া দি ভোটাৰ লিষ্টৰ কাম সুকলমে কৰোৱাব লাগে। অন্যান্য জিলাৰ কথা মই অৱশ্যে নাজানো। নগাঁও জিলাত ভোটাৰ List তৈয়াৰ কৰোঁতে যথেষ্ট খেলি মেলিব সৃষ্টি হৈছে। আনহাতে ভোটাৰ লিষ্টত

নাম ভৰ্ত্তি কৰোৱাৰ শেষ তাৰিখ আছিল অক্টোবৰ ১৫ তাৰিখ। গতিকে যিসকলৰ নাম ভৰ্ত্তি কৰা হোৱা নাই, সেইসকলৰ নাম ভৰ্ত্তি কৰোৱাৰ বাবে দিন বঢ়াই দিব লাগে। কিছুমান ক্ষেত্ৰত আমাৰ নগাওঁ জিলাতে দেখা গৈছে যে এটা পৰিয়ালৰ ৬ বা ৭ জন মানুহৰ নাম একোখন কাগজতে লিখি দিয়ে আৰু পাছত দেখা যায় তাত মাত্ৰ মুৰব্বী জনৰহে নাম থাকে। এইদৰে এই লোকসকলক গণতান্ত্ৰিক অধিকাৰৰ পৰা খব কৰা হৈছে।

উপাধ্যক্ষ মহোদয়, আমি যিটো খবৰ পাইছো আমাৰ ইয়ালৈ অহা বাংলা দেশৰ লোকসকলৰ নামো ভোটাৰ List ত উঠি গল। তেওঁলোক Camp ত থকা নাই গাঁৱে গাঁৱে ভোটাৰ ঘৰতে আছে। তেনে মানুহকো ভোটাৰ List ত অন্তৰ্ভুক্ত কৰা হৈছে। নগাওঁত অন্ততঃ চেষ্টা কৰিলে তেনেকুৱা মানুহ বহুতো ওলাই পৰিব। এইটোৱে যদি হৈ থাকে তেনেহলে বৰ পৰিতাপৰ কথা হ'ব। কাৰণ ভাৰত চৰকাৰ আৰু অসম চৰকাৰে কৈছে যে, বাংলাদেশৰ মানুহ পুনৰ বাংলা দেশলৈ উভতি যাব লাগিব। যদি তেওঁলোকক ভোটাৰ List ত সন্মোৱা হয় তেনেহলে তেওঁলোকক পঠাব পৰা নহ'ব। আৰু ইয়াৰ ফলত আমাৰ দেশত যথেষ্ট অসুবিধাৰ সৃষ্টি হ'ব। গতিকে মই কত্ৰন প্ৰস্তাৱটো উত্থাপন কৰি অনুৰোধ কৰিছো যে, যিসকল লোকৰ নাম ভোটাৰ List ত সন্মোৱা নাই সেইসকলৰ নাম ভৰ্ত্তি কৰি যাতে ভোটাৰ হ'ব পাৰে তাৰবাবে সুবিধা দিব লাগে। প্ৰকৃত ভোটাৰ সকলে যাতে ভোট দিয়াৰ সুবিধাৰ পৰা বঞ্চিত নহয় তাৰবাবে অনুৰোধ জনাই মই এই কত্ৰন প্ৰস্তাৱটো উত্থাপন কৰিলো।

* Shri Kamini Mohan Sarma—মাননীয় উপাধ্যক্ষ মহোদয়, মই এই কত্ৰন প্ৰস্তাৱটো সমৰ্থন কৰি কব খুজিছো যে, আমাৰ এই নিৰ্বাচনৰ বিষয়াসকলে যেনে ধৰণে কাম কৰিব লাগিছিল, তেনেভাৱে কাম কৰা দেখা নাই। আমাৰ ভোটাৰ List খন যেতিয়া সংশোধন কৰিছিল তেতিয়া অফিচাৰ পঠিয়াই সেইখন ভালভাৱে কৰোৱাব লাগিছিল। যোৱা ১৯৬৭ চনৰ

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নিৰ্বাচনত দেখিছো যে, যিসকল লোকে ভোট দিছিল সেইসকলে মধ্যকালীন নিৰ্বাচনত ভোট দিয়াৰ পৰা বঞ্চিত হৈছে। মোৰ বঙিয়া সমষ্টিতে এনে পৰিয়ালো আছে যে, ভোটাৰ List ত গিৰিয়েকৰ নাম আছে, কিন্তু ঘৈণীয়েকৰ নাম নাই। অথচ এই পৰিয়ালৰ মানুহে ১৯৬৭ চনত ভোট দিয়াৰ অধিকাৰ পাইছিল। আমাৰ কাউন্সিলাৰ মৌজাৰ লাহাপাল চেনিমাৰা গাঁৱত বহুতো পৰিয়ালেই ভোট দিয়াৰ অধিকাৰৰ পৰা বঞ্চিত হৈছে। পাটিডৰা মৌজাৰ বৰডাঙৰকুচি সূতাৰগাওঁতে তেনে অৱস্থাৰ সৃষ্টি হৈছে।

আগতে পূৰ্ববঙ্গৰ পৰা যিসকল হিন্দু পৰিয়াল আহি ইয়াত বসবাস কৰি আছে, সেইসকলে আবেদন কৰা স্বত্বেও ভোটাধিকাৰৰ পৰা বঞ্চিত হৈছে। B. D. O. ই Recommend কৰি দিয়া স্বত্বেও সেই List নাকচ কৰিছে। ইয়াবোপৰি গুৱাহাটীৰ P.T.I. Office ৰ মানিক চক্ৰৱৰ্তী নিজৰ ভোট দিব পৰা নাই। যদি এইদৰে আমাৰ লোকসকল ভোটাধিকাৰৰ পৰা বঞ্চিত হয় তেনেহলে এইটো বৰ পৰিতাপৰ কথা হ'ব। গতিকে উপাধ্যক্ষ মহোদয়, আমাৰ দেশৰ যিসকল প্ৰকৃত নাগৰিক, যিসকলে বসবাস কৰি আছে সেই সকল লোকে যাতে ভোটাধিকাৰ পাব পাৰে তাৰ বাবে অনুৰোধ জনালো।

মাননীয় উপাধ্যক্ষ মহোদয়, যদি ভোটাৰে অধিকাৰ নাপায় তেতিয়াহলে গণতান্ত্ৰিক পদ্ধতিত গণতন্ত্ৰৰ ওপৰত কুঠাৰাঘাত কৰা হ'ব। ভোটাৰৰ সংখ্যাৰ ওপৰত নিৰ্ভৰ কৰি আমাৰ সমষ্টি বিলাক পুনৰ গঠন কৰা হয়। এই সমষ্টিবোৰ গঠন কৰিবলৈ যাওঁতে যথা-যথভাৱে ভোটাৰৰ সংখ্যা তালিকাভুক্ত নহয় তেনেহলে ৰাজ্যখনত যিমান সমষ্টি হ'ব লাগে যিমান সংখ্যক প্ৰতিনিধি হ'ব লাগে তাৰপৰা বঞ্চিত হ'ব লাগে। এইটো এটা সমষ্টিৰ কথা নহয়—সমগ্ৰ ৰাজ্যখনৰ স্বার্থ নিহিত আছে গতিকে মই আপোনাৰ জৰিয়তে দৃষ্টি আকৰ্ষণ কৰিব বিচাৰিছো যাতে এই voter list বিলাক পুনৰ সংশোধন হয়।

**Shri Phani Bora – Mr. Deputy Speaker, Sir, with regard to enrolment of voters, the Hon'ble members have raised*

** Speech not corrected*

certain points that there were certain anomalies. At the time of enrolling voters, the enumerators actually do not visit every house as it is claimed. They used to visit one place and with the help of headman or a man of a particular family, they used to get the names of every body of the village. Even in town, I have found that they will go to one particular place and they try to get all the names from one person. But in certain cases, some youngmen take the initiative to help the enumerators and then they go to every house, and probably in these places, works are better. And in certain cases, reports are there that even 12 year boy or girl is enlisted by some interested persons whereas in some other places, people who are adult have not been included in the voters' list, they were not included because that particular man of that village did not like that to be included in the voters' list. These types of things have taken place. So, time should be given for correction and claims and false entries should be rectified. So time should be rectified. So time should be given within which time people should be allowed to correct their names and include them in the voters' list along with other voters, and also that those left out people can come and complain against enrolment of false voters and false voters are eliminated. Although many Hon'ble members insisted that every body should be included, I am afraid, at the present moment, if that is done, there may be some sort of chaos. we know that some lakhs of evacuees

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are there in some places besides those in the camps and naturally precaution should be taken so that they are not enrolled. In the name of excluding non-citizens, one should not discriminate against any community or any individual. That also has got to be guarded. In the Explanatory Note with regard election to Lok Sabha, this expenditure was incurred and this has to be regularised and it was taken from the Contingency Fund. Of course, 1971 mid-term Lok Sabha election suddenly came and the expenditure had to be incurred from the Contingency Fund and the government has come out with certain Supplementary Demand to regularise the expenditure. In this connection, I would say one thing. Why this huge expenditure is to be incurred ; most of these expenditure can be curtailed and minimised provided the polling centres are properly organised and also if the polling officers and presiding officers are properly selected. For example, if persons from Shillong are to go to Dibrugarh or Tinsukia polling centres, naturally, the travelling expenses will be paid very heavily. If the officers, teachers and the like of a particular locality are posted in their own locality for the purpose, then the question of paying so much travelling allowances would not be there and the expenditure could be curtailed. The selection of sites for polling centres, I am told, is already over. Now one may not know whether that particular polling centre is correct or not and the voters may find it difficult to know the location of the polling centre and the voters will find

it difficult as to where to go and cast their votes. This difficulty will be faced by all the voters irrespective of parties. This was a great mistake but the mistake is already done. There may be polling centres about 3 miles away and the end of 3 miles, there may be voters and in and around that 3 miles there may be few voters. So, this must be corrected. Some interested persons are there, particularly in the Ruling party; naturally other people do not know this even as to how organise the polling centres. The people the Ruling party are accustomed to do this kind of things; they are very keen about election, organisation and electionery machinery and election propaganda, The other parties are more interested in agitation etc. The Ruling party always does this kind of mischief. That is my experience. I hope that this experience of mine will not be repeated. These kinds of mischief are done by certain gentlemen like volunteers of the Ruling party. This, apart from putting the opposite parties into difficulty, actual voters are also put to this difficulty. That is my concern. These are the points which should be looked into. Of course, the Chief Minister will come and say that all the MLAs were informed and they should have come and point out these things. I am not saying that there was no opportunity to rectify this kind of mistake. Even within that time rectification is not possible. There should be opportunity for rectification of these mistakes. As I said at the very beginning, everybody does not know every village and therefore

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if some place is selected it should be made known to the people it will curtail the expenditure but will also help the voters to participate in largest numbers for the functioning of democracy.

Shri A. N. M. Akram Husain - মাননীয় উপাধ্যক্ষ মহোদয়, এই কৰ্ত্তন প্ৰস্তাৱটো সমৰ্থন কৰি মই কব খোজো যে ১৯৭১ চনৰ বাবে যি খন ভোটাৰৰ তালিকা প্ৰস্তুত কৰিছে তাত বহুতৰ নাম বাদ পৰি গৈছে। মোৰ ছয়গাওঁ সমষ্টিৰ পূৰ চমৰীয়া মৌজাৰ বহুত মানুহৰ নাম ভোটাৰৰ তালিকাৰ পৰা বাদ পৰি গৈছে। যি বিলাক Enumerators দিছে সেই বিলাকে ভেটি খাই ভোটাৰৰ তালিকা প্ৰস্তুত কৰে। এই সম্পৰ্কে মাননীয় মুখ্য মন্ত্ৰী মহোদয়ৰ লগত আলোচনাও কৰিছো আৰু তেখেতে লোৱা ব্যৱস্থা ভাল হৈছে বুলি শলাগ লৈছো কিন্তু সেই অৱস্থা এতিয়াও দূৰ হোৱা নাই। D. C. আৰু Election অফিচাৰক নিৰ্দেশ দিয়া স্বত্বেও এতিয়ালৈকে সেই কাম সম্পূৰ্ণভাবে হোৱা নাই। Enumerator ৰ Attested চিঠিৰ copy ও মোৰ হাতত আছে, তাত লিখা আছে তিনি টকা দিলে ভোটাৰ নিশ্চিত নাম সোমোৱাৰ কথা। গতিকে তেনে Enumerator বদলি কৰি অন্য Enumerator মিয়োগ কৰিব লাগে। আৰু জড়িত থকা দুৰ্নীতি পৰায়ণ লোকক বিহিত শাস্তি দিব লাগে। কালাগিৰী আৰু দুদচিদলী আদি গাঁৱৰ মানুহৰ নাম ভোটাৰৰ তালিকাত উঠা নাই।

উপাধ্যক্ষ মহোদয়, তাৰ B. D. O. জনে নিজে গাঁৱলৈ নগৈ Block অফিচলৈ মানুহ মাতি আনি ভোটাৰৰ তালিকা প্ৰস্তুত কৰাটো ফেনে কথা। তেখেতে অকলে যাব নোৱাৰে অথচ শ শ বাইজক অফিচলৈ মাতি কষ্ট দিয়ে। যিবিলাক মানুহ অফিচলৈ আহিব পৰা নাই, তেওঁলোকক Reject কৰিছে, ভোটাৰৰ তালিকাত নাম পঞ্জীভুক্ত কৰা নাই। এই বিলাকত কোনো স্বার্থ জড়িত মহলৰ হস্তক্ষেপ কৰা বুলি ভাবো। গতিকে অতি সোনকালে ইয়াৰ ব্যৱস্থা কৰি দোষীক শাস্তি দিয়াৰ ব্যৱস্থা কৰিব লাগে।

উপাধ্যক্ষ মহোদয়, আমাৰ নাগৰিকক প্ৰকৃত নাগৰিক স্বত্ব দিয়াৰ উপযুক্ত ব্যৱস্থা এই চৰকাৰেই কৰিব লাগিব। ছয়গাওঁ সমষ্টিৰ ধূপধৰা আদি মৌজাৰ নোক সকলৰ নাম ভোটাৰৰ তালিকাত সোমাবলৈ বুলি যথোচিত ব্যৱস্থা হাতত লবলৈ দাবী জনাই মোৰ বক্তব্যৰ সামৰণি মাৰিলো।

*Shri Dulal Chandra Barua—Mr. Deputy Speaker, Sir, while moving our cut motion under this particular head I want to make a few observations. Our esteemed friend Shri Bora has pointed out the way in which the enumerator are enumerating and including the names of persons in the list from the eligible voters. The system which has been followed by the Government is defective. Some temporary hands are taken for this purpose. There is no Supervisor to supervise the work and the duty and responsibility entrusted to these persons are not discharged. More particularly, at the time of correction of electoral rolls the system is defective. Previously we were and the Anchalik Panchayats were given notice. But I must submit that some special machinery should be established for this purpose, so as to propage among the people by proper publicity in order that the people in every nook and corner come to know how to enrole their vote. Therefore, my first and foremost submission is that some special arrangement for publicity concerning the election and enumeration should be made not for 1972 elections, but some permanent enumerators should be appointed so that they work will sincerity. There

* Speech not corrected

should be some supervisor, say for about half a dozen of enumerators there should be one Supervisor. Now there is no supervisor, every electoral roll is defective. You will find many names are off from the list. These things should be rectified and the system of enrolment of the names of voters should be changed.

Hon'ble Member Shri Bora has rightly pointed out that this time we must be very careful about the enrolment of the voters. In many areas with the help of the relatives many of the Bangladesh evacuees taking the care and address of the local people, say Shri Dulal Chandra Barua, M. L. A., Tarajan. Jorhat, are trying to get their names enrolled as voters. Government must be very vigilant on this issue otherwise serious situation will arise. The next point is that some bundles of papers of Census were missing from Jorhat Office. Some papers were found in the Brahmaputra river and some were found in the market which is said to have been sold by some body. But it is not so. I would like draw the attention of the Chief Minister to this matter and want from him a detailed account. There is a conspiracy going to harm the interest of the local people. So far as information goes something is going on to damage the record of the Census. The major portion of the Census report has been missing. A great conspiracy is there to harm the future of the state in respect of population and other things.

Another important point I have been told is that the polling booths has been re-organised. But our difficulty is that at the time of discussion everything appears to be all right. But it appears that when the people are to caste their vote they have to walk 3 or 4 miles to reach their polling booths. This is a great injustice and should be removed. The polling booths are to be organised in such a way that the voters are not put to any difficulty.

Now I want to draw the attention of the Chief Minister to another important matter and we want a categorical reply from him. We may not be taken by surprise as has been done during the last mid-term elections. Now the situation of this area, as we know is very tense. We want to know the definite date of the next General Elections ahead of time so that there can be proper arrangement for propaganda etc. This thing may be known to the Government and the party in power may know it well in advance. But we will not have that opportunity unless this is made known to us. Therefore, the definite should be announced so that we can make our preparation. Apart from this, as I suggested last time, I would suggest that we should make a code of conduct for all. Now this Assembly may be having its last session, we should make a code of conduct for a free and fare election. We have suggested this earlier and the Chief Minister assured that some sort of arrange-

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ment would be made. But this has not been done. Therefore, again I request the Chief Minister something has to be done in this respect. My friend Shri Bora has rightly said that because we are in the opposition we are getting the blame that we do this and that. To be frank, I would request the Chief Minister that forgetting his party affiliation he may come up with the proposal as to how such corruption can be eliminated. I hope, he will agree that during the last midterm election corruption was indulged in by the party in power, particularly in tea garden and tribal areas. There should be free and fare election and for this we need a code of conduct for all so that at the time election no intimidation and other things are not indulged in by anybody and no Government machinery is used for the election by the party in power. I hope, the hon'ble Chief Minister will convene a meeting, during the current session of the Assembly so that we can all discuss the matter threadbare and find out proper solution.

With these words, I cogmend my motion.

Shri Mahendra Mohan Choudhury (Chief Minister)—
Mr. Deputy Speaker, Sir, generally the Election is conducted and managed under the instruction of the Chief Election Commission of India. And the Chief Election Commission in consultation with the Chief Electoral Officer of the State draws up a draw up a time table

in matter of preparation for the election. And in pursuance of that direction from the Chief Election Commission the Chief Electoral Officer prepares a table for the revision of the electoral rolls. Sir, generally our Electoral rolls are revised every year but during the last midterm poll there was a hue and cry that many eligible persons were left out from the electoral rolls by some arbitration of the officers incharge of the election. In our Assembly also there was a hot discussion on this point. As a result of discussion and criticism this year before the next general election the Chief Election Commission was requested that the voters rolls should be prepared new. The enumerators and supervisors should be appointed and they should go from house to house and see that not a single adult man or woman is excluded from the voters roll. And in pursuance of that our Chief Electoral Officer in consultation with the District Officers, who had an organisation to prepare the voters rolls, instruction was given to see that no adult is excluded from the voters list. But unfortunately, allegations have been made by the hon. members in course of the discussion and things were pouring into my ears in this light also from sometime back. Recently I visited my constituency, the people complained to me that several villages have been totally excluded from voters list. After coming from there, I requested the Chief Election Officer to see whether, for the revision of the electoral rolls, time can be extended. Not being satisfied

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with that I sent a note to Election Commission to extend the date till 15th of December. But untill now, I have not been favoured with a reply. Most probably the date of revision will be extended. I would, therefore, request the hon. members that instead of having a discussion at a late stage on these matters, these matters should be taken up timely. Because a time schedule is given for such works which should be strictly followed. Unless this is followed it is very difficult to go ahead. If some timely information are given then we can act accordingly. I have received complaints from several members. Such one came from Shri Akram Hussain and on that I took action. Now again he has complained that right of taking option of members were not justified. I shall see to it.

Sir, one suggestion has been made by Shri Goswami regarding appointment of an additional election officer for Nowgong District. The circumstances he had stated for an additional election officer for Nowgong is justified. Nowgong has a population of 21 lakhs of people. One election officer cannot manage the district. The appointment of another election officer to assist and help the Election Officer is particularly necessary in the event of the revision of the electoral rolls. I hope we shall be able to appoint one. Then Shri Borah, has suggested one thing. It is a very pertinent thing. He had suggested that local officers should be put incharge of the Presiding and Polling officers in the Polling Booth in time

of the Election. If that would have been done that would be ideal. But there is dearth of local officers to conduct and perform the duties of Presiding and Polling officers. Our intention is to conduct the election in a single day throughout the State and therefore it is difficult to transfer the officers from one place to another during election. But in our mind we had the idea to conduct the election with our officers. It is a good advice and I shall see that local elements are appointed which will also minimise the expenditure on election.

Regarding the Polling Centres, generally the Polling Centres are fixed by the election officers in consultation with the sitting members of the Legislative Assembly, Presidents of Anchalik Panchyats. The practice followed is to take a map of a constituency and by taking the map they fix up the polling centres. They do not take into consideration the line of communication. If they would have taken into consideration the communication facilities then lot of anomalies which Mr. Borah has discussed would not have been there. But this time we have been very particular about it I also made a reference to the Chief Election Commission about it. Whether more polling centres can be had is being examined. If we had more Polling Centres then some of these difficulties could have been solved.

You must bring every voter to the Polling Centre. Every adult must be brought to the Polling Centre,

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and if you want to bring the adults to the Polling Centre, then all facilities so that they can come and cast their vote should be given to them. If we put the Polling Centre at a distance of say 3 miles, and if he becomes a non-party man or a disinterested man, then he may simply decide that there is no necessity for him to go to cast his vote, and therefore, he abstains from voting. It is not the spirit of our democracy. This time, therefore, we have instructed the officers to increase the number of Polling Centres, if there be necessity, and that they should take into consideration communication facilities etc. and they must see that every voter can come easily to the Polling Centre on the day of polling.

While fixing the Polling Centre, as I have already said, the opinion of the sitting M. L. As, and the Political parties representatives and also the Anchalik Panchayat Presidents' opinion are taken. (Voices) I think the opinion of the M. Ps are not taken as most of the time they live away. They are not available when these things are decided here. Therefore on this score, whatever criticism had been in the past, I hope, will not be there this year. If there is any difficulty, if there is any scope also for revision in case of any Polling Centres may be revised timely.

Then one allegation has been put forward by Shri Bora regarding mischief created by the party in power.

I flatly deny this charge. Our Congress Party is always keen to have larger number of voters. The Congress Party feels that they are in safer position if the number of voters are larger. Therefore, from the side of Congress Party there is no attempt to exclude somebody from the Electoral Roll.

Shri Promode Chandra Gogoi—From experience, it is seen that Polling Stations are transferred by telegram.

Shri Mahendra Mohan Choudhury—Therefore, Sir, from the side of Congress Party we are always keen to have larger number voters. Instead of excluding voters, we want to include more voters.

One very pertinent question has been raised by Shri Baruah and others also. That is regarding inclusion of Bangla Desh evacuees in the Electoral Roll. This report I have also received and we have taken steps. Some Indian citizens introduced some evacuees as Indian citizens and as members of their families and tried to get them enrolled—that is the difficulty. Obviously, to remove that difficulty, we must work unitedly. We must look to the interest of the State. It will be seen from the Explanatory Note that some districts have been excluded in the matter of revision of Electoral Rolls. In these districts, revision of the Electoral Roll has been taken up summarily. It is because, in those districts meant

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the influx of refugees are in greater number and the step was taken to ensure that no evacuee can get himself enrolled in the Electoral Roll.

Sir, Shri Barua has also suggested that there should be some code of conduct prescribed or voluntarily adopted by all the political parties together. That is a very good idea. We see that lot of bickerings on personal level are created in the course of election propaganda. Those criticisms which are not very congenial for democracy can be avoided provided we ourselves prescribe for us some code of conduct. The suggestion which Shri Barua has given will surely be taken up and if possible, we shall have a conference and discuss this matter threadbare.

Regarding the date of election, we are not also very much clear. We got a letter from the Prime Minister for suggestion of a date for the next General Election and from our side we suggested 19th January as the date of election and wrote to the Prime Minister accordingly; and the reply came to us that she would discuss it with other Chief Ministers and take their consensus and fix the date accordingly. As far as I can gather from Delhi, the General Election will not be delayed after 15th of February. That is what I can say at the moment. It is true that the election dates should be known to everybody earlier.

Shri Promode Chandra Gogoi—It should be held in one day like Punjab.

Shri Mahendra Mohan Choudhury—We had a mind to have the elections in one day, but the difficulty is to have the election in one day, there is dearth of officers—when I say dearth of officers I mean Police force. If we hold the elections on the same day, there will be short of Poling force to guard the Polling booths.

Shri Phoni Bora—There is no necessity of guarding the polling booths.

Shri Mahendra Mohan Choudhury—It is necessary. We must be prepared for any eventuality. That is why we decided to have the election in two days. If the election is held for two days, there will be no difficulty at all. In some districts we will have the election in one day and in some districts in two days. When the election is finished in one place we can move the officials and police force to other place. That allowance should be given.

Shri Atul Chandra Goswami—It should be one district one day.

Shri Mahendra Mohan Choudhury—We shall try to do it. We take one Constituency in one day. We take one or two districts in one day because of the distribution of

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officers. In one district there may be difficulty in distribution of officers and so there may be difficulty in holding the election in one day. But our anxiety is to have the elections, if possible, in one day. If not, in two days and the interval should not be much. With these words I hope the hon. Members will be kind enough to withdraw their cut motions.

Shri Promode Chandra Gogoi—উপাধ্যক্ষ মহোদয়, মোৰ এটা Point of Clarification আছে। এই যে voter সকলে ১০ পইছা দি claim form কিনি পূৰ্ণ কৰি Election অফিছত জমা দিব আৰু Election অফিছে বান্ধি দিয়া এটা নিৰ্দিষ্ট দিনত গৈ হাজিৰ হ'ব—মই কওঁ যে এনেকুৱা কিছুমান voter আছে যি ৯ মাইল নগাওঁৰ ক্ষেত্ৰত ৩০ মাইল আঁতৰৰ পৰা আহিব লাগে তেওঁলোকৰ পক্ষে এইখিনি কৰা সম্ভৱপৰ নহয়। সেই কাৰণে মই পৰামৰ্শ দিব খুজিছো—এই Procedure টো বদলি কৰিব লাগে। তাৰ সলনি Election অফিছৰ পৰা এটা locality fixed কৰি তেওঁলোকে নিজে গৈ কৰিব লাগে অন্যথা সম্ভৱপৰ নহ'ব।

Shri Mahendra Mohan Choudhury—I shall take note of it.

Shri Dulal Chandra Barua—উপাধ্যক্ষ মহোদয়, মোৰ বোধেৰে এই কথাটো বহুতেই গম নাপাব। (voice : party য়ে জনাব) Party বিলাকে জনোৱাত Reaction হ'ব পাৰে। গতিকে এই নীতিটো সলনি কৰি চৰকাৰৰ পক্ষৰ পৰা নিজে field লৈ নামি যাব লাগে।

Shri Promode Chandra Gogoi—আগতে Agricultural Bill খন ডিচেম্বৰলৈ পাচ কৰিলে। Select Committee ৰ Bill খন November ত শেষ কৰক।

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Mr Deputy Speaker—Has the hon. Member got the approval of the House to withdraw the cut motion ?

(Voices : Yes, yes)

The cut motions are withdrawn with the leave of the House. I put the main demand. The question is that an additional amount of Rs. 22,51,179 be granted to the Minister-in-Charge to defray certain charges which will come in the course of payment during the year ending the 31st March, 1972 for the administration of the Head ‘18-Parliament and State/Union Territory Legislatures – G-Elections’.

(The motion was adopted)

CALLING ATTENTION TO A MATTER OF
URGENT PUBLIC IMPORTANCE—PUNITIVE
ACTION AGAINST TWO CACHAR VILLAGES

Now, item No. 4—Shri Govinda Kalita.

Shri Govinda Kalita—Sir, I beg to call the attention of the Chief Minister under Rule 54 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly to a news item published in the “Assam Tribune” dated 21st October, 1971 under the caption “Punitive action against two Cachar villages.” I read the news item. “The Government of Assam has directed the Deputy Commi-

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Cachar Villages

ssioner of Cachar to realise collective fine of Rs. 10,000 from the villagers of Lamajuar and Sheralipur in the Karimganj Subdivision as a punitive measure under the Assam Maintenance of Public Order Act, 1947.

It is recalled here that two acts of sabotages, one on August 13 and the other on October 17 took place on the railway line near Bhanga railway station under Badarpur Police Station near these villages. In both the cases of sabotages railway bogies were blown up and in the first one, one person lost his life and several others injured.”

Shri Mahendra Mohan Choudhury – Sir, I have already informed the Hon'ble House in course of my statement made on the 25th October, 1971 about the sabotage activities being engineered by Pak agencies in our border areas since about the middle of August, 1971.

The first such incident in the district of Cachar took place on the night of 13/14 th August, 1971 in between Bhanga and Chargola railway stations in Karimganj-Dharmanagar of the N. F. Railway when a goods train was derailed due to an explosion on a railway bridge. A Railway ambulance van was also hit by a mine on a P. W. D. road in the same area during the early hours of 14th August, 1971. The place of occurrence of these two incidents is in the immediate vicinity of Lamajuar village

on Indo-Pak border near about Badarpur. These incidents were followed by a series of incidents like blowing up of railway track, rail/road bridges, planting of mines and explosives at various places in the district by Pak saboteurs.

The two villages of Lamajuar and Sheralipur are situated close to the Indo-Pak border on the bank of Kushiara river in Badarpur area. Reports indicated that a large number of villagers particularly youngmen from these two villages were crossing and re-crossing the border for the alleged purpose of either obtaining training in sabotage activities or for operating as Pak agents. Two such persons were caught with plastic explosive on 27th August, 1971 in Lamajuar village. It was also detected that 141 villagers of Lamajuar and 86 from Sheralipur were missing during raids conducted in these two villages. It may also be mentioned that some mines were discovered on the railway track within the immediate vicinity of Lamajuar village. It is very unfortunate that the villagers of these villages did not extend any co-operation to the administration in detection and prevention of such acts of anti-national elements for which the society in general has had to suffer considerably and national property had been damaged.

Further more, the information available with the Government indicates that the acts of sabotage near about these two villages and the moving of anti-national

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 Cachar villages

elements between India and Pakistan could not be accomplished without the connivance and assistance of villagers of these two villages.

In such a serious situation endangering national security, it was considered proper to take recourse to the provisions of Section 5 of the Assam Maintenance of Public Order Act, 1947 and accordingly the District Magistrate, Cachar was directed to impose a collective fine of Rs. 10,000 on the two villages of Lamajuar and Sheralipur of Cachar district. The actual apportionment of fine to be realised from each family will be worked out by the District Magistrate to be decided upon depending on direct involvement and financial status of the families. While imposing the fine the District Magistrate would also consider whether any class or section of inhabitants of these two villages can be exempted from this liability to pay the fine.

The District Magistrate has since published the notification on 26.10.71 as required under the law and have simultaneously served individual notices for payment of the fine. Ten days time has been given for such payment failing which the fines will be collected as arrears of land revenue. Services of notices are in progress and collection of fine is yet to be made.

The total population of Lamajuar village is 2250 (430 families) and that of Sheralipur is 930 (190 families).

1971 Motion for Extension of time for Submission 121
of the Report on the Select Committee on the Assam
Agricultural Produce Marketing Bill, 1970

(Shri A. N. Akram Hossain rose to speak)

Mr. Deputy Speaker—Order, order please. Now item
No. 5.

MOTION FOR EXTENSION OF TIME FOR SUB-
MISSION OF THE REPORT ON THE SELECT COM-
MITTEE ON THE ASSAM AGRICULTURAL PRO-
DUCE MARKETING BILL, 1970

Shri Ataur Rahman (Chairman)—Mr. Dy. Speaker,
Sir, I beg to move that this Assembly agrees to the
extension of time for submission of the report of the Select
Committee on the Assam Agricultural Produce Market
Bill, 1970, till 31st December, 1971.

Mr. Dy. Speaker—Motion moved.

Shri Sailen Medhi—Mr. Dy. Speaker, Sir, in this
connection, I would like to say that this is a non-finan-
cial bill. As you know honourable member Shri Govinda
Kalita tried to move this bill 2 or years ago. He could
not do it due to technical difficulties. This is only the
bill which he tried to be introduced in the House so
that it could be passed in the present session of the
House. Today is the date for submission of the bill so
that it can be discussed in the House. If it goes to

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ssion of the Report of the Select Committee on the
Seperation of Judicial & Executive Functions Bill, 1969

December, it may not be possible for the House to discuss it in the House and in that case, the purpose for which is brought will be frustrated.

Shri Ataur Rahman (Chairman) — Sir, I am afraid, the Select Committee will have no time to go through the bill and send the comprehensive recommendations before the House during this Session.

Shri Dulal Chandra Barua — Sir, when the matter was placed before the Select Committee, the Committee should see that the bill should be placed before the House with its recommendations, so that the House will get ample time to discuss it.

Shri Ataur Rahman (Chairman) — I am afraid, it is not possible to place the bill during this Session.

Mr. Deputy Speaker — Then with the approval of the House, the motion is granted.

MOTION FOR EXTENSION OF TIME FOR SUB-
MISSION OF THE REPORT OF THE SELECT COMMI-
TTEE ON THE SEPARATION OF JUDICIAL & EXE-
CUTIVE FUNCTIONS BILL, 1969.

Shri Jogen Saikia (Chairman) — Sir, I beg to move that this Assembly agrees to the extension of time for submission of the Report of the Select Committee of the Assam

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the Report of the Select Committee on the Separation
of Judicial & Executive Functions Bill, 1969

Separation of Judicial and Executive Functions, 1969 till
31st December, 1971.

Mr. Dy. Speaker—Motion moved.

Shri Debeswar Sarmah—Sir, I think it is a very important bill and if the Assembly dissolves on the 9th November, 1971, it will be lapsed. My humble submission is that necessary examinations have already done and there is not much to be done. It can be done within a day or two. So, the bill can be passed during this Session.

Shri Jogen Saikia (Chairman)—Sir, probably the House is aware that recently I have moved a resolution to reduce the number of the member of Committee to form the quorum, because for want of quorum, we could not proceed with the examination. Now, the Select Committee has passed a resolution authorising me to the extension of time for submission of the report till 31st December, 1971. After that also, we sat many days, but it was sufficient to finalise the bill. We have many important things to examine minutely.

Shri Debeswar Sarmah—Sir, as far as I understand, most of the clauses are accepted by the Committee, so, by sitting two or three days, I think, the Committee will be able to finalise the bill. There is not much to be done. After reduction of members to form the quorum.

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mission of the Report of the Select Committee on the
Seperation of Judicial & Executive Functions Bill, 1969

the Committee sat twice. I think the Committee had already advance further.

Shri Jogen Saikia (Chairman)— In our last two meetings of the Committee after getting the approval of the House to form the quorum with reduced members the Committee went through recommendations of the Law Department and much of it has been done and much has been left.

(Interruption)

Shri Debeswar Sarmah—It is a very important bill, if it is going to be lapsed, all the efforts of the Committee will go in vain.

Shri Jogen Saikia (Chairman)—I think the efforts of the Committee will not go in vain in consideration of the wisdom gathered by the Committee and the Government will also be benefitted form the wisdom gathered from the study of the bill so far made.

Shri Phani Bora — There is no guarantee of such wisdom.

Shri Dulal Chandra Barua — Sir, if the bill is going to be lapsed, it will be most unfortunate.

Shri Jogen Saikia — In this matter, I submit that Government of India is going to introduce the same

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the Report of the Select Committee on the Seperation
of Judicial & Executive Functions Bill, 1969

bill which will serve as a model to all States and most of the recommendations of the Select Committee of this House are accepted unanimously.

Shri Sailen Medhi—Sir, Government of India is not trying to amend the Assam Bill. It is, therefore, our duty to decide whether we can wait or we do not.

Shri Dulal Chandra Barua—Sir, we are not going to redraft the bill. There are only one or two clauses which require special consideration. Moreover, the L. R. is looking into it. Simply we are to say yes or no. So, the bill can be finalised during this session.

Shri Jogen Saikia (Chairman)—I am afraid, it is not so simple as suggested by the honourable member. The hon'ble member is also a member of the Committee. He knows well what we are to examine. We are to examine each section very minutely.

Shri Debeswar Sarmah—Sir, the question is if it is not passed during this Session, there will be serious complication. I am simply drawing your attention that by extending the time for submission of the report, the very purpose for which this bill is brought will not be served.

Mr. Dy. Speaker—I want to know whether it is the desire of the House to extend the time for submission

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mission of the Report of the Select Committee on the
Seperation of Judicial & Executive functions Bill, 1969

of the report ? May I take that the House has the approval ?

Shri Debeswar Sarmah—Sir, my voice of protest is to be recorded.

Shri Dulal Chandra Barua—May I request the Minister-in-charge of law through you, Sir, to convene a meeting and give their views to the House during this session.

Shri Jogen Saikia (Minister)—Sir, it will not be humably possible to bring it before the House in an amended form within such a short time.

Shri Phoni Bora—Sir, I think there is only one alternative. If the leader of the House says that this is last session then this controversy will continue. If it is assured that there will be a short session in November then there will be no difficulty. I know that there are other pending matters also.

Shri Mahendra Mohan Choudhury (Chief Minister)—I have made it clear already that we do not rule out the possibility of another short Session. The possibility is there. If that possibility comes at all we shall see to it. If this bill is kept pending then there might be some legal difficulty, in the matter of separation of Judiciary.

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the Report on the Gauhati Municipal Corporation
Bill, 1969

Shri Debeswar Sarmah—Then it can be put off till 30th Nov/71. Sir, it is said that it is not that simple. I do not see any complications.

Mr. Deputy Speaker—As has been requested by Shri Sarma, it may be conceded to complete the finalisation by 30th November, 1971.

Shri Jogen Saikia (Minister) —I shall see to it.

Mr. Deputy Speaker—The question is : That this Assembly do agree to the extension of time for the submission of the report by the Select Committee till 30th November, 1971.

(The Motion was carried)

MOTION FOR EXTENSION OF TIME FOR SUBMISSION OF THE REPORT ON THE GAUHATI MUNICIPAL CORPORATION BILL, 1969,

Shri Jogen Saikia—That this Assembly agrees to the extension of time for submission of the report of the Select Committee on the Gauhati Municipal Corporation Bill, 1969, till 4th November, 1971.

Mr. Deputy Speaker—Motion moved. Extension is granted. The House stands adjourned till 10 A. M. the 3rd November, 1971.

ADJOURNMENT

The Assembly then adjourned for lunch till 10 A. M.
on Wednesday, the 3rd November, 1971.

Shillong,

U. Tahbildar,

The 1st Nov. 1971

Secretary,

Legislative Assembly, Assam