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**Proceeding of the Tenth 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 Saturday the 5th December. 1970**

P R E S E N T

**Shri M. K. Das. M-A, B-L, Speaker in the Chair, 13 Ministers
6 Ministers of State, 2 Deputy Ministers and 35 Ministers.**

STARRED

QUESTIONS AND ANSWERS

(To which oral answers were given)

Re : Starred Question No. 50, re : Misappropriation of Public money

Shri Gaurisankar Bhattacharyya : Sir, yesterday question No. 50 was kept pending. To-day also Minister concerned, Shri Biswadev Sarma, is absent. So, let it be taken up afterwards,

Re : Enquiry against the D. P. I., Assam

শ্রীঅতুল চন্দ্র গোস্বামীয়ে সুধিছে :

*৫৫। মাননীয় শিক্ষা বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্রহ কৰি জনাব নে—

(ক) অসমৰ বৰ্তমান শিক্ষাধিকাৰৰ বিষয়ে “ভিজিলেঞ্চ কমিশনাৰে” এটি তদন্ত চলাই ৰিপোর্ট দাখিল কৰাটো সত্যনে ?

(খ) যদিহে সত্য, “ভিজিলেঞ্চ কমিশনাৰ”ৰ ৰিপোর্টৰ এটি নকল সদনৰ টেবুলত ৰখা হ'বনে ?

(গ) এই কথা সঁচা নে যে বৰ্তমান শিক্ষাধিকাৰজনৰ অৱহেলাৰ কাৰণে অসমৰ নাট্যকলাৰ উন্নতিৰ কাৰণে কেন্দ্ৰীয় চৰকাৰে আগবঢ়োৱা ৭৫ হেজাৰ টকাৰ অনুদান ঘূৰাই পঠাব লগা হ'ল ?

(ঘ) এই কথা সঁচা নে যে ১৯৬৮-৬৯ চনতে জখলাবন্ধা হাইস্কুলৰ গৃহ নিৰ্মাণৰ বাবে গোৱা ২ হেজাৰ টকা আজি পৰিমিত উক্ত শিক্ষাধিকাৰে পঠোৱা নাই ?

মুখ্যমন্ত্রী শ্রীমহেন্দ্ৰ মোহন চৌধুৰীয়ে উত্তৰ দিছে—

৫৬। (ক)—হয় সত্য।

(খ) “ভিজিলেঞ্চ কমিশনা”ৰৰ প্ৰতিবেদনবোৰ গোপনীয় তথ্য হিচাপে ধৰা হয়। ইয়াৰ নকল সদনৰ মেজত ৰাখিব নোৱাৰি।

(গ) সঁচা নহয়। জাতীয় ঐক্যতাৰ শিতানত যোৱা বছৰৰ ৰাজ্যিক বাজেটত ২’৪৫ লাখ টকাৰ ব্যৱস্থা আছিল। তাৰে কিছু টকা নাট্যকলা অনুষ্ঠান কেইখনমানক দিয়াৰ কথা উঠিছিল, কিন্তু চৰকাৰে সেই প্ৰস্তাৱ অনুমোদন নকৰিলে। পিছত দেখা গ’ল যে তেনে অনুদানৰ কাৰণে টকা আগবঢ়োৱা ব্যৱস্থা কেন্দ্ৰীয় চৰকাৰে বাতিল কৰিছে।

(ঘ) ১৯৬৮-৬৯ চনত জখলাবন্ধা হাইস্কুলক গৃহ নিৰ্মাণৰ বাবে দিয়া ২,০০০ হেজাৰ টকাৰ অনুদান স্থানীয় স্কুল-পৰিদৰ্শকে সময়মতে অনুমোদন-পত্ৰ নোপোৱাৰ কাৰণে উলিয়াব (draw) নোৱাৰিলে আৰু আৰ্থিক বছৰৰ লগে লগে সেই অনুমোদন নাকহ হ’ল। সেই কাৰণে পিছত সেই অনুমোদনৰ টকা দিয়াৰ প্ৰশ্ন উঠে। এই সন্দৰ্ভত বিধান সভাৰ আগৰ অধিবেশনৰ ৬(৬) নং প্ৰশ্নৰ উত্তৰৰ প্ৰতি দৃষ্টি আকৰ্ষণ কৰা হ’ল।

Shri Dulal Chandra Barua : মই মন্ত্ৰী মহোদয়ৰ পৰা জানিব বিচাৰিছো যে আমাৰ Anti Corruption Deptt. এ যি অভিযোগ আনিছে, সেই অভিযোগ মতে তেখেতক দোষী সাব্যস্ত কৰা হৈছে। এই কথা সঁচা নে মিছা ?

Shri Mahendra Mohan Choudhury : চাৰ, মই Anti Corruption বিভাগৰ Report ৰ কথা নাজানো। মই Vigilance Co-

mmittee ব কথাহে জানো। Committee য়ে যি Resolution পঠিয়াইছে সেইটো Vigilance Committee য়ে অনুমোদন জনাইছে - তাৰ পিচত সেই কাৰ্য্যপন্থা লোৱা হৈছে।

Shri Dulal Chandra Barua : মাননীয় মুখ্যমন্ত্ৰীৰ পৰা জানিব পাৰো নে যে Vigilance Commissionerএ তদন্ত কৰি দুটা Report দাখিল কৰিছিল। তাৰে প্ৰথম report ত তেখেতক দোষী সাব্যস্ত কৰা হৈছিল। কিন্তু কোনোবা interested corner এ report টো re-write কৰাৰ কথা চৰকাৰে জানে নে?

Shri Mahendra Mohan Choudhury : মই এইটো নাজানো।

Shri Dulal Chandra Barua : Vigilance Commissioner ৰ report ত তেখেতক দোষী সাব্যস্ত কৰিব লাগে বুলি যি report দিছিল সেই report ৰ ওপৰত ভিত্তি নকৰি Vigilance Commissioner ৰ report টো re-write কৰি অফিচাৰজনক বেহাই দিয়া কথাটো সঁচানে?

Shri Mahendra Mohan Choudhury : এই report টো বিষয়াজনৰ বিৰুদ্ধে আছে নে নাই মই নাজানো।

Shri Promode Chandra Gogoi : Anti Corruption Branch আৰু Vigilance Commissioner এ যি report দিছিল সেই report ৰ ওপৰত ভিত্তি কৰি D.P.I. হিচাবে মনোনয়ন কৰাটো সম্ভৱপৰ নোহোৱাৰ কাৰণে চৰকাৰে কেইজনমান বিষয়াৰে এটা কমিটি কৰি D.P.I. ক বচাবৰ কাৰণে চেষ্টা কৰা কথাটো সঁচানে?

Shri Mahendra Mohan Choudhury : Vigilance Committee এ Report দিছিল ৩১৮।৭০ তাৰিখে। তাৰ আগতেই তেখেতৰ

Promotion হৈছিল। এই report পোৱাৰ পিচত তাত যিবিলাক অভিযোগ আছিল তাক বিশেষভাবে চাবৰ কাৰণে এটা কমিটি নিয়োগ কৰা হয়। সেই কমিটিয়ে যিবিলাক পালে তাক আকৌ Vigilance Commissioner লৈ পঠাইছিল। Vigilance Commissioner এ সেইমতে যি অনুমোদন জনালে সেই অনুমোদনৰ ওপৰত ভিত্তি কৰি সংশ্লিষ্ট বিষয়া কেইজনৰ বিৰুদ্ধে কাৰ্য্যকৰী ব্যৱস্থা গ্ৰহণ কৰা হৈছে।

Shri Promode Chandra Gogoi : মুখ্যমন্ত্ৰীয়ে জনাবনে D.P.I. জনৰ ক্ষেত্ৰত Anti Corruption Branch ৰ অভিযোগ থকা স্বত্বেও তেওঁৰ নিয়োগৰ ক্ষেত্ৰত কমিটি গঠন কৰি দিয়া হয়। কিন্তু অন্যান্য বিলাক বিষয়াৰ বিৰুদ্ধে Anti Corruption ৰ অভিযোগ থাকিলেও সেই অফিচৰ বিলাকৰ নিয়োগৰ ক্ষেত্ৰত এনেকুৱা কমিটি গঠন কৰি দিয়া হয় নে?

Shri Mahendra Mohan Choudhury : এইটো খবৰ কৰিছে জনাব পাৰিম।

Shri Dulal Chandra Barua : কিছুমান বিষয়াৰ বিৰুদ্ধে বঙা চিয়াঁহীৰ দাগ থাকিলে প্ৰমোচনৰ ক্ষেত্ৰত দিগদাৰি হয়। কিন্তু এজন বিষয়াৰ বিৰুদ্ধে গুৰুতৰ অভিযোগ থকা স্বত্বেও চৰকাৰে কোন যুক্তিমতে এখন Special Committee পাতি দি A.P.S.C. লৈ refer নকৰাকৈ appointment ৰ ব্যৱস্থা কৰিলে?

Shri Mahendra Mohan Choudhury : Anti Corruption Branch ৰ report ত কি আছে নেজানো। তাত কি আছে খবৰ কৰাইছে জনাব পাৰিম। কোনোবা এজন অফিচাৰৰ বিৰুদ্ধে যদি anti-corruption ৰ কিবা report থাকে তেন্তে সেই অভিযোগ নিষ্পত্তি হৈ নোযোৱালৈকে Promotion নহয়।

Shri Dulal Chandra Barua : Q. (গ)ৰ প্ৰশ্নোত্তৰত কৈছে যে বৰ্তমান শিক্ষাধিকাৰজনৰ অৱহেলাৰ কাৰণেই কেন্দ্ৰীয় চৰকাৰে আগবঢ়োৱা এই ৭৫ হেজাৰ টকা ঘূৰাই পঠোৱা হৈছে—এই কথাটো সঁচানে? মুখ্যমন্ত্ৰীয়ে জনাবনে L. P. স্কুল বিলাকৰ সাহায্যৰ কাৰণে কেন্দ্ৰীয় চৰকাৰে যি অনুসন্ধান দিছিল তাত D.P.I. বা অন্য কোনো উপস্থিত নথকাত প্ৰাপ্য ধনখিনিৰ পৰাও বঞ্চিত হ'ব লগা হয়?

Shri Mahendra Mohan Choudhury : যি Central-team আহিছিল তাত শিক্ষা বিভাগৰ কোনো মূৰব্বী উপস্থিত নথকাটো সঁচা। সেইবুলি আমাৰ যিটো দাবী কেন্দ্ৰীয় চৰকাৰে পাব লাগে সেই দাবীত আমাৰ Finance Secretary আৰু Revenue Secretary এ উত্থাপন কৰিছিল। তাৰ ফলত আমাৰ L. P. School বিলাকৰ সম্পৰ্কত Grant দিবলৈ স্বীকাৰ কৰিছিল।

Shri Dulal Chandra Barua : কিমান টকা বিচাৰিছিল?

Shri Mahendra Mohan Choudhury : ৫০ লাখ বিচাৰিছিল।

Shri Dulal Chandra Barua : ৩৫ লাখেই হওক বা ৫০ লাখেই হওক আমাৰ প্ৰাপ্যটো পোৱাৰ কাৰণে শিক্ষা বিভাগৰ মানুহৰ পৰিবৰ্তে যদি অন্য বিভাগৰ মানুহ উপস্থিত থাকে তেন্তে এটা বিভাগৰ বিষয়ে অন্য এটা বিভাগে কেতিয়াও ক'ব নোৱাৰে। যদি সেই টকা পালেহেঁতেন তেনেহলে আমাৰ L.P. স্কুল বিলাকৰ অৱস্থা ভাল কৰিব পাৰিলেহেঁতেন। তেওঁলোকৰ অৱহেলাৰ কাৰণেই মাত্ৰ ৩ লাখে দিলে কথাটো সঁচানে? যদি হয় তেন্তে শিক্ষা বিভাগৰ যিসকল বিষয়াৰ অৱহেলাৰ কাৰণে এইটো হ'ল তেওঁলোকক শাস্তি দিবনে?

Shri Mahendra Mohan Choudhury : সেইটো ব্যৱস্থা হ'ব ॥

Re : Sihotia Steel Trunk and Bucket Factory

Shri Gaurisankar Bhattacharyya asked :

*56. Will the Minister-in-charge of Labour be pleased to state -

(a) Whether Government has taken any step or propose to take any step against 'Sihotia Steel Trunk and Bucket Factory', Government approved manufacturers of Steel Trunks for their unfair labour practice in so far as while they gave notice to their employees of lay-off under Section 25A of the Industrial Disputes Act, 1947, the at the same time by conspiratorial and deceitful means have retrenched all their employees ?

(b) Whether Government is aware that this concern has on the one hand used the entire Government allotment of G. P. sheets and B. P. steels in their Calcutta Factory "Sundaram Gaurisankar" at 161/I Mahatma Gandhi Road, Calcutta-7, they have in their notice issued to their employees under reference ST/27/103/170, dated 30th May 1970, alleged that the whole blame lies with the Government of Assam because this Government has not supplied allotment of the G. P. sheets and B. P. steels to them since 1970 ?

(c) Whether the Labour Officer, Gauhati has reported to the Government of Assam about the unfair Labour Practice of the said firm ?

Shri Kamakhya Prasad Tripathi (Minister, Labour) replied :

56. (a) & (b)—Sihotia Steel Trunk and Bucket Factory at Gauhati had laid off 9 workers with effect from 1st June 1970, for paucity of raw materials, accumulation of stocks and financial difficulties. The workers took up the cause with the management and entered into an amicable settlement by accepting monetary benefits in lieu of employment.

(c) No.

Shri Gaurisankar Bhattacharyya : Sir, whether the information which the hon. Minister has given has been supplied by the person against whom the allegation has been made, that is to say, the labour Officer there who instead of Protecting the interest of labour was really protecting the interest of the Management ?

Shri Kamakhya Prasad Tripathi : Sir, the report is that they have entered into an amicable settlement, i. e., bi-partite. If the hon. Member has any information about it, I can Collect the details.

Shri Gaurisankar Bhattacharyya : Some of the information contained in the questions themselves. If some of

more information is needed, I shall be glad to supply that in time. But the point is that in the question the allegation is not only against the management but also against the labour officer there who acted against the interest of labour. Taking advantage of the small number of workers, the management has retrenched them under cover of lay-off and ultimately they have been forced to accept the terms which have been imposed on them. So, it is not actually an amicable settlement but an imposition made by the management with the help of the labour officer there. I can of course, supply other informations, I think the Government may make further enquiries into the matter by another officer. Whether the Govt. is prepared to make further enquiry?

Shri Kamakhya Prasad Tripathi : If the labour officer has put Pressure on the labour then naturally I will make enquiry into it.

Shri Dulal Chandra Barua : After receipt of the question whether any enquiry was made from the side of the Government ?

Shri Kamakhya Prasad Tripathi : Yes.

Shri Dulal Chandra Barua : Whether on the basis of that enquiry the reply has been given or the reply has

been given on the basis of information supplied by the officer concerned ?

Shri Kamakhya Prasad Tripathi : Normally questions are replied on the basis of information supplied by the officers. But since the allegation is against the officer himself, the enquiry will be against that officer.

Re : Office of the Labour Inspector under Karimganj Subdivision

Shri Rothindra Nath Sen asked :

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

- (a) Whether it is a fact that for several years past the labour community in the subdivision of Karimganj has been frantically appealing to the Government for opening an office of a Labour Inspector anywhere in the subdivision of Karimganj to facilitate easy approaches and prompt inspections of the units ?
- (b) How many Labour Inspectors are there under the Silchar Labour Office ?
- (c) Whether Government is aware that there is a great need of one Inspector in Karimganj town

with a small office to look after the grievances of the labourers of that subdivision?

- (d) If so, Whether Government propose to open an Unit in Karimganj town within this year?

Shi Kamakha Prasad Tripathi (Minister, Labour) replied :

57. (a)—A few year ago certain representations were received with regard to the setting up of a Labour Office at Karimganj. The matter was examined and since Karimganj is easily accessible from Silchar it was not considered necessary to set-up a separate office at Karimganj.

(b) In the Silchar Labour Office we have three Labour Inspectors, besides one Assistant Labour Commissioner, one Labour Officer and one Junior Labour Officer.

(c) Since the Assistance Labour Commissioner, Labour Officer and the Inspectors regularly visit Karimganj, it is not felt necessary to set-up an office there.

(d) In view of the above, the question does not arise.

Shri Rathindra Nath Sen : Sir, it is very unfortunate that for years together we are getting the same type of reply from hon. Minister concerned. Cachar is not small district ; it has population of 17 lakhs and

there are more than 4 lakhs of labouring community belonging to tea gardens and other industries. Karimganj is a big sub-division and it forms the major part of the district. I do not understand why a labour officer cannot be permanently posted at Karimganj so that the labourers of Karimganj may not be required to run to Silchar for their business. Is this a too expensive job to open a small labour office at Karimganj? I want a categorical reply from the hon. Minister whether an office will be opened at Karimganj ere long?

Shri Kamakhya Prasad Tripathi : We have found from experience that offices of one officer are inefficient. If the officer is away from his office then in that case the man going to his office finds nobody there and he has to go again. But where there are series of officers then this difficulty is not there because if one officer goes out, another remains present in the office and he can attend to the job.

Shri Rathindra Nath S n : By that the Government is encouraging corruption by not decentralising the offices?

Shri Kamakhya Prasad Tripathi : The hon. Member has not followed my answer. I was saying that one officer's office is most inefficient. The labour officers

are always moving and therefore if the officer goes out then the man going to his office finds nobody there except the clerk who cannot attend to his job. Therefore we have been trying to put more than one officer in the same office so that there may not be any difficulty. It is from this point of view that an office is not being established at Karimganj.

Shri Rathindra Nath Sen : Why Government is so shy in establishing a small office there? I wish my powerful leader Mr. Bhattacharyya takes it up with the Government.

Shri Kamakhya Prasad Tripathi : The hon. member himself is very powerful with me.

Shri Dulal Chandra Barua : What is the difficulty on the part of Government to establish one office there in view of the large labour population?

Shri Kamakhya Prasad Tripathi : There are 3 inspectors and we can easily transfer one inspector; the only expenditure will be of 2 clerks. We can easily have one office there by renting a house and appointing one or two clerks. But the point is the workers will often find this man absent as he will be moving about and naturally they will go back disappointed. Unless there are more officers this difficulty will

remain; we have only one Labour Officer for the whole Cachar.

Shri Dulal Chandra Barua : Why not appoint another ?

Shri Kamakhya Prasad Tripathi : The workload is the determining factor. We cannot appoint more officers unless permitted by the Finance Department, which has to be convinced that the workload justifies more officers. As Labour Minister, Sometimes I send proposals which I myself turn down as Finance Minister. Any way, Sir, we will examine this point.

Shri Rathindra Nath Sen : For the last 9 years I have been shouting and crying hoarse in the House that our Government considers that Silchar and Hailakandi are the only parts of Cachar. Is Karimganj not taken into account because formerly it formed part of the District of Sylhet ? If that is in their mind, it is better that the Government let us know our fate and we shall make our contract elsewhere,

Shri Kamakhya Prasad Tripathi : You cross the bank of the river (laughter).

(St. Nos, 58 to 62 not put, the members being absent,)

Re : Survey on Employment

Shri Maneswar Boro asked :

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

- (a) Whether it is a fact that survey is being conducted by the Directorate of Economics and Statistics, Government of Assam on the employment of student leaving schools after reading to class VIII stage in recent years ?
- (b) If so, what are the findings of the survey ?
- (c) Whether the survey was conducted in schools of both urban and rural areas in all the districts of Assam ?
- (d) If so, what is the total number of schools and the total number of students who have left school from class VIII upwards during the years 1967, 1968 and 1969 in the State ?
- (e) The total number of field workers engaged for the above work ?
- (f) Who supervised the work of the field workers ?

Shri Kamakhya Prasad Tripathi (Minister, Planning and Development, etc,) replied :

58, (a)—Yes, for student dropping from schools from class VIII upwards,

- (b) The tabulation of data is in progress and the findings will be published in the consolidated report as soon as possible.
- (c) The survey was conducted in all the districts (except Mizo district) both in urban and rural areas. A 20 per cent systematic sample of schools at the district level were covered within the scope of this survey both in urban and rural areas.
- (d) The total number of schools except Mizo district is 1,255. The number of students who left schools from class VIII upwards during 1966, 1968 and 1969 will be available after completion of tabulation work.
- (e) The field work was carried out by 150 Sub-Inspectors of Statistics posted in the Development Blocks as also in the office of the Statistical Officers in the districts.
- (f) The field work was supervised by the Statistical Officers of the districts concerned. To a very limited extent officers from the Headquarters also exercised supervision.

M. Shamsul Huda : What was the object of the survey ?

Shri Kamakhya Prasad Tripathi : The object is to know the social phenomena.

M. Shamsul Huda : I think there must be certain object of knowing the social phenomena, I want to know whether the Government has any object of knowing this social phenomena ?

Shri Kamakhya Prasad Tripathi : How they are being absorbed ; whether they are remaining unemployed. This knowledge will ultimately help planning.

Shri Dulal Chandra Barua : Sir, we glad that the survey was conducted to find out how many unemployed educated youths are there. May I know whether Government has any definite scheme where in they propose to absorb the people—the educated labour force in different sphere of developmental works? If so, what are the schemes ?

Shri Kamakhya prasad Tripathi : The whole plan taken up by the Government is intended to create employment for the educated. This survey itself is to get knowledge and once the knowledge is there that will be utilised by the Planning Department for the purpose of drawing up of adequate scheme.

Shri Dulal Chandra Barua : Sir, whether these scheme are being taken up during the Fourth Plan period or it will be taken over to the next Plan period ?

Shri Kamakhya Prasad Tripathi : These schemes will naturally be taken during the Fifth Plan period, So far

as the Fourth plan is concerned it has already been finalised and expenditure is going on accordingly but on the basis of the new knowledge new plans will be drawn up and that will be in the Fifth Plan period.

Shri Dulal Chandra Barua : Sir, every now and then we have been telling that unless there are some such basis, there cannot be any correct planning. Planning cannot be correct always. Whatever it may be, is the Government make any surveys before making different schemes for the Fourth Plan? The unemployment problem is becoming acute say by say whether the Government has made such kind of survey before making the Fourth Plan schemes? If not, on what basis they have made plans in which they propose to solve unemployment problems?

Shri Kamakhya Prasad Tripathi : Sir, so far as the unemployment problem is concerned, it is getting gradually more acute and therefore, when a problem becomes acute it needs a solution. This problem of unemployed youths from class VIII upwards in the High Schools has been a standing problem and this problem was known. On this basis we are trying to draw up certain schemes. Take for instance, we want to find out how far the people who are Class VIII onwards are going in for the purpose of non-clerical jobs. If we know,

and the tendency we know, then we can project and on the basis of projection we can provide them in the rural sector or agricultural sector or other sectors for the pupose of development. So this new knowledge will assist us in forming the plan.

Re : Settlement of land under Chatial Mouza.

শ্রীঅতুল চন্দ্র গোস্বামীয়ে সুধিছে :

*৩৯। মাননীয় বাজহ বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্রহ কৰি জনাব নে ?

- (ক) চতিয়াল মৌজাৰ কেলিডন গাৱঁৰ (নগাওঁ) ১০৫ নং একচনা পট্টাৰ ৩৭২, ৩৭৩ দাগৰ সৰ্বমুঠ মাটি কিমান ও এই পট্টাৰ পট্টাদাৰ কোন আৰু তেওঁবিলাকৰ প্ৰত্যেকৰে নাম ও অংশৰ পৰিমাণ কিমান ?
- (খ) উল্লেখিত পট্টাৰ সমুদায় মাটি প্ৰতিৰক্ষা বিভাগে অধিগ্ৰহণ কৰি অলপতে এই মাটিৰ মূল্য দিয়া হৈছে নে আৰু যদি সঁচা তেনেহলে কাক কিমান বিঘা মাটিৰ মূল্য দিয়া হ'ল।
- (গ) নগাওঁ জিলাৰ ভূমি অধিগ্ৰহণ বিষয়াৰ আগত উক্ত পট্টাৰ এজন পট্টাদাৰ বৰুৱাৰ বিশ্বকৰ্মাই এজন শ্ৰীঈশ্বৰেশ্বৰ শৰ্মাক তেওঁৰ পৰা পাব লগা ধন দিবলৈ ইং ৬৫৭০ তাৰিখে এখন খত দিয়াটো সত্য নে ?
- (ঘ) নগাওঁ জিলাৰ ভূমি অধিগ্ৰহণ বিষয়াই বৰুৱাৰ বিশ্বকৰ্মাই পাবলগা টকা কাক দিলে জনাব নে ?

বাজহ মন্ত্ৰী শ্ৰীলক্ষ্মী প্ৰসাদ গোস্বামীয়ে উত্তৰ দিছে :

৫৯। (ক)—৩৭২ দাগৰ কালি ৮ বিঘা। ৩৭৩ দাগৰ কালি ৮ বিঘা। ৩৭২ দাগৰ মাটি নবীউল্লা আহমদৰ, ৩৭৩ দাগৰ মাটি বৰুৱাৰ সোণাৰীৰ নামত আছে।

(খ)—৩৭২ দাগৰ মাটিৰ বাবে আমমুক্তাবনামাৰ বলত সৌইদুল কালামৰ নামত আৰু ৩৭৩ দাগৰ মাটিৰ বাবে পট্টাদাৰে দিয়া লিখিত চিঠিৰ বলত আবুবক্কৰ মুন্সিৰ নামৰ এজনক প্ৰত্যেককে ৩,৭০৭ টকাকৈ ক্ষতিপূৰণ দিয়া হয়।

(গ)—বঙ্গবীৰ সোণাৰী জঁৱিত অৱস্থাত এই মাটিৰ বাবে ক্ষতিপূৰণৰ টকা ঈশ্বেশ্বৰ শৰ্মা নামৰ এজনক দিবলৈ লিখিত চিঠি দিয়ে। কিন্তু উক্ত বঙ্গবীৰৰ মৃত্যুৰ পিছত তেওঁৰ বিধৱা পত্নী আৰু পুত্ৰ টিকাবাম সোণাৰীয়ে আবুবক্কৰ মুন্সিক উক্ত ক্ষতিপূৰণৰ টকা লবৰ কাৰণে লিখিত অধিকাৰ দিয়ে। টিকাবাম সোণাৰী নিজে ভূমি অধিগ্ৰহণ বিস্ময়াৰ আদালতত হাজিৰ হৈ আবুবক্কৰক উক্ত টকা দিবলৈ অধিকাৰ দিয়ে।

(ঘ)—ক্ষতিপূৰণৰ টকা আবুবক্কৰ মুন্সিক দিয়া হয়।

Re : Grant for Construction of Office of Gaon Panchayat.

শ্ৰীভদ্ৰেশ্বৰ গগৈয়ে সুধিছে :

*৬০। মাননীয় পঞ্চায়ত বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্ৰহ কৰি জনাব নে—

(ক) গাওঁ পঞ্চায়তৰ অফিচ ঘৰ সাজিবৰ বাবে চৰকাৰে দিয়া অনুদান কিছুমান গাওঁ পঞ্চায়তে নোপোৱা কথাটো সঁচা নেকি?

(খ) যদি সঁচা, অসমৰ কিমানখন গাওঁ পঞ্চায়তক এতিয়ালৈকে এনে অনুদান দিয়া হোৱা নাই?

ৰাজ্যিক পঞ্চায়ত বিভাগৰ মন্ত্ৰী শ্ৰীদেবেন্দ্ৰ নাথ হাজৰিকাই উত্তৰ দিছে :

৬০। (ক) হয়, সঁচা।

(খ)—অসমৰ সৰ্বমুঠ ২১৬ খন গাওঁ পঞ্চায়তক এতিয়ালৈকে এনে অনুদান দিয়া হোৱা নাই।

Re : Eviction in Sisupani Forest Reserve

Shri Pitsing Konwar asked :

*51. Will the Minister in-charge of Forests be please to state--

- (a) Whether eviction operation has been carried on in Sisupani Forest Reserve for evicting the Boro tribal people who have been allowed to settle therein by Government ?
- (b) Whether it is also a fact that wanton aggression by Hate Halua Sangha and various atrocities by police are going on unabated on the Boro-tribal people of Sisupani ?
- (c) Whether the Minister of Forests visited the affected areas in Sisupani Forest Reserve ?
- (d) If so, whether he received any complaint from the Boro-tribal people ?
- (e) If so, the steps taken by Government in this regard ?

Shri Ramendra Basumatari (Minister Forests) replied :

61. (a) Eviction operation was carried out in Doyang Reserve Forest for evicting encroachers, who were Boro tribal people and Assamese non-tribals and ex-tea garden labourers, etc. No Boro-tribal people was allowed settlement by Government in the areas encroached by them.

(b) - This department is only aware of the clash between the Boro-tribal encroachers of Hate Halua Sangha in Tehlisa areas in which five persons of the latter were kidnapped.

(c) - Yes,

(d) No Boro-tribal people complained to him then.

(e)—Does not arise.

Re : Suspension of the Officers engaged with the works of Tingkhang-Belbari Public Works Department Road.

শ্রীভদ্রেশ্বৰ গগৈয়ে সুধিছে :

*৬২। মাননীয় গড়কাপ্তানী বিভাগৰ মন্ত্ৰী মহোদয়ে অনুগ্রহ কৰি জনাব নে ?

(ক) টিং-খাং-বেলবাৰী গড়কাপ্তানী আলিৰ দুৰ্নীতি সম্পৰ্কত গড়কাপ্তানী বিভাগৰ কৰ্মচাৰীক কামৰ পৰা আঁতৰাই (বৰখাস্ত) দিয়া হৈছে ?

(খ) এই আলিটো কেইবাবছৰৰ পৰা গড়কাপ্তানী বিভাগে মেৰামতি নকৰাটো সঁচা নেকি ?

(গ) যদি সঁচা, কি কাৰণে বন্ধ কৰি ৰাখিছে।

গড়কাপ্তানী বিভাগৰ মন্ত্ৰী শ্ৰীআলতাফ হুচেইন মজুমদাৰে উত্তৰ দিছে :

৬২। (ক) হয়, উক্ত আলি নিৰ্মাণৰ দুৰ্নীতি সম্পৰ্কত দুজন গড়কাপ্তানী বিভাগৰ বিষয়াক সাময়িকভাবে বৰখাস্ত কৰা হৈছে।

(খ)—হয়, এইটো সঁচা যে আলিটো কিছুদিন ধৰি মেৰামতি কৰা হোৱা নাই।

- (গ) স্থানীয় বাইজৰ এটি বিক্ষুব্ধ দলে আলিটোৰ মাজেৰে গাঁত খান্দি দুয়ো-
মূৰে হেঙাৰ দি বন্ধ কৰাৰ ফলত মেৰামতি কৰাটো সম্ভৱপৰ হোৱা নাই।

Re : Construction of Culvert on A. T. Road
near Na-pukhuri

Shri Promode Chandra Gogoi asked :

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

- (a) Whether there is any proposal to construct a culvert on A. T. Road near Na-pukhuri in Sibsagar Subdivision ?
- (b) Whether plan and estimates have been prepared for construction of the said culvert ?
- (c) If so, whether the construction will be completed within the current financial year ?

Shri Altaf Hossain Mazumdar (Minister, Public Works Department—Road and Buildings) replied :

63. (a)—A proposal is proposed to be initiated,

(b) —The plan and estimates have been called for.

(c) It is not possible to specify any time at this stage.

QUESTIONS AND ANSWERS

(To which answers were laid on the table)

Re : Qualification of the Handloom Officers

Shri Prabhat Narayan Choudhury asked

3. Will the Minister-in-charge, Co-operation be pleased to state—

(a) What are the technical qualifications of the present Handloom Officers State and Regional and the functions and duties of the Officers ?

(b) Whether payment of rebate is the main function of the Handloom Officers ?

(c) Who supervises the work of the State Handloom Officers and Regional Handloom Officers posted to different places ?

(d) Who is the officer in the Co-operation Department responsible for sanction of subsidy, loans, purchase of powerloom and accessories, distribution of representative cloths, etc.

Shri Chatrasing Teron (Minister, Co-operation) replied :

3. (a) The qualification required and the duties are as follows :

State Level

Qualification—Degree or Diploma in Textile Technology with practical experience,

Functions and Duties—Supervision of the work of the Deputy Handloom Officers (Regional), to give technical guidance to the Weaving Co-operatives, to assess requirements of Weaving accessories and follow up supplies thereof to weaving societies, submission of statistical data etc.

Regional Level

Qualification—Diploma or Certificate in Weaving and experience in Co-operative work.

Functions and Duties—To bring individual weavers under Co-operative fold, to give technical guidance to the weaving societies, to assess requirement of looms and weaving accessories of Weavers Co-operative Societies, realisation of loans from Weavers Societies, collection of statistical data,

(b)—Disallowed,

(c) —The work of the State Handloom Officer is supervised by the Joint Registrar of Co-operative Societies and Assistant Registrar of Co-operative Societies in-charge Handlooms. The work of the Regional Handloom Officers posted to different places is supervised by the

State Handloom Officer and Assistant Registrar of Co-operative Societies of the Subdivision.

(d)---The Registrar of Co-operative Societies.

Shri Prabhal Narayan Choudhury : Sir, is the Government aware of some irregularities in purchase of power looms, loom accessoriens resulting in great loss of public money, in particular, the purchase made of the defective calender plan which has been installed at Gauhati Industrial Estate area. Will the Government enquire into the matter and apprise the House about the great anomalies and the loss incurred due to the negligence of the officers of the Department?

Shri Golok Chandra Patgiri (Deputy Minister) : Sir, the information is not available with me now. I shall enquire into the matter.

Shri Dulal Chandra Barua : If the information is not available, on what basis the reply was given?

Shri Mahendra Mohan Choudhury (Chief Minister) : Sir, whatever information has been collected has been given. Now a new question has arisen from the supplementary put by the hon. member. On that supplementary, the available information are not ready. Therefore, he wants notice.

Re : Fire at Sisupani and Bishnupur L. P. School

শ্রীপিত্তসিং কোঁৱৰে সুধিছে :

৪। মাননীয় মুখ্যমন্ত্রী মহোদয়ে অনুগ্রহ কৰি জনাবনে —

(ক) হাতে হালোৱা সংঘই বড়ো জনজাতীয় লোকে উৎপাদন কৰা খেতি ফচল বঙ্গপূৰ্বক কাটি নিবলৈ গৈ বড়ো বাইৰ চিচুপানী এম-ই স্কুল আৰু বিষ্ণুপুৰ এল-পি স্কুল দুয়োখনকে জুই জ্বলাই দিয়াটো সঁহানে?

(খ) এই বিষয়ে শিক্ষা বিভাগৰ তৰফৰ পৰা তদন্ত চলোৱা হৈছে নে?

(গ) যদি নাই, কিয় কৰা নাই?

মুখ্যমন্ত্রী শ্রীমহেন্দ্ৰমোহন চৌধুৰীয়ে উত্তৰ দিছে .

৪। (ক)—চিচুপানী এল-পি স্কুল আৰু বিষ্ণুপুৰ এম-ই স্কুলত জুই লগাব কথা সঁচা।

(খ) আৰু (গ)—পুলিচে তদন্ত হাতত লৈছে আৰু বিষয়টো তদন্তাধীন হৈ আছে।

Supplementaries to Starred Question No. 50

Re : Misappropriation of public money.

Shri Gaurisankar Bhattacharyya : Sir, by my pending question No. 50, I wanted to ask what were the dates of alleged misappropriation, detection and completion of the investigation.

Shri Biswadeb Sarma : With regard to the date of detection, Shri U. C. Sarma, Inspecting Accountant of the Assam Government Marketing Corporation Ltd. who inspected the Books of accounts of the Dibrugarh Emporium from 5th to 11th August 1968, found that Shri B. B. Adhikari had misappropriated the Corporation's money to the extent of not less than Rs. 28,046.23 prior to 6-7-68. Shri B. B. Adhikari was suspended from service with effect from 26.8.68 (afternoon) pending drawing of proceeding against him to the Corporation.

The second phase of enquiry made on 23-9-68 by the Inspecting Accountant of the Assam Govt. Marketing Corporation Ltd. revealed further misappropriation of the Corporation's money to the extent of Rs. 18,324 .

Proceedings were drawn and charges for misappropriation of an amount of Rs, 43,377.81 were framed on 31-12-68 against Shri B. B. Adhikari. In the meantime the Corporation made to correspondence with certain parties regarding receivable dues as shown in the books of accounts by Shri Adhikari and in view of the discrepancies and dispute that arose in respect of the due further charges for misappropriation were drawn up against Shri Adhikari. The Corporation found that the total amount recoverable from Shri B. B. Adhikari is Rs, 53,011.73. Then Shri Adhikari was reverted to the

Directorate Industries because under the rules he has to revert and on the date of joining he were immediately put under suspension.

Shri Gaurisankar Bhattacharyya : The Assam Government Marketing Corporation though it is an autonomous body, is entirely financed by the Government of Assam, i.e., by the poor people of Assam. This is not the only case of misappropriation in this Corporation, there are many other misappropriation cases and most of these alleged misappropriations have been Committed by persons who originally belonged to the Industries Department. And either due to their inefficiency or because they were unwanted, people were thrown on the shoulders of the Corporation and there they committed misappropriations and that is one of the reasons why the Corporation sustained huge losses as revealed in answer to question No. 49.

Now, Shri B. B. Adhikari happens to be a close relation of our Director of Industries, Shri A. B. Adhikari. The difference is only of A and B., one is A. B. and one is B.B. So, even though Shri A. B. Adhikari may not have in delaying disposal of this matter, there is a great deal of suspicion because of this close relation ship this misappropriation case may not end in the manner it ought to. In view of this, will the Government be pleased to see that the matter is handled by an agency other than the Industries Department, for example, by the State Enquiry Officer, and that too speedily ?

Shri Biswadev Sarma : I may assure the hon. Member that no leniency will be shown in a case okke this. I myself am very much annoyed with this case. The suggestion made by the hon. member to have the enquiries done by a separate agency will be considered. I have no objection to it if it is permitted by the rules. I shall certainly see that this officer is brought to book.

Further Information on the Associated Industries.

Shri Biswadev Sarma (Minister, Industries) : With your permission, Mr. Speaker, Sir, I want to inform this House about the matter which was discusses in the last session with regard to the Associated Industries. The Government in principle haved dcised to take up th's concern and we are making out the details. After the details are finalises. I shall again inform the House with regard to those details.

Shri Gaurisankar Bhattacharyya : Sir, only yesterday, probably the minister has received a telegram, a copy of which was endorsed to me also, that the management in Chandrapur is trying to drive away the workers giving them what that they call the retrenchment benefit. Will the Government in the meantime intervene and please see that the workers may not be driven out by driving them some retrenchment benefit only ?

Shri Biswadev Sarma : Sir, I shall look into this.

Shri Dulal Chandra Barua : My information is, Sir, that the management has adopted a divide and rule policy and they are bringing in communalism there, Will the Minister in charge please look into it ?

Shri Biswadev-Sarma : I shall request the management to maintain status quo until it is taken over by the management.

Re : Absence of name-plats in Members seats

Shri Debeswar Sarmah : মই ইয়াৰ আগতে এটা কথা কওঁ। মোৰ সোঁহাতে বহা ex-Speaker শ্রীদেৱকান্ত বৰুৱা আৰু শ্রীমইনুল হক চৌধুৰীৰ টিকেট নাই নেকি ? তেখেতসকলক আহকলৈয়া পাই বাহিৰত থৈছে নেকি ?

Shri Dev Kanti Borooah : Sir, I am afraid there must have been some information regarding my death which I I think is slightly exaggerated,

Mr. Speaker : I am sorry. This will be put in order.

ADJOURNMENT MOTION

Pakistani Spies Decamp with Secret Documents from
the Survey of India office, Shillong

Shri Mohendra Mohan Choudhury (Chief Minister) : Mr. Speaker, Sir, my submission is that the notice for the

Adjournment Motion has been received just at 10 A.M. today. As such I had no time to collect information. I think it would be better if the motion could be put off till Monday so that I can collect information and come prepared.

Shri Bhubaneswar Barman : মই কব বিচাৰিছো.....

Mr. Speaker : “জিৰো আৱাৰ” উঠাই দিলা হৈছে।

Shri Bhubaneswar Barman : তথাপি আমাক অলপ কবলৈ সুবিধা দিব লাগে।

Mr. Speaker - I have disallowed. আমাৰ নিয়ম মতেহে হব।

Shri Dulal Chandra Barua : Sir, the Adjournment Motion which I have placed.....

Mr. Speaker : It will be taken up on Monday.

Shri Dulal Chandra Barua : Sir, let me move. The Chief Minister may speak on Monday, and then you will decide about the admissibility or otherwise.

Mr. Speaker : You may move, but you will not divulge the source of information.

Shri Dulal Chandra Barua : I shall not divulge the source of information. If you demand I can hand over the papers to you. Now, about the Motion that I have placed before you, Sir, it has fulfilled all the conditions

that have been laid down under Rule 256 of the Rules of Procedure and Conduct of business of the Assembly. Sir, it is a definite matter and of great public importance and of recent occurrence. The occurrence took place on the night of 31st November, 1970, in between 11 P. M. and 5 A. M., and I have taken the first opportunity after the Assembly has re-Assembled. Yeasterday I had another motion. So today I am availing the first opportunity. The matter is of great public importance concerning the security of not only this State but the entire country. Sir, the motion is free from the restrictions imposed. I have placed only one such Motion; it concerns only one matter and a very specific matter; we have not discussed this matter earlier, nor this matter has been placed in the agenda papers at any future date; we are not anticipating—it is a very definite matter; the matter is not under adjudication by any Court of law having jurisdiction in any part of the country and the Motion shall not raise any question of privilege; it is a matter primarily concerned with the Government of the State involving the security and integrity of the State. The incident that I am going to refer to took place here in the State Capital. Two Pakistani ladies (Spies) came to the Capital and entered into an office where the secret documents concerning the security of the country are kept and slipped off to Pakistan with the

help of a local taxi, and in which no less a person than one Major S. K. Kohli is involved. It is reported that with the help of this Major-Kohli the two Pakistani spies could manage to slip off with the secret documents. How all these things could happen in the Capital of the State where the security forces are all around. It is a matter of great importance. The incident took place on 21 st November and the two ladies stayed here from 11 P. M. to 5 A. M. and then hired taxi No. ASA 6931 and crossed the international boundary at Dawki with documents concerning the international boundary and the McMahon line from the office of which Major Kohli was in charge. I shudder to think of such a thing which may cause enormous damage to the security of State. It is very surprising that nobody could apprehend the Spies. When things came to light the State Government and the Government of India were informed, but no action seems to have been taken. My submission is that this incident should not be taken as an ordinary law and order matter. It proves the failure of the State Government in prevent such incidents though Intelligence Branch is there and also the Check Posts. When the House is in session this matter should be discussed and the persons responsible should be brought to books. We still remember about the NEFA debacle which happened

because of the betrayal of some officials at the higher level. Unless precautionary measures are not immediately some sort of debacle may happen in the country once again.

Considering all these aspects of the matter which primarily concerns the security of the State, you will be pleased to allow discussion of the matter by adjourning the other business of the House.

Mr. Speaker, Sir, if you want to have the documents in my possession regarding the incident I shall be only too glad to hand over the same to you. I would, however, request you not to disclose the sources of these papers.

Mr. Speaker : You please pass over the papers to me.

Shri Mahendra Mohan Chaudhury (Chief Minister) : I have no knowledge about the occurrence. I propose to give my reply on Monday.

Mr. Speaker : The Chief Minister will give reply on Monday. After I hear him I will give my judgement on this,

The Assam Game and Betting Bill. 1970

Shri Kamakhya Prasad Tripathi (Minister, Finance) : Sir, I beg to move that the Assam Game and Betting Bill, 1970 be passed.

Shri Sailen Medhi : Sir, in clause-2 I have got an amendment. In clause-2, at the end of proposed sub-clause (a), the words "acceptance of a bet", the words "but shall not include any game of skill" shall be inserted. Sir in support of this amendment, I want to read out, with your permission, clause-2 of this Bill. "For the purpose of this Act, unless contrary intention appears in the context :— (a) "bet" with all its grammatical variations means any money or a valuable security or thing staked by a person on behalf of himself or on behalf of any other person, by himself or through any person procured or employed acting for or on his behalf, to be lost or won on the happening or determination of an unascertained thing, event or contingency of or in relating to a game or sport and shall include acceptance of a bet" After that, we want to include—"but shall not include any game of skill". Sir, the games prevailing in the world, they can be divided into two parts—games which are skilled and games of chances. Here we have seen that government wants to prevent betting on some games. Sir, Teer game is primarily the game of chances. This Teer game which is customary and prevailing in United K & J Hills is a game of chances. But in the case of climbing a mountain, himalayan mountain and crossing of Brahmaputra river, these are not game of chances but of skill. Unless

skilled and competent persons go there nobody can climb Himalayan mountain or cross Brahmaputra river. We must encourage only these sorts of games even by allowing betting on these games; but games which are based on chances, should not be encouraged. The tossing of coin is a game of chances. While tossing one cannot say definitely whether it will be head or tale; it solely depends on chance and so this sort of game should not be encouraged and we cannot encourage betting on this. Therefore, these games which helps people to build up their body, skill and intelligence, in those cases, we must give some concession and allow betting on these sorts of games. When I brought this amendment, somebody asked me—are you going to introduce Teer game in the State. Sir, this Teer game which is played in and around K & J Hills is not game of skill; this is completely a game of chances. In the case of Teer game, some 10/20 people used to shoot arrows and each shooter used to shoot some 10/12 arrows and some arrows will touch the target and some will not and ultimately they will calculate and they will divide as to how many persons shoot arrows and after that division they will leave some numericals and whatever remains that will be counted. So it may be seen that Teer game is completely a game of chances and so that matter of chance in the

game must be considered and not be encouraged for betting. Sir, horse racing, I think, is a game of skill. And the government is going to introduce it because of certain skilful things in it. Sir, if we allow certain play or game to be excluded from the purview of this Act, then there may be some discrimination and the court of law may also interfere and may declare that this is a case of discrimination. It is not encouraged by the Constitution. I have brought this amendment so that in this game of skill, the people may be allowed to bet in order to encourage development of skill, physical fitness and intellect. So, the words—'but shall not include any game of skill' shall be inserted after this paragraph.

Shri Dulal Chandra Barua : Sir, in addition to what has been stated by my friend, Shri Medhi, I want to say a few words because this Act for which the government has come forward for a piece of legislation in respect of Teer game has got demoralising effect. As much to stop that thing, a Bill is necessary. Our intention in bringing this amendment is only to give protection to certain traditional games that we are having. If this amendment is not accepted which has been brought from our side, the traditional games will

also be covered by this Act, Sir, we having different kinds games which require great deal of skill and which helps development of body and intellect of persons and these are played by different communities of our State and so these sorts of games should be encouraged. We have got different instit one where these heal thy games of skill are taught to youngsters. In our Jorhat area, for instance, we are having only one annual festival when all sorts of games are allowed but only for one day,

We are having many tribal population in our areas. They are having different kinds of games, arrow shooting, sword playing and so on and so forth. If this is not amended I think this Act will effect these traditional games. As per provision of the Constitution Govt, should safe-guard the traditional culture belonging to all the communities here in this State and the Country as a whole. Therefore, Sir, if the Govt. do not accept this amendment it may go against the spirit of the Constitution. Therefore, by considering all the aspects of the matter I submit that the non. Finance Minister would be please enough to examine the clause from that point of view and accept our amendment.

M. Shamsul Huda : অধ্যক্ষ মহোদয়, মাননীয় সদস্য শ্রীশৈলেন মেধিয়ে
যিটো সংশোধনী আনিছে তেখেতৰ সংশোধনীটো হৈছে এইটো যে -

at the end of the proposed sub-clause (A) the words "acceptance of a bet" the word "but shall not include any game of skill" shall be inserted.

এই সংশোধনীটোৰ ক্ষেত্ৰত মই চমুকৈ এটা মন্তব্য কৰিব খুজিছো। প্ৰথম কথা হৈছে যি কোনো খেলেই নহওক কিয় Betting গভীৰভাৱে নিষিদ্ধ হ'ব পাৰে। কোনোবাই যদি কল্প মই অকল ৩ টা শব্দহে উচ্চাৰণ কৰিম আৰু সেইটোৰ ওপৰতো betting হয় তেন্তে সেইটোত বন্ধ কৰিব পৰা হয়। আৰু Skill of game Incourage বৰিবৰ কাৰণে betting যে allow কৰিব লাগিব সেইটো হ'ব নোৱাৰে। যদি allow কৰা হয় তেতিয়াহলে দেখা যাব যে যি সকল জুৱাৰী তেওঁলোকে bet কৰি খেলিব।

এই সংশোধনীৰ মূল উদ্দেশ্য হৈছে যে খেলা বন্ধ কৰি betting বন্ধ কৰা। সেই ফালৰ পৰা মই কৈছো যে skill game ৰ ওপৰত হলেও কোনো বকমৰ betting ক আমি অনুমতি দিব নোৱাৰো।

দ্বিতীয় কথা হৈছে মেধি ডাঙৰীয়াই অনা প্ৰস্তাৱ.....

মই এই কথাত একমত হ'ব নোৱাৰো। কাৰণ ভাৰতীয় সংস্কৃতি আলোচনা কৰিলে দেখা যায় যে বামায়ণ মহাভাৰততো ধনুৰ্বিদ্যাত পাৰ্গত লোক আছিল। শ্ৰীৰামচন্দ্ৰৰ কথাও সকলোৱে জানে। সীতাৰ সময়স্বত নানা ঠাইৰ নানা বজা-মহাৰজা উপস্থিত আছিল। কিন্তু ধনুত গুণ লগাবৰ কাৰণে অন্য কোনোৱেই সক্ষম নহৈছিল। সীতাৰ এই সময়স্বত এখন থালিত পানী ৰাখি ওপৰত মাছ থৈ পানীত তাৰ প্ৰতি-বিম্ব চাই মাছত কাড় লগাবলৈ দিছিল। শ্ৰীৰামচন্দ্ৰ ধনুৰ্বিদ্যাত ইমান পাৰ্গত আছিল যে পানীত প্ৰতিবিম্ব চায়েই মাছত কাড় লগাব পাৰিছিল।

অধ্যক্ষ মহোদয়, এই কামত যদি আপোনাক লগায় আপুনিও কৰিব নোৱাৰে আৰু মোক লগালেও ময়ো নোৱাৰো। তীৰ মৰাত আমাক লগাই তেন্তে হয়তো target পাব হৈ Diase তহে পৰিবগৈ।

এইফালৰ পৰা এই তীৰ খেলাটো এটা completely game of skill। ভাৰতীয় পুৰণিকলীয়া ইতিহাস মেলি চালে দেখা যায় যিসকল যুদ্ধ-বিদ্যাত পাৰ্গত লোক সেইসকল মানুহকেই সৈন্য বিভাগত লোৱা হৈছিল আৰু সৈন্য বিভাগৰ বেছি সংখ্যকেই যুদ্ধত পাৰ্গত আছিল। গতিকে ধনুৰ্বিদ্যাটো unskill game বুলি কব নোৱাৰি।

ইয়াৰোপৰি অধ্যক্ষ মহোদয়, আপুনি হয়তো আমাৰ দৰে কেতিয়াও তীৰ খেলা নাই। এই তীৰ খেলাত সাধাৰণতে আমি দুটা কথা দেখা পাও। এটা হৈছে making অৰ্থাৎ যিসকলে ধনু মাৰে সেই সকলৰ লগত ২০ হেজাৰ, ১৫ হেজাৰ টকা বন্দবস্ত কৰি নম্বৰ লয় আৰু কয় যে এই এই কেইটা নম্বৰত কাড় মাৰিবা। এইদৰেই এই making টো হয়। দ্বিতীয়টো হৈছে fore cast—অৰ্থাৎ কাড় মৰা মানুহকেইটাৰ লগত বন্দবস্ত কৰি দুটা দুটা নম্বৰ মাৰিবলৈ কয় আৰু সেইমতেই খেল হয়। গতিকে যদি game of skill বাদ দিয়া হয় তেন্তে তীৰ খেল আকৌ আহি আমাৰ ৰাজ্যত অৱতীৰ্ণ হব।

সেইফালৰ পৰা এইটো game of skill হলে আইনৰ সংশোধনী কৰাটো উচিত নহয়। Game of skill হলেও batting ৰ অনুমতি দিয়া উচিত নহয়। ইয়াকে কৈ মই সংশোধনীটোৰ বিৰোধিতা কৰিছো।

Shri Kamakhya Prasad Tripathi : ছাৰ, মই শ্ৰীহোদা চাহাবৰ লগত এই বিষয়ত একমত। কিন্তু শ্ৰীশৈলেন মেধি ডাঙৰীয়াৰ লগত agree হব নোৱাৰিলো।

এই তীৰ খেলাটো game of skill নহয় বুলি অন্ততঃ বহুতে প্ৰমাণ কৰিবলৈ যোৱাটো সম্ভৱপৰ নহয়। এই তীৰ খেলাটো game of skill নহেই হব। কাৰণ betting ৰ definition ত কৈছে—“Betting will be illegal in case of games of skill.”

এতিয়া এই game of skill টো legal বা illegal কৰিব নোৱাৰো। সেই কাৰণে এই Amendment টো ললেও গোটেই perpose টো defect

হৈ যাব। আমি খেল বন্ধ কৰিব খোজা নাই। কাৰণ ইয়াৰ section 12 ত আছে to apply to any game of skill.

খেল বন্ধ কৰাৰ প্ৰশ্ন নুঠে। কিন্তু betting টো বন্ধ কৰিব পৰা যাব আৰু যদি সেইটো High Court লৈ পঠায় দিয়ে, তেন্তে আমাৰ বিপদ হ'ব। সেই কাৰণে এই Amendment টো ললে আমাৰ purpose টোৱেই দ্ৰুত হৈ যাব।

Shri Gaurisankar Bhattacharyya : কথাটো ইমান সাধাৰণভাৱে ললে নহ'ব। গুৱাহাটী চহৰৰ নিচিনা cultural ঠাইৰ ভিতৰত Univesity ব পৰা আৰম্ভ কৰি সকলোৱে বাস্তাই-ঘাটে তীব্ৰত যোগ দিয়ে। তাৰ ফলত যিটো সমস্যাৰ সৃষ্টি হৈছে সেইটো বৰ জটিল সমস্যা। গতিকে including veteranery campus টো এই act টোৱে তীব্ৰ খেলা বন্ধ কৰিব পৰা নাই।

Shri Kamakhya Prasad Tripathi : এইটো কেৱল Meghalaya পাছ কৰিলেও গভৰ্ণৰে ascent দিয়া নাই। এইটো Meghalaya area ত illigal হল আৰু আমাৰ area তো illigal হ'ব।

Shri Sailen Medhi : মাননীয় মন্ত্ৰী মহোদয়ে যিটো Explanation দিলে তাৰ খেলাটো game of skill বুলি কলে আৰু তীব্ৰ খেলিব লাগে - এইটো মই সমৰ্থন কৰিব নোৱাৰোঁ। কাৰণ মই আগতেই কৈছোঁ তীব্ৰ খেলাটো game of chance, ই game of skill নহয় যে এইটো বন্ধ কৰিবলৈ গলে game of skill ও বন্ধ হৈ যাব। এইবিলাক gameত উৎসাহ দিলে আমি কৃতকাৰ্য্য নহওঁ, মোৰ ধাৰণা মতে তীব্ৰ খেলাটো game of chance হৈছে। সেই কাৰণে আমি Act টো এই Bill ত আনিছোঁ—কাৰণ যিটো আমি শেষ sentence দিছোঁ সেই sentence টোৱে একো অসম্ভৱ নকৰে। সেই কাৰণে এই Amentment টো আনিছোঁ।

Mr. Speaker : I put the amendment.

In Clause 2, at the end of proposed sub-clause (a), the words "acceptance of a bet", the words "but shall not include any game of skill" shall be inserted.

(The motion was lost by voice vote)

Shri Dulal Chandra Barua : Mr. Speaker, Sir, Now, I would like to move my amendment. It is as follows :

In Clause 2(a). the words "or betting on a horse race when such betting takes place—

- i) On the day on which the race has been fixed to run,
- ii) in an enclosure which the racing club or the stewards thereof controlling such race have with the permission of the State Government set a part for the purpose, and
- iii) with a licensed book maker for horse racing or by means of totalisator as defined in section 14 of the Assam Amusements and Betting Tax Act, 1939, shall be deleted.

Sir, while suggesting the above amendment I want to register my strong objection with regard to the Horse race although this horse race is practically not in existence in our State. But formerly it was here in Shillong and it was the habit for most of our high-up and their wives to go to the Race Course and bet on horse

race. It was entire a game for so-called aristocratic class of our society. While we are advocating for a socialistic pattern of society this kind of aristocratic game should not be there in our society. Now, while the betting on arrow shooting has been prohibited, the people who used to bet on this game may switch over to Horse Race. They may automatically change their mind and take up horse race also may have detrimental effect on the moral of the Society. Therefore I submit that the provision for horse race should not be there in the Bill particularly when we are trying to do away with such kind of games. I do not understand how our Finance Minister who advocates socialistic pattern of society can come forward with such a proposal, and thereby give scope to the people to resort to gambling. Moreover, in the Bill there is no restriction as to how this horse race should be conducted and in the absence of any restriction, horse race will become rampant throughout the State, and it may have the same effect on the society as tir game. Therefore, by considering all these aspects, all games which involve financial implications and which encourage people to spend money without caring for their families should be stopped forthwith. Sir, as soon as the ordinance was promulgated, many people—I do not know whether they went to the Finance Minister or not came to

see us and on the day when the Bill was introduced in this House they came to us and said that they had no objection to this piece of legislation but they objected to the retention of the horse race. They say that 'Teer' game is meant for the poor people and that is why Government have stopped it but since horse race is meant for the higher ups, they have not stopped it. Therefore, this has created a psychological effect in the minds of the people. Sir, our Finance Minister is an experienced man and therefore, he knows that unless we get public co-operation, no legislation will be successful. As pointed out by Mr. Bhattacharyya that though ordinance has been promulgated you will find large number of people assembling in the compound of the Veterinary College at Gauhati and participating in Teer game. Therefore, unless the people can appreciate that it is to their good that such games should be stopped, no legislation will produce the desired results. Therefore, if you retain horse race, the people will revolt and there will be a psychological effect on the people. As we are advocating socialistic pattern society, our legislations should aim at that and there should be no discrimination. Therefore, I hope our Finance Minister will ponder over this amendment which I have move and he will have no objection to accept it. Sir, I am not moving this amendment

for the amendment's sake but I have moved it for expressing my feeling and also in the hope that our Finance Minister will accept it.

Shri Kamakhya Prasad Tripathi : Sir, I never suspect the intention of the hon. Member. We are not introducing new horse race in the State ; it is already there. Now, of course, horse race is almost non-existent. Sir, under the provision of the Assam Amusement and Betting Tax Act horse race is permitted and therefore it is not that we are newly permitting. Now why did we bring an ordinance against 'Teer' ? The hon. Members know that 'Teer' game spread like wild fire because it gives the highest dividend return in the world and it began to play every day whereas horse race is played once in a week. As a result the students instead of going to school, started selling 'Teer' tickets. (Shri Debeswar Sarma : Why will they go to school when there is no employment ?) The hon. Member has raised the same question which has been raised by the Naxalites in Bengal. They also say "what is the use of these schools and colleges when they cannot find employment ? Therefore, these institutions should be burnt.

Sir, as I was saying, this 'Tir' game became a social menace and therefore there was a strong public demand and feeling against this game and we had to

come forward with an ordinance. So far as the horse race is concerned, I do not think it is going to be revived easily because the rate of return and chance of employment is very much less compared to lotteries. Therefore, even if we allow horse race it is doubtful whether it will be revived. Sir, in India after independence there was a tendency to close horse race but now the tendency is to revive it and many of the States like Mysore, Bombay, Delhi, U. P. and West Bengal are now running horse race. Keeping and rearing of horse and mules for defence purposes is very necessary and therefore, if horse race is there then the industry of rearing horses and mules becomes remunerative. Therefore, from that point of view also horse race is necessary to be maintained. From all these points of view we thought that it would not be wise for us to legislate against horse race.

Dr. Bhupen Hazarika : In the dearth of arms ammunations 'teer' also can be used for defence.

Shri Kamakhya Prasad Tripathi : Horse is used as carrier. As weapon 'teer' is outmoded, because bombs and missiles

Shri Dulal Chandra Barua : Sir, in Nagaland, people who went to China when they came back, instead of bullets

they are using 'teer', So how you can you say 'teer' is outmoded ?

Shri Kamakhya Prasad Tripathi : So far as guerilla war is concerned Teer is still effective, I agree. But so far as war is concerned, between Teer and bombs, naturally bomb is more effective than Teer (Dr. Bhupen Hazarika : horse is not atomic). The argument as horse has come not from the point of view of weapon ; actually horse is a carrier and from that point of view rearing of horse has to be encouraged. In every country they are doing it and to some extent horse race will be in a position to encourage rearing of horse and mules. Therefore, I would request the hon'ble members not to press his amendment so far as this is concerned.

Dr. Bhupen Hazarika : Whatever little I have understood the horse race is going to be encouraged as horse is necessary for defence and rearing horse will be encouraged if we keep the horse race, But is any money involved in it. In that encouragedment—in betting ?

Shri Kamakhya Prasad Tripathi : In that case people rear horses and mules as they suddenly become necessary in war. When there is no war there is no necessary and they lie iddle. You see that without utility animals become useless just as the Indian cows. Cows give us

milk but the bulls become useless and of all practical purposes Indian cattle economy has become lopsided. Therefore, utility has to be retained so that social rearing might be possible.

Shri Dulal Chandra Barua : My whole contention is that it is game for the aristocrats (Shri Debeswar Sarma : why it is very lovely).

Shri Kamakhya Prasad Tripathi : The number of people who subsist on horse rearing the poorer people are larger than the richer people and even in betting the number of people who bet the larger number is poor people.

Shri Dulal Chandra Barua : My question was why horse race cannot be abolished? What is the meaning behind it? If we can stop other betting why not the horse race ?

Shri Kamakhya Prasad Tripathi : It will be once a week and it has been going on all over India. It is one of tourists' attractions also.

Dr. Bhupen Hazarika : Suppose it takes place in Dhekiajuli and Titabar by bringing in some mules donkeys and suppose it takes place in every village.

Shri Kamakhya Prasad Tripathi : We should not stop it.

Horse rearing is very costly. Socially it is unremunerative and therefore it is dying out. That is difficulty before mankind.

Dr. Bhupen Hazarika : Unscrupulous people will bring in some donkeys and if start the race at Tezpur—near your own house? There are 5000 better in Mules

Shri Kamakhya Prasad Tripathi : In Tezpur they tried it for last five years but they could not succeed.

Mr. Speaker : Order, order. I put the amendment that in clause 2(a) the words “or betting on a horse race when such betting takes place (i) On the day on which the race has been fixed to run, (ii) in an enclosure which the racing club or the stewards thereof controlling such race have with the permission of the State Government set apart for the purpose, and (iii) with a licensed book maker for horse racing or by means of a totalisator as defined in section 14 of Assam Amusements and betting Tax Act, 1939” shall be deleted.

The amendment is lost.

Mr. Speaker : The question is that clause 2 do form part of the Bill.

(The Motion was adopted)

Now clause 3. This amendment by Mr. Bamsul Huda was discussed along with clause 5. Amendment on clause 5 was lost. Therefore it is redundant.

The question is that Clause 3 of the Bill do form part of the Bill.

(The Motion was adopted)

The question is that 3 to 23 of the Bill do form part of the Bill.

(The Motion was adopted)

The question is that the preamble, the short and long title and the enacting formula and clause 1 of the Bill do form part of the Bill.

(The Motion was adopted)

Shri Kamakhya Prasad Tripathi : Sir, I beg to move that the Assam Game and Betting Bill, 1970 be passed.

Shri Dulal Chandra Barua : Mr. Speaker, Sir, as I have already said, it is good that the Bill is going to be passed but our only request to the Government is to see that it is properly enforced. There are two aspects of things. No. 1—the Bill has given certain powers to the police officials and in this regard the Government must see that highhandedness or excess is not committed by these officials while they enforce the Act. I would suggest

that when the provisions are enforced in different districts or subdivisions, an Executive Magistrate should be entrusted with the work so that he can cause judicious enforcement of the provisions of the Act, otherwise, if it is left with the police officials only there might be some excess, some harassment resulting in non-cooperation from the public. Therefore, my request is that since after the separation of the Judiciary from the Executive we have got sufficient number of Executive Magistrates, it will be wise if these Magistrates with are entrusted the enforcement of the provisions of the Act.

Another thing Sir, in the eyes of law every one is equal—whether he belongs to the lower strata or higher strata of the society; but our experience is that the people belonging to the higher strata of the society generally become the violators of the law first. Sir, as you know, the common people of our State are the best set of people; only thing is that we are not in a position to channelise their energies in proper form. If an assessment is made in this regard it will be found that generally the people who are involved in violation of the provisions of various Acts do come from the higher strata of the society. For example, if you pass along the Veterinary College campus on the Gauhati-Shillong road you will find that most of the violators of the Acts are either high Government officers or the

men from the higher strata of the society. Therefore, if the law is meant for all, then it should be enforced impartially—whichever violates the law should be punished irrespective of whether he comes from the higher strata of the society or the lower strata of the society. We must have an assurance from the Hon'ble Finance Minister who has sponsored Bill on behalf of the Government that the provisions of the Act will be implemented in such a way that it will have a Judicious effect so that we can boldly tell the people that the act will be implemented properly and also impartially. Sir, I have mentioned many times that gambling goes on in heart of towns in full swing Without citing any instance, I may say that in my home town such kins of gamblings are going on sound the clock. This hos been reported to the police on many occasions but instead of rounding up the culprits they managed to shield them and my information is that the police personnel get regular share from gamblers, These are the factions that have to be looked into. Sir, I made these observations a view that the Hon'ble Finance Minister and the Government will keep these things in mind while proceeding to enforce the provisions of the Act.

Shri Debeswar Sarmah : অধ্যক্ষ মহোদয়, আজি এই আইনখন আনি পাছ কৰা বৰ সমীচিন হৈছে। সিদিনা মই কৈছিলো আৰু এতিয়াও মই তাৰ পুনৰোল্লেখ কৰিছো যে এই আইনখন পাছ হলে বোধকৰো বেয়া নহব। কাৰণ জুৰা খেলাকে আদি কৰি যিবিলাক gambling like কাৰ্য্য হয় সেইবিলাক কেতিয়াও কোনোফালে ভাল নহয়। ভাৰতৰ

প্ৰত্যেক প্ৰদেশতে lottery বা চিঠি খেলা পাতিছে। এসময়ত এইটো মানা কৰিছিল। এই চিঠি খেলাৰ পৰা তীব্ৰ খেলালৈকে বৰ বেয়া কাম হৈছে। অসম তথা ভাৰততে কিছুমান লক্ষণ দেখা গৈছে—যিবিলাক লক্ষণ পৃথিবীৰ জাতি বিলাকৰ অতীত ইতিহাস চালে দেখা যায় যে ধ্বংসৰ আগতেহে এই কাৰ্য্যবোৰ হয়। যেনে, আমাৰ শাসক দলৰ ভিতৰত দুৰ্নীতি আৰু জুৰা খেলাকে আদি কৰি ধৰি। আদিম কালৰে পৰা মানৱ জাতিৰ ইতিহাস চালে দেখা যায় যে যিসকল এবাৰ উন্নতিৰ শীৰ্ষস্থানলৈ উঠিছিল তেওঁলোকো তাৰ পিছত পতন হৈ গ'ল। কিছুমান জাতি এইদৰেই নিশ্চিহ্ন হৈ গ'ল। এতিয়াও ঠিক এনেকুৱা এটা অৱস্থাই আহিছে। গ্ৰীচ আৰু ৰোমৰো সেই একেই অৱস্থাই হৈছিল। আজি কেইবছৰ মানৰ আগতে, মই আমাৰ Finance Minister ক দৌৱৰাই দিব খুজিছো যে আমাৰ দেশলৈ স্বৰ্গীয় জৱাহৰলাল নেহৰু খানোতেই বাহিৰৰ পৰা এজন বিশেষজ্ঞ আনিছিল আমাৰ দেশৰ কথাবিলাক চাই advice দিবলৈ। যিহওক এতিয়া এই বিল অনাত ভালেই হৈছে। মোৰ মনলৈ আহিছে যে যেতিয়া শ্বিলঙত Horse race ৰ tax কমাই দিব খুজিছিলো তেতিয়া আপত্তি কৰিছে। শ্বিলঙত ঘোঁৰা দৌৰ চলালে আগলৈ কি হয় কৰ বোৱাৰো—কিন্তু তাৰ দ্বাৰা খেতিয়কসকলৰ ওপৰত জাপি দিব নোলাগে। সেই বুলি প্ৰতিবাদ কৰিছিলো। মাননীয় শ্ৰীতৃপেন হাজৰিকা নাই। ইতিহাসত দেখা যায় যে বেয়া জাতি এটাও defence ৰ কাৰণে ঘোঁৰা বা খচ্চৰ হাতত ৰাখিছিল। কিন্তু আজি হাতীও ৰখা নহয়। কাৰণ বৰ খৰছ হয়। আমাৰ দেশত ঘোঁৰা বা খচ্চৰ ৰখা দৰকাৰ defence ৰ ফালৰ পৰাও। এইখিনিতে মোৰ এটা কথা মনত পৰে যে জেলৰ পৰা ওলাই অহাৰ সময়ত এজন কংগ্ৰেছ কৰ্মী নিৰুপায় হৈ কৈছিল যে এতিয়া কি কৰিম, কি খাম। ল'ৰা-ছোৱালীক পোহপাল বা দিম কেনেকৈ? অন্ততঃ চাৰিকুৰি মান টকা হোৱা হলেও ঘোঁৰা এটাকে কিনি লৈ গাঁৱৰ পৰা মাছ-সৰিয়হ আদিকে অনা কৰি বজাৰত বা

* Speech not corrected.

মহাজনৰ তাত বেচি জীৱিকা উলিয়াব পাৰো। কথাটো উল্লেখ কৰাৰ উদ্দেশ্য হৈছে এয়ে যে অন্তত: জীৱিকাৰ কাৰণেও ঘোঁৰা বা খচ্ছৰ আদিৰ প্ৰয়োজন। Horse race ৰ ক্ষেত্ৰতো বুজা যাব যে এটা প্ৰয়োজনৰ ওপৰত ভিত্তি কৰিয়েই কামবোৰ কৰা হৈছে। সেইদৰে অন্যান্য অনুষ্ঠান বিলাকতো প্ৰয়োজনৰ ওপৰত ভিত্তি কৰিয়েই কৰা হৈছে। কিন্তু পিছতহে বিকৃত হৈ পৰে। যেনেকৈ তীৰো বিকৃত হয়। Battle of st, Lace ত ইংৰাজ আৰু ন'ৰমেন বিলাকৰ যুদ্ধৰ সময়ত তীৰ খেলাৰ বৰ প্ৰয়োজন হৈছিল। সেইদৰেই ঘোঁৰাৰ প্ৰয়োজনীয়তা আছে। যাইহওক এতিয়া বিলখনৰ কথা লৈ আহো। মাননীয় সদস্য শ্ৰীদুলাল চন্দ্ৰ বৰুৱাই কৈছিল যে আমাক assurance দিয়ক। কিন্তু কথা হৈছে কি assurance গৈই বা দিব? বা দিলে পালিবই বা কেনেকৈ? গুৱাহাটীৰ পৰা মানুহে নেখেলা কেনেকৈ কৰিব পাৰি? যেনেকৈ আমাৰ মদ নিবাবণী কৰিছে যদিও সামান্য জুৰি এটা পাৰ হলেই সিমানো অবৈধ মদ বিক্ৰী হয়। সেই বুলি মদ প্ৰচলন কৰিব কেৱা নাই। তুলনামূলক কথাহে কৈছো। কামৰূপৰ বিভিন্ন ঠাইত দেখা যায় সামান্য জুৰি এটা পাৰ হলেই সফালে মদৰ কাৰবাৰ চলি আছে। আমাৰ বাইজে খায় কাৰণেহে বিভিন্ন চাহ দোকান বিলাকত মদ ৰাখে। যদি মদ খোৱা বাইজ আমাৰ নেথাকিলহেতেন, স্কুল-কলেজ নেথাকিলহেতেন, বয়সীয়াল মদ খোৱা মানুহ নেথাকিলহেতেন তেনেহলে মদো বিক্ৰী নহ'লহেতেন।

Shri Promode Chandra Gogoi : অকল স্কুল-কলেজ আৰু বয়সীয়াল লোকেও খাইবো অনায়েও নেখায় জানো?

Shri Debeswar Sarmah : আমাৰ শ্ৰীপ্ৰমোদ গগৈয়ে মোৰ কথা নেজানে আৰু মইও তেখেতৰ কথা নেজানো। কাৰণ কেতিয়াবা বাটে-পথেহে লগালগি হও।

* Speech not corrected.

আমাৰ চৰকাৰে ইপিনে মদ নিৰাৰণীৰ দ্বাৰা মদ বন্ধ কৰি আছে আৰু সিপিনে মদ খোৱাই খায়েই আছে। এই আইনখন পাছ কৰিলেও এনেকুৱা ক্ৰুৰী বিনাকৰ কি প্ৰতিবিধান কৰিব? হাট-বজাৰত বন্ধ কৰিব পাৰিলেও সম্ভাৱত সকলৰ তাতেই ইয়াক বন্ধ কৰা টান হ'ব। আমাৰ ভূতপূৰ্ব এগৰাকী মুখ্যমন্ত্ৰীয়ে *touré* ত যাওতে প্ৰথমে তাকে আবন্ত কৰে। লগতে তেখেতৰ তলতীয়া অফিচাৰসকলেও! তেতিয়াৰ পৰাই আমাৰ বিধান সভাৰ সদস্য সকলেও আৰু অফিচাৰ সকলেও তাকে কৰাটো স্বাভাৱিক। আমাৰ এয়াৰ কথা আছে বোলে “বৰে কৰিলে দায় নেলাগে, কিন্তু সৰুয়ে কৰিলে দায় লাগে” আৰু এটা ঘৰুৱা কথা আছে “ঘৈণীয়ে ভাঙিলে কাঁহি মিচিকিয়াই থলে হাঁহি, বান্দীয়ে ভাঙিলে কতৰা গড়গাওঁ পালেগৈ বতৰা” তেনেকৈ আমাৰ এই আইন কৰিলে সেই আইন প্ৰচলন কৰিব কেনেকৈ? দাতিত থকা অঞ্চলটোতেই বা এই খেল কেনেকৈ বন্ধ কৰিব। আমি বাছ গাড়ীৰে গুৱাহাটীৰ পৰা অহা যোৱা কবোতে বাটতে তীৰ খেলি থকা চকুত পৰে। ঠিক তেনেকৈয়ে আইন পাছ কৰিলে আমি ইয়াত চাপৰি মাৰো। কিন্তু ঘৰে ঘৰে দেখিবলৈ পোৱা যাব জুৱা খেল চলিয়েই আছে। কামৰূপৰ দাতিকাষৰীয়া অঞ্চল এটাত *prohibition* ৰ সম্পৰ্কে দুনীতি বিষয়ৰ প্ৰশ্ন এটা আজি বাতিপুৱা ওলাইছিল। এতিয়া মদ খোৱাৰ কথা ওলাইছে। তেখেত-সকলে কৈছে যে চলাই থকাই ভাল। কিন্তু এই বিষয়ত মই এটা কথা কও যে মহাত্মা গান্ধীৰ ওচৰলৈ গৈ কেইজনমান মানুহ গৈ কলেগৈ যে আমাৰ বহুত মানুহে মদ খায় সেইটো বন্ধ কৰিব নোৱাৰি নে? তেতিয়া মহাত্মা গান্ধীয়ে সুধিছিল যে কিমানে খায়? তেতিয়া কলে যে বহুতে খায়। আধাতকৈয়ো বেছিয়ে খায়নে? তেতিয়া কলে যে হয়, আধাতকৈও বেছিয়ে খায়। তেতিয়া মহাত্মা গান্ধীয়ে কলে যে যদি আধাতকৈয়ো বেছিয়ে খায় তেতিয়াহলে মদ খোৱাটো বন্ধ কৰা এখন গণতান্ত্ৰিক দেশত কোনো এক্তিয়াৰেই নাই। এটা কথা মন কৰিছো যে আমাৰ গাওঁ

* Speech not corrected.

অঞ্চলত দুনীতি থাকিলেও এতিয়াও কম হৈ আছে। মই সানুনয়ে অনুবোধ কৰো যে আমাৰ পো-নাতি, আজু-নাতি আদিৰ স্বাৰ্থৰ নিমিত্তে চৰকাৰে চিঠি খেল, জুৱা খেল এইবিলাকক যেন প্ৰশ্ন নিদিয়। আমি মৰি যাম, আমাৰ হাড়ত বন গজিব কিন্তু এইটো নিশ্চিত কথা যে কি হিন্দু ধৰ্ম, কি মুছলমান ধৰ্ম শাস্ত্ৰ বা ইতিহাস আদিয়ে সাক্ষ্য প্ৰমাণ দিয়ে যে যদি দুনীতি সোমায় তেন্তে কি ছাত্ৰ, কি মানুহ বা পৰিয়ালেই হওক বা দেশেই হওক বা প্ৰদেশেই হওক তাৰ ধ্বংস অনিবাৰ্য্য আজিয়েই হওক বা কালিলৈয়ে হওক। এই কাৰণেই আমি এইবিলাকৰ পৰা বিৰত থাকিব লাগিব। বৰ্তমান মই শুনিবলৈ আশা কৰি আছো যে আমাৰ বিত্ত মন্ত্ৰী মহোদয় যদিও এই বিলখন অনাৰ কাৰণে প্ৰসং-শাৰ পাত্ৰ তথাপি কেনেকৈ এই আইনখন কাৰ্য্যকৰী কৰিব সেইটোকে জানিবৰ বাবে।

Shri Sainen Medhi : অধ্যক্ষ মহোদয়, আজিৰ যিখন games and Betting বিল সেই বিলখন পাছ কৰাৰ কাৰণে বিত্তমন্ত্ৰী মহোদয়ে ডাঙি ধৰিছে সেই বিলৰ সম্পৰ্কত মই দুয়াৰ কব খুজিছো। ইতিমধ্যে আমাৰ ফালৰ পৰা আৰু সিফালৰ পৰাও শ্ৰদ্ধেয় শ্ৰীযুত শৰ্মা ডাঙৰীয়াই Implement কৰাৰ কথা কৈছে। মই এইটোকে কব খুজিছো যে আমাৰ এই বিল এফালে যেনেকৈ জুৱা খেল বন্ধ কৰিবলৈ গৈছে আনফালে তেনেকুৱা ধৰণৰ খেলৰ ওপৰত যি বেট চলি আছে সেই-বিলাক বন্ধ কৰাকে এই আইনৰ ভিতৰত পৰে। বিশেষকৈ আমাৰ শৰ্মা ডাঙৰীয়াই কৈ গৈছে যে আমাৰ ঘৰে ঘৰে ডেকা ল'ৰাই টাচ খেলে তাৰ ওপৰতো বেটিং হয়। কিন্তু এই আইন মতে সেইবিলাকো জুৱা বুলি ধৰা হৈছে। সেই কাৰণে এই ধৰণৰ বেটিং আৰু club তো চলে। গতিকে এনে জুৱা খেলত কোনো মানুহক ধৰিবলৈ হলে দোষীজনক পোনতেই দোষী বুলি ধৰিব লাগিব। যেতিয়ালৈকে তেওঁ নিৰ্দোশ বুলি প্ৰমাণ কৰিব নোৱাৰে। কিন্তু এইটো আইনৰ নীতি অনুযায়ী এজন

* Speech not corrected.

দোষীক পোনতে নিৰ্দোষী বুলি ধৰা হয় যেতিয়ালৈকে তেওঁ নিৰ্দোষী বুলি প্ৰমাণিত নহয়। এই ব্যৱস্থা liquor prohibition ৰ ক্ষেত্ৰতো দেখা গৈছে। আৰু তাত আসোৱাহ থকাৰ কাৰণে পিছত সেই আইনৰ সংশোধনী কৰা হৈছে। এতিয়া এই আইন অনুযায়ী যদি এবাৰত ৪ জন লবাই টাচ খেলি থাকে আৰু বেট নধৰিলেও এই আইনৰ দ্বাৰা পুলিচক যি ক্ষমতা দিয়া হৈছে তাৰ দ্বাৰা সেই মানুহৰ ঘৰত পুলিচ সোমাব পাৰিব আৰু মানুহ কেইজনক দোষী বুলি কব পাৰিব। তেতিয়া তেওঁলোকে নিৰ্দোষ বুলি প্ৰমাণ কৰিব লাগিব। গতিকে পুলিচ অফিচাৰৰ এই ক্ষমতাৰ দ্বাৰা সমাজৰ নানা বিশৃংখলা হৈ পৰিব। সেই কাৰণে মই মন্ত্ৰী মহোদয়ক জনাব খোজো যে আমাৰ Central আইনত ব্যৱস্থা আছে যে এই আইনৰ ক্ষেত্ৰত ৰাজ্যিক চৰকাৰে নিজ নিজ ৰোল কৰি লব পাৰে। সেই কাৰণে পুলিচ অফিচাৰৰ এই ক্ষমতা প্ৰয়োগক ৰাজ্যিক চৰকাৰে নিৰ্দিষ্টকৈ Restriction ৰ ব্যৱস্থা কৰিব লাগে। গতিকে ঘৰে ঘৰে মানুহে যিবিলাক খেলা কৰে সেইবিলাকৰ ওপৰত যাতে এই আইনৰ অপপ্ৰয়োগ নহয় তাকে বিত্তমন্ত্ৰী মহোদয়ৰ ওচৰত অনুৰোধ কৰিলো।

Shri Phani Bora : অধ্যক্ষ মহোদয়, মাননীয় শ্ৰীশৰ্মা ডাঙৰীয়াই কৈছে যে কি ব্যৱস্থা কৰি এই আইনখন কাৰ্য্যকৰী কৰিব এই সম্পৰ্কে তেখেতে শুনিবলৈ অপেক্ষা কৰি আছে। কিন্তু মই ভবাত এইটো শুনা কথাত থাকিব। কাৰ্য্যক্ষেত্ৰত এই আইন প্ৰয়োগ কৰিবলৈ যাওঁতে আগৰ যি ইতিহাস ৰচনা কৰা হৈছে তাৰ কিবা তাৰতম্য হব বুলি মই নাভাবো। যদি তাৰ তাৰতম্য হয় তেনেহলে এইটো আমাৰ কাৰণে আৰু দেশৰ কাৰণে বৰ উপকাৰ হব, আৰু আমাৰ ধাৰণাও বদলি যাব। এই আইন পাছ কৰাত আমাৰ সমৰ্থন আছে। বৰঞ্চ এই আইন বহুত দিন আগতে পাছ কৰিব লাগিছিল। ইতিমধ্যে আমাৰ ল'ৰা-ছোৱালী নষ্ট হোৱাৰ আগতেই এই আইনৰ ব্যৱস্থা কৰিব লাগিছিল। ফেব্ৰুৱাৰীৰ তীব্ৰ খেল বন্ধ কৰাই নহয়, আন আন যিবিলাক জুৰা খেল চলি আছে সেইবিলাকো

* Speech not corrected.

বন্ধ হোৱা উচিত। কিন্তু এই আইনত তাৰ কোনো ব্যৱস্থা নাই বৰঞ্চ কেতিয়াবা পূজা-পাৰ্বন আদিত Imergency licence ও দিয়া হয়। আমাৰ মন্ত্ৰীসকলেও কিছুমান জুৱা খেলত অংশ গ্ৰহণ কৰে। টাচ খেলা আদিত কোনো কোনো মন্ত্ৰীয়ে অংশ গ্ৰহণ কৰাৰ কথা বহুতে জানে। অৱশ্যে মই কাৰো নাম কব নোখোজো। কিন্তু এইটো কথা সঁচা আৰু সকলোৰে জানে।

(এটি স্বৰ : সেইটোনে কি খেল?)

এইটো flass বুলি কয়। তাত পইছা থপা হয়। আৰু ইয়াৰ দ্বাৰা উপাৰ্জন কৰা হয় বুলিও শুনা যায়। একে বাতিতে বোলে গোটেই মাহৰ দৰমহা শেষ হৈ যায় আৰু একে বাতিতে তিনি মাহৰ দৰমহা সংগ্ৰহ কৰিব পৰা যায়। এতিয়া কথা হৈছে যে মাজে মাজে উৎসৱ আদিৰ সময়ত যি licence দিয়া হয় সেইটো বন্ধ কৰা হবনে নহয়? এই জুৱা খেলৰ কাৰণে নানা প্ৰতিবিদ্ৱাৰ সৃষ্টি হৈছে। এইবিলাক কথা চৰকাৰ এটা যেতিয়া আছে কব লাগিব। এইবিলাক কৈ মেনি কিবা লাভ হব বুলি মোৰ বিশ্বাস হেৰাই গৈছে। যদি মোৰ ধাৰণা অপ্ৰমাণিত কৰিব পাৰে তেন্তে মই আনন্দিত হম, প্ৰশংসা কৰিম। যিবিলাকে এতিয়া মালা পিন্ধি ফুৰিছে তেওঁবিলাকে যদি এই কথা অপ্ৰমাণিত কৰিব পাৰে তেন্তে আমিও মালা পিন্ধাম। Assam Tribune কাগজ ভৰ্তি হৈ থাকে কোনে কোন মন্ত্ৰীক মালা দিলে। অৱশ্যে মালা পিন্ধোৱাত বেয়া পোৱা নাই। এতিয়া মদ নিৰাধৰণৰ ক্ষেত্ৰত যি আইন কৰা হৈছে তাক যদি কাৰ্য্যকৰী কৰা হয়, তেন্তে মালা পিন্ধক। এনেকুৱা আইন পাছ কৰি যদি কাৰ্য্যকৰী কৰিব পাৰে, তেন্তে আমি আনন্দিত হম। তাৰৰ সম্পৰ্কত এতিয়াও তাৰৰ টিকেট বিক্ৰী হৈ আছে। তাৰ খেল অসমত নহয়, মেঘালয়ত হৈ আছে, এইবিলাক কথা সকলো সদস্যৰ মুখত শুনা যায়। খানাপাৰাৰ ইফালে মেঘালয় ৰাজ্য, তাতে তাৰ

* Speech not corrected.

খেলা হৈ আছে। আৰু সিপাৰে অসম ৰাজ্যত ঘৰে ঘৰে টিকেট বিক্ৰি হ'ব লাগিছে। এইবিলাক organisation কৰি বয়ে-কলিকতা আদিত টিকেট বিক্ৰী হৈ আছে। মুকলিভাৱে এই খেল চলাত কিছুমান ল'ৰাই দুপইছা উপাৰ্জন কৰিছিল। কিন্তু এই খেল বৰ্তমান গোপনভাৱে চলাত কেইজনমান মুষ্টিমেয় মানুহে গোটেইখিনি ইস্তক্ষেপ কৰিছে। ভৱশ্যে এই চৰকাৰে চিঠিক লৈ জুৰা খেলিছে; সমাজক লৈ জুৰা খেলিছে আৰু তেওঁলোকে নিজকে লৈও জুৰা খেলিছে। এইবিলাক যাতে বন্ধ কৰে তাৰ বাবে অনুৰোধ জনাই মোৰ বক্তব্যৰ সামৰণি মাৰিলো।

Shri Debeswar Sarmah : এইফালৰ আপত্তি আছে Speaker ৰ দৃষ্টি আকৰ্ষণ কৰিব নোৱাৰে।

Shri Shamsul Huda : অধ্যক্ষ মহোদয়, বিভূষিত মহোদয়ে আজি সদনৰ আগত জুৰা খেল, তীৰ খেল আৰু তাচ খেল বন্ধ কৰিবৰ কাৰণে যি বিল আগবঢ়াইছে, সেইখন কেইমুহূৰ্তৰ পিছত পাছ হৈ যাব। কেৱল আইন পাছ কৰাটোৱেই ডাঙৰ কথা নহয়। ডাঙৰ কথা হৈছে ইয়াক কাৰ্য্যক্ষেত্ৰত প্ৰয়োগ কৰাটো। যোৱা ২৩ বছৰৰ অভিজ্ঞতাৰ পৰা দেখিছো যে এই কংগ্ৰেছ চৰকাৰে গণতন্ত্ৰ ৰাখিবৰ কাৰণে একোখন আইন তৈয়াৰ কৰে, কিন্তু কাৰ্য্যক্ষেত্ৰত প্ৰয়োগ কৰা নাই। প্ৰশাসন যন্ত্ৰ থকা সকলে এই আইন খাই পেলায়। যদি এইটোৱেই হয় তেন্তে এই আইন ৰচনা কৰাৰ সাৰ্থকতা নাথাকিব, বৰঞ্চ আমাৰ দেশৰ নিৰীহ জনসাধাৰণক শোষণ কৰা হ'ব। এই জুৰা খেল মন্ত্ৰী পৰিষদৰ পৰা আৰম্ভ কৰি পুলিচ বিভাগে চলাই ৰাখিছে। এই আইন প্ৰয়োগ কৰাৰ দায়িত্ব পুলিচ বিভাগৰ। তেওঁলোকে ৰাতিপুৱাৰ পৰা ৰাতি ১০ বজালৈ জুৱাৰী পাৰ্টিৰ পৰা share আদায় কৰে। ক'ত কেনেকৈ, কেতিয়া আদায় কৰিব লাগে, তাৰ সময় থাকে। সৰু-সুৰা জামাদাৰ আদিৰ পৰা টকা আদায় কৰে। তাৰ পিচত মেলাত পুলিচৰ উপস্থিতিত জুৰা খেল হয়। এই কথা জানি

শুনিওঁ চৰকাৰে মেলাৰ পাৰ্মিচন দিয়ে। পুলিচ অফিচাৰক হাজিৰ কৰি বাখি জুৰা খেল আৰম্ভ হয় আৰু তাত তেওঁলোকৰ share থাকে। মোৰ সমষ্টিৰ পদুমনি ৫ টা পট বহুৱাই প্ৰতি পটৰ পৰা ২৫ টকাকৈ পুলিচ দাখলাগাই আদায় কৰে। এইদৰে জুৰা খেলৰ organisation কৰিছে। যদি জুৰা খেল বন্ধ কৰিব খুজিছে তেন্তে চৰকাৰে বুকুত হাত দি শপত খাই কওক যে এই জুৰা খেল বন্ধ কৰিম। এই আইনৰ কাগজ ধোৱাচাওত তুলি নথি কাৰ্য্যত পৰিণত কৰক। এইখিনিকে কৈ মোৰ বক্তব্যৰ সামৰণি মাৰিলো।

Shrimati Pushpa Lata Das : মাননীয় অধ্যক্ষ মহোদয়, এই বিধান সভাৰ মজিয়াত যি আইন পাছ কৰা হয়, সেই আইন কাৰ্য্যকৰী হব পাৰে জনমতৰ ভিত্তি কৰিছে। অকল আইন কৰিলেই সি কাৰ্য্যত পৰিণত নহয়। সেই কাৰণে আজি মেঘালয় ব'ৰ্ডাৰ, খানাপাৰাৰ ওচৰত যি তাৰ খেলাৰ কাৰণে সন্দেহ প্ৰকাশ কৰিছে মই ভাবো তাক কাৰ্য্যকৰী কৰিবলৈ হলে মেঘালয় চৰকাৰ আৰু অসম চৰকাৰে একনিষ্ঠভাৱে কাম কৰিব লাগিব। আজি যদি দুয়োখন চৰকাৰৰে একমত হয় তেন্তে আজি তাৰ খেল বন্ধ হ'ব। সংখ্যাগৰিষ্ঠ গণতন্ত্ৰতো সংখ্যালঘিষ্ঠৰ মত আছে। আজি যি জুৰা খেল চলিছে ই অকল অসমতে নহয়, গোটেই ভাৰতবৰ্ষতেই চলিছে। আজি এইবিলাক society য়েই দিছো আকৌ আজি society জনমতৰ দ্বাৰা এই আইন কৰিবলৈ বাধ্য কৰিলে। কাৰণ আজি সৰু সৰু ল'ৰা-ছোৱালী এক অনা পইছা লৈ বস্তু কিনিবলৈ গৈ তাৰ টিকেট কিনিবলৈ আৰম্ভ কৰে। ফলত, বহুতো কাগজে-পত্ৰই বহুতো প্ৰস্তাৱ লৈ মাননীয় মুখ্যমন্ত্ৰী আৰু বিত্তমন্ত্ৰীক দিছিল। তেখেতসকলৰ লগত আলোচনাও কৰিছিল। ইয়াৰোপৰি বহুতে মেঘালয় চৰকাৰক এই তাৰ বন্ধ কৰিবৰ কাৰণে কৰা আইনৰ কাৰণে অভিনন্দন জনাইছিল।

এতিয়া যিহেতু মেঘালয়েই তাৰ খেলা বন্ধ কৰিবলৈ আইন কৰিছে আমাৰ ব'ৰ্ডাৰত নিশ্চয় দুয়ো চৰকাৰে মিলি এই তাৰ খেল বন্ধ কৰিব পৰা হ'ব।

ইয়াৰ পাছত সেন ডাঙৰীয়াই মাদকতাৰ কথা কৈছে। তেখেতে কৈছে যে এই প্ৰতিবন্ধকতাৰ কোনো মূল্য নাই। কাৰণ, কানি-ডাঙে মানুহক নৈতিক অধপতনলৈ নিয়াৰ উপৰিও পথভ্ৰষ্ট, চৰিত্ৰহীন কৰি তোলে। সেই কাৰণে আজি চৰিত্ৰহীন জাতি এটাৰ প্ৰতিনিধিয়ে কোনো স্বৰ্গৰাজ্য বচনা কৰিব নোৱাৰে। সেই কাৰণে ইয়াৰ বিৰুদ্ধে জনমত গঢ়ি তুলিব লাগে। মই আনকি মহিলা সমিতিকো পিকেটিং কৰিব কৈছো।

Shri Rathindra Nath Sen : আজি মিনিষ্টাৰসকলে আইন কৰিছে “None of the Minister will be allowed to drink and if any one of them found drinking or drink will be removed from Cabinet. Let this character be shown by themselves first. First show the character yourselves and then demand from the public.

Shrimati Pushpalata Das : সেইটো কথা সদায় কোৱা হয় যে আইন পাছ হয়, কিন্তু কাৰ্য্যকৰী নহয়।

Shri Rathindra Nath Sen : অধ্যক্ষ মহোদয়, এনেকুৱা বহুতো মানুহ আছে যিবোলাক মানুহ এতিয়া স্বৰ্গগত হৈছে আৰু মই তেওঁলোকৰ নামো জানো তেওঁলোকে সুৰাপান কৰা স্বৰ্গত চেষ্টেল পাৰ্লি'মেন্টত নমিনেশ্যন পাই আহিছে।

Shri A.N. Akram Hussain : এয়েই চৰিত্ৰহীনৰ নিদৰ্শন।

Shrimati Pushpalata Das : মই এইটো কৈছো যে গণতন্ত্ৰই যিটো চৰকাৰ deserve কৰে because you want me to represent you. সেই কাৰণে যেতিয়া মদসী বাঢ়িছে Will due respect to the Excise Department and to the Excise transfer. সেই

কাৰণেই মই জনমত গঢ়াৰ কথা কৈছো। মই কিন্তু কোনো বা কাৰো মুখৰ গন্ধ লোৱা নাই। এজন মানুহৰ মুখ চকুলৈ চায়েই সেই মানুহ-জনৰ চৰিত্ৰৰ কথা কব পাৰি। সেই কাৰণে চৰকাৰে যিখন আইন আনিছে সেইখন বৰ প্রশংসনীয় হৈছে। আৰু এই আইন জনমতৰ সহযোগিতাত শক্তিশালী হ'ব। আজি সেন মহাশয়ে সকলো ধৰ্মৰ নীতিৰ কথাকে কৈছে। আজি যিসকল স্বামীয়ে মদ খায় সেইসকল স্বামীৰ তিবোতাসকলে অনশন কৰি হলেও মদপান বন্ধ কৰাব পাৰে, কিন্তু আইনে নোৱাৰে।

ইয়াৰ পিছত লটাৰীত কিছু টকা লাভ হোৱা বুলি কৈছে। কিন্তু হলেও মই ইয়াৰ ঘোৰ বিৰোধী। আজি কিবাকিবি প্রলোভন দি মানুহৰ পৰা টকা উপাৰ্জন কৰা ভাল কাম নহয়। মোৰ ব্যক্তিগত ফালৰ পৰা যেনেকৈ সন্মান বিচাৰো তেনেকৈ এই চৰকাৰো সন্মানী চৰকাৰ হোৱা উচিত। আজি পুলিচে এই বিষয়ত একো কৰিব নোৱাৰে। Excise Minister নালাগে কোনেও এই কাম সমাধা কৰিব নোৱাৰে। মাত্ৰ জনমতৰ দাৰাহে ই সমাধা হ'ব।

Shri Kamakhya Prasad Tripathi : অধ্যক্ষ মহোদয়, এইটোৱে ব্যাপক ৰূপ ধাৰণ কৰাত মই সুখী হৈছো। এই কথাটোত বিভিন্ন ফালৰ পৰা দৃষ্টি নিক্ষেপ কৰাৰ প্ৰয়োজন। যদি আজি এই আলোচনাই অহা নিৰ্বাচনত মদৰ খেলা নাইকিয়া কৰিব পাৰে তেনেহলে বৰ সুখৰ কথা।

মাননীয় সদস্যসকল ইমান নিৰাশাবাদী কিয় হৈছে মই কব নোৱাৰো। বিশেষকৈ আশাবাদী শ্ৰীকৃষ্ণী বৰা ডাঙৰীয়াও আজি ইমান নিৰাশাবাদী কিয় হৈছে মই কব পৰা নাই।

Shri Dulal Chandra Barua : মই যোৱা দুটা ইলেক্ষ্যনত গাইছো যে বাগানৰ বনুৱা বিলাকৰ মাজত, পিছপৰা সম্পদায়ৰ মাজত মদ বিতৰণ কৰিছে। এইটো কংগ্ৰেছ পাৰ্টীৰ নিৰ্দেশতে হৈছে নে কাৰ নিৰ্দেশত হৈছে

আমি কব নোৱাৰো। এইবোৰ গালো বালো খোলাকতিৰ তালৰ নিচিনা কথা। আজি নিৰ্বাচনত সকলোৱেই মদৰ দাৰা ভোট কিনিবাব ব্যৱস্থা কৰে।

Shri Kamakhya Prasad Tripathi : আমাৰ ফালৰ পৰা নিৰ্বাচনত মদ প্ৰয়োগ নকৰাৰ প্ৰতিশ্ৰুতিহে আছে। যোৱা নিৰ্বাচনত আমাৰ ভূতপূৰ্ব মুখ্যমন্ত্ৰী চলিহা ডাঙৰীয়াৰ বিৰুদ্ধে যি জনবৰ উত্তিছিল তেওঁ কিমান মদ ব্যৱহাৰ কৰিছিল মাননীয় সদস্যসকলে নিশ্চয় জানে।

Shri Dulal Chandra Baruah : মোৰ বিৰুদ্ধে যি গৰাকী দেৱী থিয় কৰাইছিল সেই গৰাকীয়ে মদ প্ৰয়োগ কৰা নাই নহয়!

Shri Kamakhya Prasad Tripathi : ঠোৰতে কোৱা ভাল হৈ আমাৰ ফালৰ পৰা নিৰ্বাচনত মদ প্ৰয়োগ কৰাৰ কোনো programme নাই।

এতিয়া মাননীয় সদস্যসকলে যিবিলাক suggestion দিছে সেইবোৰ বৰ valuable আৰু সেই বিলাকৰ প্ৰতি চৰকাৰে নিশ্চয় দৃষ্টি ৰাখিব। শ্ৰীশৈলেন মেধি ডাঙৰীয়াই এটা বৰ জৰুৰী কথা কৈছে যে দোষী নহয় সাব্যস্ত কৰিবৰ কাৰণে দোষীকে দায়িত্ব দিয়া হৈছে। এইটোৰ প্ৰতিকাৰৰ অৰ্থ চকু ৰাখিব লাগিব।

বৰুৱা ডাঙৰীয়াই আৰু এট suggestion দিছে যে Magistrate ক দায়িত্ব দিব লাগে। Social Legislation কৰিছে কিন্তু কাৰ্য্যকৰী হোৱা নাই। আমাৰ মাননীয় সদস্য শ্ৰীমতী দাস ডাঙৰীয়াই কৈছে যে এই আইনত দুটা কাৰণ আছে এটা কাৰণ হৈছে যে, এজনে আন এজনৰ ওপৰত অত্যাচাৰ কৰিলে পুলিচে ধৰা পেলাবলৈ সহজ পায়। কিন্তু নিজে নিজৰ ওপৰত অত্যাচাৰ কৰিলে কেনে পুলিচেই ধৰা পেলোৱা টান। গতিকে উপদেশ দিছে জনমতৰ সহযোগিতা লাগে। এইটোত মই সম্পূৰ্ণ তেখেতৰ লগত একমত। এতিয়া এই ক্ষেত্ৰত মাননীয় সদস্য

সকলৰো সহযোগিতা লাগে। কাৰণ তেখেতসকল জনমত গ্ৰহণ, তেখেত-
সকল ব্ৰহ্মাৰ নতুন স্বৰূপ। সেই কাৰণে তেখেতসকলে জনমত গঢ়ি
তোলাত নিশ্চয় সহায় কৰিব।

Shri Shamsul Huda : মদৰ পিপা বিতৰন কৰিলে কেনেকৈ হব?

(এটি স্বৰ : মন্ত্ৰী সৃষ্টি কৰিব পাৰে)

Shri Kamakhya Prasad Tripathi : আমি মন্ত্ৰী সৃষ্টি কৰিব পাৰো।

কিন্তু জনমত সৃষ্টি কৰিব নোৱাৰো। সেই কাৰণে এইটো কৃতকাৰ্য্য
কৰাত সহযোগিতা দিব লাগিব।

তৃতীয়তে গুৱাহাটীৰ ওচৰত যিটো ঘটনা ঘটিছিল। এতিয়া মেঘা-
লয়ে আইন পাছ কৰিলে কিন্তু সেই আইন কেতিয়ালৈ কাৰ্য্যকৰী কৰা
হয় কোৱা টান। কাৰণ দুয়োটা চৰকাৰেই সহযোগিতা লাগিব আৰু
দুয়ো চৰকাৰে একমতে কাম কৰিলেহে কৃতকাৰ্য্য হ'ব। আমাৰ ভট্টাচাৰ্য্য
ডাঙৰীয়াই কৈছে যে এই আইন পাছ কৰাৰ কাৰণে Governor ৰ
Assent লাগিব। আমাৰ হুদা ডাঙৰীয়াই যিটো কথা কৈছে যে, সেই-
টোত পুলিচৰ সহযোগিতা যদি নাথাকে এইটো কৰা সম্ভৱ নহয়। কাৰণ
পুলিচে এই কামত ইমান টকা পায় যে, তেওঁলোকৰ মস্তিষ্কৰে বিকৃতি
ঘটে। এতিয়া যদি মাননীয় সদস্যসকলে এইবিলাক ভালকৈ চায়, গোপনে
গোপনে পুলিচ উচ্চপদস্থ বিষয়াৰ লগত আলোচনা কৰে তেতিয়াহলে
সেইবিলাকৰ ব্যৱস্থা লব পৰা হ'ব। আৰু তেতিয়া পুলিচেও কাম কৰিবৰ
কাৰণেৰ সুবিধা হ'ব। এইদৰে দুই-চাৰিজন মানুহক শাস্তি দিলেই
এইটো কমি যাব বুলি অনুভৱ কৰিব পাৰি। আৰু যদি মাননীয় সদস্য
সকলে এই জনমত গঢ়ি তোলাত সম্পূৰ্ণ সহযোগ কৰে তেতিয়াহলে মেঘা-
লয় চৰকাৰৰ লগত আলোচনা কৰি এই আইন প্ৰয়োগ কৰিব পাৰিম।

Mr. Speaker : Now I put the question. The question is that the Assam Game and Betting Bill, 1970, be passed.

(The motion was adopted)

Adjournment

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

Leave of absence to Jonab Rahimuddin Ahmed M.L.A. and Shri Bishnuram Medhi, M.L.A.

AFTER LUNCH

14.00 hrs. Mr. Speaker in the Chair.

Mr. Speaker : I hearby inform the House that Shri Rahimuddin Ahmed, an elected Member of the Assam Legislative Assembly representing Hojai Constituency has duly submitted an application for leave of absence from the Assam Legislative Assembly which reads as follows :—

“I have the honour to state that on 26th September, 1970 due to a motor accident my right hand was badly fractured. My arm and hand is at collapse condition till now. At present I am unable to move properly. Also I am under treatment.

Therefore I will not be able to attend the ensuing Assembly Session. So kindly allow me leave till my recovery.

R. Ahmed, M.L.A.”

I think the House will grant leave of absence prayed for in the application. Is it the sense of the House that the leave of absence be granted to the hon. Member ?

(Voice : Yes, Yes)

66 The Assam Panchayat (Amendment) Bill, 1970 5 Dec.

The leave is granted

I hereby inform the House that Shri Bishnuram Medhi an elected Member of the Assam Legislative Assembly representing Hajo Constituency has duly submitted an application for leave of absence from the Assam Legislative Assembly which reads as follows :

“Due to illness I have not been able to attend the Winter Session of the Assam Assembly opened on the 9th November, 1970 and I am afraid for the same reason I may not be able to attend the adjourned Winter Session of the Assam Assembly from 4th December, 1970 to 18th December, 1970.

I, therefore, request you kindly to grant me permission for leave of absence from the sitting of the Winter Sessions of the Assembly upto the 10th December, 1970.

Bishnuram Medhi.”

I think the House will grant leave of absence prayed for in the application. Is it the sense of the House that the leave of absence be granted to the hon. member?

(Voices : Yes, Yes). The leave is granted.

The Assam Panchayat (Amendment) Bill, 1970

Shri Ataur Rahman : Sir I beg to move that the Assam Panchayat (Amendment) Bill, 1970 be taken into consideration.

Mr. Speaker : The question is that the Assam Panchayat (Amendment) Bill 1970 be taken into consideration.

(The motion was adopted)

There is no amendment.

Shri Ataur Rahman : Sir, I beg to move that the Assam Panchayat (Amendment) Bill, 1970 be passed.

Shri Dulal Chandra Barua : Sir. I want to make certain submissions on this Bill. As we could not submit amendments in time, I want to take this opportunity of submitting a few things at this passing stage. It has been stated in the statement of objects and reasons that the main objective of the Assam Panchayat (Amendment) Bill, 1970 is to make provision :

(1) for ensuring smooth functioning of the Panchayat Raj Bodies,

and

(2) for the appointment of the Gaon Panchayat Secretaries by the Mahkuma Parishad so as to bring them under the Subdivisional cadre of the Panchayat employees. Although it has been stated that for smooth functioning of the Panchayati Raj the amendments have been brought but the provision which has been made here is only for the appointments of Secretaries and some power has been given to the D. Cs and S. D. Os in respect of electing Presidents and Vice-Presidents and also to nominate members as and when vacan-

cies occur. But I do not find any provision for reorientation of the Panchayat Act which is necessary under the present circumstances. I would have been glad if the hon. Minister-in-charge of Panchayat would have come forward with a comprehensive Bill which can reorientate the entire thinking of the Gaon Panchayat and Panchayati Raj in the State. Now, what do we find in the Panchayati Raj? we find some Block headquarter and some Gaon Panchayats. But without any financial assistance and guidance they cannot function successfully. Sir, if you analyse the activities of the Panchayats you will find that whatever developmental work the block headquarters and Gaon panchayats undertook since the enactment of the Panchayat Act these are not upto the satisfaction, and it only taught people to be corrupt. Even the people have lost their self-dignity and self-dependence.

The main purpose of Mahatma Gandhi in conceiving panchayat raj was to make the people self-sufficient and self-dependent, but that spirit is nowhere in the working of the present panchayat raj. If the Government or the newly-appointed Minister for Panchayat thinks that by simply empowering the Deputy Commissioner just to supervise in a meeting where the gaon panchayat members are to elect the president, Vice-President and other member he can reorient the entire organisation. I have go nothing to say. But I think he will surely bear me out when I shall say that no fruitful purpose will be served by amending the provisions of the Act in this way. In the Statement

* Speech not Corrected.

of Objects and Reasons, the Minister-in-charge has stated that the main objective of this Bill is to ensure smooth functioning of the Panchayat Raj Bodies. That means that he admits that till to-day the Panchayat raj bodies have been bogus organisations, just to accommodate some of the political elements and giving them an opportunity to exploit the masses in Various ways. What are these gaon panchayat and anchalik panchayats doing? I generally attend meetings of the Anchalik Panchayats. What I have found is that no effective guidance is given by the Government to the B.D.Os and the B.D.Os sit there as Secretaries just to give explanation on behalf of the President. Whenever any member raises any question about certain expenditure or certain scheme, he simply relies on behalf of the President. He was not in a position to explain or to express his viewpoint in respect of development scheme on which general questions were put. More so, even if the Anchalik Panchayat President commits some serious type of wrong or mistake in respect of certain development schemes, even if he sometime misappropriates Government money either this way or that way, the B.D.O is there as his protector. I do not find any reason why the B.D.O.'s role cannot be made more effective to make the Anchalik Panchayat as a whole effective and purposeful.

Then Sir, we also find that sometimes there is quarrel between the B D.O. and the Anchalik Panchayat President. We have some bitter experience in our area. In the North

West Anchalik Panchayat very little development work was done because there was a misunderstanding between the President and the B.D.O. They were always quarelling and did not care much about development work. Sir, it is one of the oldest blocks but even construction work of the Block Development Office has not been completed. The same thing happend with the Jorhat Anchalik Panchayat We have pointed out on many occasion in what way the Presidents and the B.D.Os. have indulged in corruption in the name of development, but no action has so far been taken in this regard. I would have been glad if this piece of legislation was meant to remove such kind of corruption and to enlighten the people in what way they are expected to run the Panchayat raj. But I am afraid this Bill will not serve that purpose. The Minister of Panchayat is a new Minister and if he goes through the Bill he will find that no useful purpose will be served by this Bill. It will not effect any improvement in the working of the Panchayat Raj and there will be no upliftment of the people. Therefore, Sir, even at this last stage (I am sorry, Sir, we could not make time to submit amendments) I would request the Hon'ble Minister in charge of Panchayat, who has recently been recruited by the new Chief Minister Shri Mahendra Mohan Choudhury, to go through the working of the entire Panchayat Raj and then come forward with a fresh Bill suggesting amendments with a view to give incentive to people and also to make the Panchayat Raj purposeful.

With these observations, I again request the Minister to withdraw this Bill and to bring in a fresh Bill with proper organisation.

Shri Nakul Chandra Das : Mr. Speaker, Sir, I have a few observations to make. The amendments are solely for election of the President and Vice-President. There are certain practical difficulties so far as co-option is concerned because the Deputy Commissioner or the Subdivisional Officer may call a meeting of the Anchalik Panchayat or the Mahkuma Parishad for election of the President and Vice-President only, but in respect of co-option it is Conspicuously silent. Therefore, the Mahkuma Parishads and the Anchalik Panchayats will have practical difficulties. I hope, Sir, the Minister will clarify the position and issue necessary instructions to the Deputy Commissioners and Subdivisional Officers in this connection.

Shri Rothindra Nath Sen : Sir, in this passing stage of the Amendment Bill, unlike my nature, I want just to make a submission, particularly pointing out the condition of the Panchayat Department and the affairs all around the Karimganj subdivision. Sir, since my knowledge very much limited inasmuch as the Panchayat activities in other parts of the State are concerned, in Karimganj subdivision the affairs are unfortunately all in a mess. Sir, even within the present financial limitations of the Government of Assam, money that is being generally granted for the Gaon Sabhas and

the Anchalik Panchayats and also for the proper functioning of the Maekuma Parishads is not very meagre. If these financial grants that are being sanctioned from time to time from the State exchequer were properly utilised, by and large the picture of the Panchayat areas, at least in our subdivision, would have been different to-day. But what is going on? Sir, there is a full-fledged Department being maintained by the people of the State amidst their tremendous hardship. This Department is always callous about making time to time queries in respect of survey and making time to investigation into the activities of particular Gaon Savas and Anchalik Panchayats or even Mahkuma Parishad. But nothing of this kind is done. When we come forward with some such suggestions Government obviously will say that there is a Planning officer and the S.D.Os and D.Cs are the ex-officio members of the Mahkuma Parishad and it is their administrative duty to look these things and report to Govt. But never such things happened. S.D.Os and D.Cs are so tight that after attending to their multifarious duties they find little time seldom to look to these things. We unfortunately, as the legislators are also members of some Anchalik Panchayats within our own Constituencies and also the members of the Mahkuma Parishad. So far as Karimganj Mahkuma Parishad is concerned, it is very much surprising that the tenure of the post of the President of the Karimganj Mahkuma Parishad was extended for last two years showing thumb finger to the so-called democracy. I do not understand how

it can happen when the election has been held two years back and for some litigation several members of Gaon Panchayats have been even nullified or declared void by this Court or that Court and every-thing is in a mess in the Sub-Division, Therefore, I want to get a categorical reply from the Minister in this regard. Sir, this particular Department is conducted by the Minister of State Shri Hazarika and I shall request him to come to our place sometime and know the things. It is within the political and geographical jurisdiction of the State of Assam ; it has not yet been abandoned by the Government of Assam. The hon'ble Minister of State is always out going this part or that part of the State on tour and whenever we come to the Capital we find that the Minister are out. But why he cannot go to that part (Karimganj) and realise our difficulties, take some steps so that autonomous organisation like Mahkuma Parishad can function properly. My demand is this and I am taking advantage of the amendment and making a request to the Minister who is visiting our area soon to see that the Karimganj Mahkuma Parishad is made immediately and adhoc Committee with a new President, whomever they like to make, so that entire functioning of the Parishad is set alight. Unless this done there is no sense in passing some amendment. I wish Sir, our hon'ble Minister will give that assurance that he will go to our side and take some action so that the Mahkuma Parishad is made an ad hoc one with a new President.

Shri Debeswar Sarmah : অধ্যক্ষ মহোদয়, মই বিশ্বাস কৰো যে সকলো ক্ষমতা সকলো বাইজৰ হাতলৈ আহিবলৈ হলে দুটা প্রকৃষ্ট উপাই আছে। তাৰ বাহিৰে আৰু মই দেখা নাই।

গণতন্ত্ৰত বাইজৰ শাসনতন্ত্ৰৰ ক্ষেত্ৰত সকলো ক্ষমতা সকলো বাইজৰ হাতলৈ একমাত্ৰ আহিব পাৰে পঞ্চায়তৰ জৰিয়তে, অৰ্থনৈতিক ক্ষেত্ৰত আহিব পাৰে সমবায়ৰ জৰিয়তে। এতিয়া যদি সেই কথাটোৱেই সত্য হয়, তেনেহলে প্রকৃততে মই এই সত্যটোকেই বিশ্বাস কৰা নাই। যদি বিশ্বাস কৰো তাত আমাৰ আন্তৰিকতা আছে নে নাই তাক কাৰ্য্যক্ষেত্ৰত দেখা যায়। ব্লক বিলাক হৈছে তাৰ প্ৰথম 'ফেজ'তে দেখা যায় তাৰ ঘৰ-দুৱাৰবিলাক ভঙা-চিঙা। তাত বগী টিনৰ ঘৰ হলে তাত বিষয়াও হয়। বিষয়া হলেই নিয়োগ পায়, কাম পায়। আজি আমাৰ গাঁৱৰ জনসাধাৰণলৈ চালে আমাৰ সত্যৰ পিনৰ পৰা এই ধৰণৰ কোনো এটা চেপ্টাই পৰিলক্ষিত হোৱা নাই। আমাৰ মূল কথা হ'ল যদি শাসনতান্ত্ৰিক ক্ষমতা সদৌ বাইজৰ হাতলৈ যাব লাগে তেন্তে এইবিলাক কথাত আমাৰ চৰকাৰে মনোনিবেশ কৰিব লাগে। এইবিলাক কাম চাব লাগে। এতিয়াও যদি আমাৰ চৰকাৰে এলাক্ষুকলীয়া পুৰণি কিতাপ কেইখনকে পঢ়াই থকা হয় তাৰ দ্বাৰা জ্ঞান দিয়া নহয়। আমাৰ মাননীয় সদস্য সকলৰ ভিতৰত ২/১ জন ভাল বা বেয়া থাকিব পাৰে। কিন্তু আমাৰ গোটেই চেপ্টাটো হ'ল নিৰ্বাচনৰ কাৰণে। আমাৰ পঞ্চায়তৰ নিৰ্বাচন এনেকুৱা ভিত্তিত কৰিব লাগে যাতে ৫ বছৰৰ পাচত নিৰ্বাচিত হৈ Assembly লৈ আহিব পাৰে। আমাৰ মহকুমা পৰিষদৰ নিৰ্বাচন হয় দেখে দেখকৈ মই যোৰহাটত দেখিছো—মই সেইদিনা তাত উপস্থিত আছিলো, তাত মই দেখা পালো পঞ্চায়তৰাজৰ যিখিনি আস্থা বা চেপ্টা লাগে সেইখিনিৰ অভাৱ। বাকী সকলো কৰা হৈছে। আমাৰ ৫ বছৰৰ পিচত নিৰ্বাচন হয় আৰু তাৰ দ্বাৰাই বিধান সভাৰ সদস্য নিৰ্বাচিত হয়। অৱশ্যে বিধান সভাৰ সদস্য হলে বহুতো সুবিধা থাকে

(এটি স্বৰ : মংগ্ৰী হব পাৰে)

সকল মন্ত্ৰীয়েই নহয় মন্ত্ৰী নোহোৱা সকলো কম নহয়। মন্ত্ৰীয়ে এহেজাৰ দেখা পায় কিন্তু নেদেখাসকলৰ টোপোলা তাতোকৈ গহীন। মই এই কথা দুয়ো পক্ষকেই কৈছো। মন্ত্ৰীসকল মন্ত্ৰী হয় আৰু আমাৰ দলভূক্ত যিগকল পালি মন্ত্ৰী হয় যিখিনি কাম কৰিবলৈ দিয়া হয় তেওঁলোকে সেইখিনি বিবেচনা কৰি চোৱা উচিত। আমাৰ এষাৰ কথা আছে

“ঈশ্বৰৰ লীলা কৰিলে ৰং

মনুষ্যৰ লীলা কৰিলে খং।”

সেই কাৰণে মনুষ্যৰ কথা কব নোখোজো। U. P. বা অন্যান্য ঠাইত একোটা Division ত বহুতো মানুহ থাকিবও পাৰে। কিন্তু আমাৰ ইয়াত মুষ্টিমেয় সংখ্যকহে। সেই কাৰণে আমাৰ ইয়াৰ বিৰোধী পক্ষক মই নিয়মীয়া বুলি নাভাবো। মন্ত্ৰীসকল আৰু অন্যান্য সকলৰো দেশৰ প্ৰতি সমানে স্বার্থ আৰু আস্থা থকা বুলি ভাবো। কেৱল ভাল পোৱা প্ৰথাটোহে বেলেগ। হয়তো মাননীয় সদস্য শ্ৰীফণী বৰা ঠাঙৰীয়াই Dictatorship লৈ বাট চাই আছে। তেখেতে Dictatorship of Proletariat আশা কৰে। মইও পঞ্চায়তৰ যোগেদি Dictatorship সৃষ্টি কৰাৰ কথা কও। সেই কথাত আমাৰ আটাইৰে কম বেছি পৰিমাণে ক্ৰটি আছে। মন্ত্ৰীসকলৰ পোনপটীয়া দায়িত্ব আছে বাবেই তেখেতসকলে কাম কৰিবলৈ দায়িত্ব অনুভৱ কৰিব লাগে। কিন্তু মই ভাবো ইদানীং সেইটো হোৱা নাই, কিয়নো সেইটো কৰিবলৈ প্ৰতিকূল অৱস্থাৰ সৃষ্টি হোৱা নাই। মই নিজেও নিজৰ ক্ৰটি স্বীকাৰ কৰিছো। এতিয়া নতুন পঞ্চায়ত মন্ত্ৰী উঠি অহা ডেকা শ্ৰীআটাউৰ বহুমান চাহাবে কাম কৰিবলৈ চেষ্টা কৰিব বুলি মই ভাবো। নতুনকৈ মন্ত্ৰী বিতৰণ হোৱা বাবে বিভাগ আৰু নাম বিনাক মুখস্থ হোৱা নাই। সেইটো যি কি নহওক যিয়ে যি বিভাগ পায় সেইটো যাতে ভালকৈ চলাবলৈ যত্নপৰ হয় তাকেই কলো। সেইটো দেখিলে মই মৰিবৰ সময়তো মুখেৰে মাতিব পাৰিম।

আমাৰ পঞ্চায়ত আৰু সমবায় এই দুয়োটাই কিয়দ পৰিমাণেহে কৃতকাৰ্য হৈছে। কেৱল গণতন্ত্ৰৰ ভেকো-ভাওনাহে কৰা যেন পাও। কেৱল গণতন্ত্ৰ আৰু সমবায়হে আটাইতকৈ ডাঙৰ কথা। এই বিভাগ দুটা সৰ্বশ্ৰেষ্ঠ বিভাগ।

মুখ্যমন্ত্রী সকলোৰে ওপৰত মুখ্য হলেও ঘৰৰ পিতা হলেও বিভাগ হিচাবে
প্রত্যেকে দায়িত্ব বুজা উচিত।

(সময়ৰ সংকেত)

পঞ্চায়ত আৰু সমবায়ৰ উদীয়মান ডেকা মন্থী দুজনক যত্নপৰ হ'বলৈ অনুৰোধ
জনাই মোৰ বক্তব্যৰ সামৰণি মাৰিনো।

Shri Promode Chandra Gogoi : মাননীয় অধ্যক্ষ মহোদয়, চৰকাৰৰ
তৰফৰ পৰা পঞ্চায়তৰ সংশোধনী বিলত যি দুটা বিষয় আনোচনা কৰা হৈছে
প্রকৃততে বৰ্তমান যি পঞ্চায়ত আইনৰ ব্যৱস্থা তাৰ এটা সম্পূৰ্ণ পৰিবৰ্তনৰ
কাৰণে চৰকাৰৰ তৰফৰ পৰা এখন বিল অনা উচিত আছিল। আমাৰ
মাননীয় সদস্য শৰ্মা ডাঙৰীয়াই তেখেতৰ কথাত কৈছিল যে বৰ্তমান পঞ্চা-
য়ত বিলাকত বাইজৰ ভালৰ কাৰণে কৰিবলগীয়া কাম বাদ দি বাকীখিনি
কৰা হয়। আৰু সেইটো কথা এতিয়াৰে অসত্য নহয়, কাৰণ পঞ্চায়তৰ
ব্যৱস্থা দেশৰ শাসনকাৰ্য্যত, বাইজৰ সহযোগিতা বিচাৰিছিল আৰু বিশেষকৈ
উন্নয়নমূলক কাম বিলাকত বাইজৰ তৰফৰ পৰা অংশ গ্ৰহণ কৰাৰ ব্যৱস্থা
গ্ৰহণ কৰা হৈছিল। সেই ব্যৱস্থা আমাৰ এই প্ৰদেশত কাৰ্য্যকৰী হৈছে নে
নাই কোৱা টান। এটা কথা দেখা যায় আমাৰ প্ৰদেশৰ সমবায় বিভাগ,
গাওঁ পঞ্চায়তত আৰ্থিক বিভাগে কৰ্মচাৰীক দৰমহা দিয়াৰ কাৰণে পইচা
নাই। সঞ্চালক পঞ্চায়ত উন্নয়নমূলক কাম কৰাৰ কাৰণে পইছা নাই। গতিকে
পঞ্চায়ত ব্যৱস্থাটো যদিও এটা ভাল ব্যৱস্থা নৈ কৰা হৈছিল, বৰ্তমান আমাৰ
প্ৰদেশত সেই ব্যৱস্থা নানা কাৰণত কাৰ্য্যকৰী হোৱা নাই। কাৰণ এনেকুৱা
কথাত দেখা যায় যে বহুত অক্ষিত অক্ষিচাৰৰ কাৰণে যিমান পইছা খৰচ
কৰিবলগীয়া হয়, উন্নয়নমূলক কামত তাকৈ কম খৰছ কৰা হয়। শিৱসাগৰত
কেইখনমান আঞ্চলিক পঞ্চায়ত আছে। শিৱসাগৰৰ আঞ্চলিক পঞ্চায়তত এখন
মিটিং হৈছিল। তাত যাতায়তৰ ব্যৱস্থাৰ কাৰণে ২,০০০ টকা আৰু তাত
overciar এজন আছে, দৰমহাৰ কাৰণে বছৰি প্ৰায় ৫,০০০ টকা খৰচ হয়।
গতিকে উন্নয়নমূলক কামৰ কাৰণে বৰ্তমান যি আৰ্থিক অনাটন দেখা দিছে

সেই অনাটন দূৰীকৰণৰ কাৰণে চৰকাৰৰ পক্ষৰ পৰা ব্যৱস্থা যথাতথাবে যোগান ধৰা নাই। গতিকে পঞ্চায়তৰ আইনৰ উদ্দেশ্য যিমানৈই ব্যাখ্যা নকৰক, প্রকৃততে সেইটো কাৰ্য্যকৰী হোৱা নাই। আকৌ কও যে এই বিলখনৰ পঞ্চায়তৰ ব্যৱস্থা যাতে ভালকৈ চলাব পাৰে ইয়াৰ কাৰণে এই সংশোধনী অনা হৈছে। যদিও পঞ্চায়ত ব্যৱস্থাৰ কথা কোৱা হৈছে আৰু হয়তো আজি আমাৰ মন্ত্ৰী মহোদয়ে উত্তৰ দিওতে তেখেতে এটা বস্তুতা দিব পাৰে—কিন্তু এতিয়ালৈকে পঞ্চায়ত বিলাকত যি কাম-কাজ কৰা হয় সেই বিলাকত চৰকাৰৰ দ্বাৰা হস্তক্ষেপ হয়। কিন্তু এই ক্ষেত্ৰত আমি জনাত বহুত বিলাক ঠাইত বিশেষকৈ Block Head Quater নিৰ্মাণ কৰা ক্ষেত্ৰত আঞ্চলিক পঞ্চায়তৰ মতামত নোহোৱাকৈ, এতিয়া য'ত Head quater আছে তাত পাতিলৈগৈ। কিন্তু এতিয়া অনুভৱ সকলোৰে কৰিছে যে ইয়াৰ পৰা শাসন কাৰ্য্য চলোৱাত অসুবিধা হৈছে। গতিকে আঞ্চলিক পঞ্চায়তৰ কাম বা মহকুমা পৰিষদৰ কাম তেওঁলোকৰ মতামত নৈ কৰিলে ভাল হয়।

গতিকে যিমানৈই গণতন্ত্ৰৰ কথা কোৱা নহওক, পঞ্চায়তৰ ক্ষেত্ৰত এই চৰকাৰৰ যিটো মনোবৃত্তি আছে, যেনে পঞ্চায়তৰ যিটো মনোভাৱ তাক অৱজ্ঞা কৰি চৰকাৰৰ নিজা মনোভাৱ আৰু ইচ্ছা জাপি দিয়াৰ চেষ্টা চলাই আহিছে। যদি এই মনোভাৱ পৰিবৰ্তন নকৰে তেন্তে যিমানৈই সংশোধনীৰ প্ৰস্তাৱ নানক, সিমানৈ পঞ্চায়তী ব্যৱস্থাৰ উন্নতি হ'ব নোৱাৰে।

এটা কথা ইয়াত কোৱা হৈছে যে গাওঁ পঞ্চায়তৰ সম্পাদক সকলক আগতে চৰকাৰে নিয়োগ কৰিছিল আৰু বৰ্তমান মহকুমা পৰিষদে নিয়োগ কৰিব। ইয়াৰ আগৰ ব্যৱস্থা মতে গাওঁ পঞ্চায়তৰ এজন সম্পাদক নিয়োগ কৰিবৰ হলে গাওঁ পঞ্চায়তে তেওঁক নিয়োগ কৰিব লাগিব। কিন্তু এনেকুৱাত কিছু সম্পাদক আছে যিসকলক মহকুমা পৰিষদেও নিয়োগ কৰা নাই। কোনো কোনো President এ নিজৰ ইচ্ছানুযায়ী, নিজৰ স্বাৰ্থৰ কাৰণে সম্পাদক নিয়োগ কৰিছে। যোৱাবাৰ অধিবেশনত মই এটা প্ৰশ্ন দিছিলো যে দিমৌ অঞ্চলৰ পানীপোটা গাঁৱৰ গাওঁ পঞ্চায়তৰ এজন সম্পাদক লব লাগে। গাওঁ পঞ্চায়তে সিদ্ধান্ত কৰি দৰখাস্ত বিচাৰিছিল। কুৰিজন মানুহে দৰখাস্ত কৰিলে

কিন্তু দেখা গ'ল যে সেই সকলো বিলাক কথা বাদ দি গাওঁ পঞ্চায়তৰ সভা-পতিজনে এনেকুৱা এজন সম্পাদক নিয়োগ কৰিলে যিজন হৈছে দুনীতি-পৰায়ন, যিজনৰ ওপৰত পুৰিচৰ কেচ আছে, যিজনে বানপানী প্ৰদীড়িত বাইজৰ বাবে অনুমোদন পোৱা সকলো টকা অপচয় কৰাৰ বাবে তদন্ত চলিছে তেনে এজন মানুহকে চেক্ৰেটৰী নিয়োগ কৰিলে আৰু বৰ্তমান ব্যৱস্থাবে তেওঁলোকে পঞ্চায়তৰ কাৰণে দেখা যায় তেতিয়া বি-ডি-অ' ৩ নিমাত থাকিল আৰু প্লেনিং অফিচাৰো নিমাতে থাকিল। Assembly ত প্ৰশ্ন কৰিলেহে কাম হয়। তাৰ পাছত প্লেনিং অফিচাৰে নিৰ্দেশ দিলে যে ১৫ দিনৰ ভিতৰত Charge Hand Over কৰিব লাগে। এই অৱস্থা কিয় হৈছে ?

বৰ্তমান যি আইন আছে সেইখন অমান্য কৰি চেক্ৰেটৰী নিয়োগ কৰা হৈছে। Assembly ত প্ৰশ্ন কৰিলেহে চৰকাৰে ব'হুৱা কৰিব নেকি ? সেইটো বি-ডি-অ'ই দিছে নে প্লেনিং অফিচাৰে দিছে—পঞ্চায়ত আইন মতে সেইবিলাক হৈছে নে ? এইবিলাক লক্ষ্য কৰাৰ কাৰণে অনেক দৃষ্টান্ত মই দিছো। এখন গাওঁ পঞ্চায়ত, যিখনৰ সম্পাদকজন দুনীতিপৰায়ণ, কামৰ পৰা বৰখাস্ত কৰা হৈছে, তেওঁক অন্য এখন গাওঁ পঞ্চায়তৰ সম্পাদকৰূপে নিয়োগ কৰিলে। যিজনক এখন গাওঁ পঞ্চায়তৰ কামৰ পৰা বৰখাস্ত কৰিলে সেইজনক আন এখন গাওঁ পঞ্চায়তে নি চেক্ৰেটৰী নিয়োগ কৰিব নোৱাৰে। অথচ, তেনেকৈয়ে চেক্ৰেটৰী নিয়োগ হৈছে আৰু সেই বিষয়ে পঞ্চায়তৰ মন্ত্ৰী ডাঙৰীয়াই জানে। কিন্তু এইবিলাকৰ সম্পৰ্কে কোনো ব্যৱস্থা হোৱা নাই। গতিকে এইটো কথা দেখা যায় যে পঞ্চায়তী ব্যৱস্থাৰ সংশোধনীত চৰকাৰী হস্তক্ষেপ আছে। চৰকাৰৰ হস্তক্ষেপৰ ওপৰতো কেতিয়াবা পঞ্চায়তী আইন অমান্য কৰিও চৰকাৰী পক্ষৰ মানুহ নিয়োগ কৰা হয়। গতিকে এই ব্যৱস্থাত যিখন আইনৰ সংশোধনী কৰাৰ ব্যৱস্থা কৰা হৈছে সেই ব্যৱস্থাটো পালন কৰা হোৱা নাই আৰু এতিয়াও এটা ডাঙৰ কথা হৈছে পঞ্চায়তৰ উন্নতিৰ কাৰণে অৰ্থৰ প্ৰশ্নটো এতিয়া জটিল হৈ পৰিছে। কাৰণ গাওঁ পঞ্চায়তৰ সম্পাদক জন মহকুমা পৰিষদে নিয়োগ কৰিলে পঞ্চায়তী ব্যৱস্থা যে উন্নত হৈ যাব সেই আশাওঁ কৰিব নোৱাৰি। কাৰণ যেতিয়ালৈকে পঞ্চায়তী ব্যৱস্থা গাওঁ পঞ্চায়তৰ পৰা

আৰম্ভ কৰি অৰ্থৰ ফালটো ভাৱভাৱে বিবেচনা কৰা নহয় আৰু কিভাবে পঞ্চায়তবোৰ আত্মনিৰ্ভৰশীল কৰা হয়, তাৰ উপৰিও চৰকাৰ পক্ষৰ পৰা যথেষ্ট পৰিমাণে অনুদান যদি দিয়া নহয় তেতিয়াহলে পঞ্চায়তী ব্যৱস্থা বৰ্তমান যিটো অৱস্থাত আছে ই আৰু বেয়াৰ ফালে যাবলৈহে বাধ্য হ'ব। সেইকাৰণে মই চৰকাৰক অনুৰোধ কৰোঁ গোটেই পঞ্চায়তী বিভাগটো পুনৰ বিবেচনা কৰাৰ প্ৰয়োজন আৰু পুনৰ বিবেচনা কৰি কিভাবে পঞ্চায়তী ব্যৱস্থাক আত্মনিৰ্ভৰশীল কৰিব পৰা হয় আৰু পঞ্চায়তসমূহক চৰকাৰৰ পক্ষৰ পৰা অনুদান বৃদ্ধি কৰাৰ সম্ভাৱনা কিভাবে আছে এই গোটেইবিলাক বিবেচনা কৰি পঞ্চায়তী আইনখন পুনৰ এখন সংশোধনী আইন হিচাবেই হওক বা এখন নতুন আইনেই হওক সেইটো কথা বিবেচনা কৰিব বুলি আশা ৰাখি মই মোৰ বক্তব্যৰ সামৰণি মাৰিলো।

Shri Kehoram Hazarika : অধ্যক্ষ মহোদয়, ইতিমধ্যে পঞ্চায়ত ৰাজত্বৰ ওপৰত আলোচনা হৈছে আৰু এই বিলখনৰ ওপৰতো আলোচনা হৈছে। কথা হৈছে আমাৰ পঞ্চায়ত ৰাজৰ প্ৰায় কুৰি বছৰেই হ'ল। এই কুৰি বছৰৰ অভিজ্ঞতা সম্পৰ্কে এই সনদত গত ৪ বছৰ ধৰি অনেক কথা আলোচনা হৈছে আৰু পঞ্চায়তী আইনখনৰ সংশোধনীৰ কাৰণে অনেক ফালৰ পৰা পৰামৰ্শ আগবঢ়োৱা হৈছে।

এই বিলখনৰ সংশোধনীৰ ওপৰত আমি ভাবিছিলো যে ইমান দিনৰ আলোচনা আৰু অভিজ্ঞতাৰ পাছত পঞ্চায়তী ৰাজ পঞ্চায়ত হিচাবে প্ৰতিষ্ঠা লাভ কৰিব পাৰিব আৰু তালৈ লক্ষ্য ৰাখিয়েই বিলখন পুনৰ সংশোধনৰ কাৰণে সদনত উত্থাপিত কৰিব। কিন্তু এতিয়া দেখা গৈছে যে আগৰ যি ভেকো-ভাওনা এতিয়াও সেই একে ভেকো-ভাওনাই চলি থকাৰ ব্যৱস্থা কৰা হৈছে। গাওঁ পঞ্চায়ত বিলাকৰ কথা বহু আলোচনা কৰা হৈছে আৰু আৰ্থিক অনুদানৰ কথাও জনোৱা হৈছে। একো একোখন গাওঁ পঞ্চায়তৰ পূজি বিশেষকৈ নগাওঁ খাগৰিজানৰ কথা মই ক'ব খুজিছো যে খুব বেছি হয় যদি ২ হেজাৰ ১শ বা ১৮০০ ৰ পৰা ২০০১ শ ২০০২ শ টকা হয়। দেখা যায় যে গাওঁ পঞ্চায়তৰ পূজিৰ টকা খুব বেছি ৫ শ ৬ শ টকাহে ৰাইজৰ কামত খৰছ কৰা হয়।

গাওঁ পঞ্চায়তৰ পৰিচালনাৰ কাৰণে যিসকল চেফ্টেবলী থাকে তেওঁ-
লোকৰ দৰমহা দিয়া হয় ৪০ টকা মাত্ৰ। কৃষি সম্পৰ্কীয় তথ্য সংগ্ৰহ কৰিব
লগা হলে চেফ্টেবলীলৈ পত্ৰিগাই দিয়ে নাইবা অন্যান্য কিবা কাম হলেই গাওঁ
সভাৰ সম্পাদক সকললৈ পত্ৰিগাই দিয়ে আৰু তেওঁলোকে গাৱে গাৱে ঘূৰি
সেইবিলাক তথ্য বিচাৰি চৰকাৰক দিবলগীয়া হয়। তাৰ বাবে তেওঁলোকক
দৰমহা দিয়া হয় মাত্ৰ ৫০ টকাহে। গৱৰ্ণমেণ্টে Circular দিছে যে তেওঁ-
লোকৰ দৰমহা ১ শ টকা হ'ব আৰু যিবিলাক পঞ্চায়তৰ পুঁজি ২ হেজাৰ
টকাৰ কম সেইবিলাক গাওঁ পঞ্চায়তৰ চেফ্টেবলী সকলৰ দৰমহাৰ শতকৰা
৫০ ভাগ চৰকাৰে যোগান ধৰিব। ১৯৬৭ চনতে এই Circular দিয়া হ'ল।
কিন্তু আজিলৈকে কাৰ্য্যকৰী নহল। কোনোবাই ৫০ টকা, কোনোবাই ৭০
টকা আৰু কোনোবাই ১ শ টকা দৰমহা লৈছে।

থাগবিজ্ঞান আঞ্চলিক পঞ্চায়তৰ চেফ্টেবলীয়ে এশ টকাকৈ লৈছিল আৰু
এতিয়া দেখা গৈছে সেইবিলাক গাওঁ পঞ্চায়তৰ grant বন্ধ কৰি দিয়া হৈছে।
ফলত সেই আঞ্চলিক পঞ্চায়ত আৰু গাওঁ পঞ্চায়ত বিলাকৰ কাম আদিত
প্ৰতিবন্ধকতাৰ সৃষ্টি হৈছে। আনকি আগতে যি ২/৪ শ টকা খৰচ কৰিছিল
এতিয়া সেইটোও খৰছ কৰিব নোৱাৰা হৈছে। আজি এনে ধৰণেই পঞ্চায়ত
পৰিচালনা কৰা ক্ষেত্ৰত আমোলাতন্ত্ৰৰ হস্তক্ষেপ হৈছে। মাহৰ পিছত মাহ
ধৰি B.D.O. লৈ লিখালিখি চলি থাকে কিন্তু তাৰ পৰা কোনো উপকাৰ
নহয়। বহুতো আঞ্চলিক পঞ্চায়তত দুৰনীতি সোমাইছে। উদাহৰণ স্বৰূপে
মই কতিয়াতলী আঞ্চলিক পঞ্চায়তৰ কথা কও। এইটো দৃষ্টিগোচৰ কৰাৰ
পিছত Anti Corruption ৰ মানুহ আছিল যদিও কোনো কাম নহল।
আমি দুতৰপীয়া শাসন পদ্ধতিত পঞ্চায়ত যদি সংশোধনৰ পৰামৰ্শ দিও।
পঞ্চায়তৰ অনুদানসমূহ মৰুভূমিত পানী দিয়াৰ নিচিনা। আজি যি piece
meal ভাবে যি সংশোধনী আনিছে তাৰ পৰা কোনো উপকাৰ নহব। বৰঞ্চ
এই আইনখন সম্পূৰ্ণভাবে সংশোধন কৰিবলৈ চেষ্টা কৰাৰহে সময় আহি পৰিছে।

শ্ৰীকেহোবাম হাজৰিকা, এম-এল-এ

১৫।১২।৭০

Bhubaneswar Barman : অধ্যক্ষ মহোদয়, মন্ত্রী ডাঙৰীয়াই যিটো সংশোধনী আনিছে সেই বিষয়ত আমি ভাবিছিলো যে নতুন মন্ত্ৰীয়ে নতুন উদ্যমেৰে এখন নতুন বিল আনিব। কিন্তু এই বিলখন দেখি আমি নিৰাশ হলোঁ। আনকি চৰকাৰ পক্ষও ইয়াত সন্তুষ্ট হ'ব পৰা নাই। আজি বিকেন্দ্ৰীকৰণ কৰাৰ নামত যি চাৰিতৰপীয়া গণতন্ত্ৰ শাসন চলাইছে তাৰ ফলত গণ-তান্ত্ৰিক ভাববাশি অস্থিৰ হৈ উঠা দেখা গৈছে। আজি জনসাধাৰণৰ মনত পঞ্চায়ত মেম্বাৰ বুলিলেই ভয়ৰ ভাব উদয় হয়। আজি স্বাধীনতা ২৩ বছৰ পাচতো পঞ্চায়তৰ প্ৰতি জনসাধাৰণৰ এই মনোভাব কিয় হৈছে কব নোৱাৰো। আজি আমোলাতন্ত্ৰৰ ফলতেই এইটো হৈছে বুলি ভাবো। আজি সকলোকে আৰ্থিক ক্ষেত্ৰত স্বাৱলম্বী হোৱাৰ সুবিধা দিব লাগিব। কিন্তু আজি মহকুমা পৰিষদ বা গাওঁ পঞ্চায়ত প্ৰায়ে ৰাজনৈতিক লীলা-খেলাৰ ভূমি হৈ পৰিছে। আজি যদি সচিব সকলে দলৰ পক্ষৰ স্বাৰ্থৰ হকে কাম নকৰে তেওঁক বদলি কৰি দিব। আনফালেদি আজি গাওঁ পঞ্চায়তৰ কৰ্মচাৰীৰ মাজত খাম-খেয়ালীয়ে দেখা দিছে। বহুত পঞ্চায়তত প্ৰভাৱশালী মানুহৰ দ্বাৰা পৰিচালিত হৈ একপক্ষৰ হৈ কাম চলোৱাত প্ৰকৃত উদ্দেশ্যৰ পৰা আঁতৰি যোৱা যেন দেখা গৈছে। গাওঁ পঞ্চায়তৰ হিচাব-নিকাচ চাবলৈ বিভাগীয় বিষয়া যায় কিন্তু কিছুমান গাওঁ পঞ্চায়তৰ পৰা সময়মতে report আনিব নোৱাৰে যিহেতু তাত শাসনত অধিষ্ঠিত দলৰ প্ৰভাৱশালী ব্যক্তি থাকে। পঞ্চায়তৰাজত আজি যি দুৰ্নীতি সোমাইছে তাক যদি দূৰ কৰা নাযায় তেন্তে পঞ্চায়ত কেতিয়াও জনপ্ৰিয় হ'ব নোৱাৰে।

অধ্যক্ষ মহোদয়, আপুনি শুনি আচৰিত হ'ব যে আজি কিছুমান পঞ্চায়ত কাৰ্য্যালয় ৮-১০ বছৰ আগতে আৰম্ভ কৰিলে কিন্তু সেই ঘৰ আজিলৈকে সম্পূৰ্ণ হৈ উঠা নাই। কাৰণ চৰকাৰে তাত টকা দিব পৰা নাই। পঞ্চায়তৰ কৰ্মচাৰী সকলৰ ওপৰত যাতে কোনো ধৰণৰ দলীয় ৰাজনীতিৰ লীলা-খেলা নহয় তাৰ কাৰণে মই আশা কৰিছো পঞ্চায়তৰ কৰ্মচাৰী বা সচিব নিয়োগৰ ক্ষেত্ৰত যিবিলাক সন্দেহ হৈছে সেইবিলাক যেন এই সংশোধনী অনাৰ পিছলৈ দূৰ হয় আৰু পঞ্চায়ত অনুষ্ঠানটি তেতিয়াহে ৰাইজৰ জনপ্ৰিয় হৈ উঠিব।

এই পঞ্চায়তক যাতে অক্ষৰৰ পৰা মুক্ত কৰিব পাৰে তাৰ কাৰণে মন্ত্ৰী মহোদয়ৰ ওচৰত অনুৰোধ জনালো।

M. Moinul Haque Choudhury : Mr. Speaker, Sir, I am not opposed this amending Bill but what I am going to tell this House is this that this one of the most amended Act ; Government has been amending it piece-meal, The result is that it is almost an unworkable Act. Originally when this Panchayat Act was passed in Assam, at that time, the idea behind the Panchayat was a different one. After a considerable search and hearing various people including late B Mehta, this House in its wisdom passed the Panchayat Bill and enacted it into an Act. Since then, the conception of Panchayat and also the community project had undergone various changes.

Along with these changes and the various committees making various report as the National level, the Govt, of Assam instead of coming forward with a comprehensive Bill they went on with patch works. One after another amendments came and the act under-went major surgeries, major changes. The result is today, Mr, Speaker Sir, this is one of the acts which has given rise to the largest number of the litigations right from the lower stage from running court to the High Court. There are cases over almost every matter ; our elections at different levels, challenges on any matter. In fact the Act has provided for litigations and challenges in almost all its' provisions large numbers of provisions of the Act has been held to the ultra Vires. One

provision does not tally with the other. There are all kinds of incongruities. Not only that, Mr Speaker Sir, the Rules are completely out-moded. These Rules have in large number of cases virtually no application and in some cases they cannot simply be applied. The Govt. gave an assurance. I am to tell my successor Minister that it was I who too gave an assurance to this House that replace the present Panchayat Act. But alas, 4 years have gone since I gave that assurance. Although I did not get that chance to bring that bill because of the changes of circumstances, but the Govt. which is committed to it, has not brought it. I do not want to waste your time by remaining again my friend about it. But the whole question is today with my experience as a lawyer outside and as a worker and also as a man who is deeply weeded to the principle of panchayat I find that this movement is getting completely out of hand and unworkable. It is high time that Govt. should come forward with a regular legislation to replace the old act. On the other day we were reading the rules in the High Court. The Rules have been re-written but so carelessly that many of the Rules are incongruous and ultra-vires. Often they are contradicting. Rule is one but the question in the schedule where ballot papers have been quoted are different. One cannot make any head or tale of them. There are some ballot papers in the annexure which got mixed up with some other Rules, the Rules which do not exist even. Such kind of incongruities and anomalous provision

are there in the Rules as well, as in the act. There have been successive pronouncements in various judgements in the High Court declaring many of the provisions of the Act and Rules as contradictory. Many of the Rules are unworkable. The Govt. is not finding its way to revise them. Only they have been coming with piece measures. That is also, I know because of a judgement obtained at my instance in the Assam High Court. It related to a question if there were vacancies at any stage or if cooption was not made in time what would happen about the rest of the election. That was with regard to the Sonai Anchalik Panchayat of which I am a voter. There was a case also in the Badaipur Anchalik Pauchayat. There were some more cases like that of Patharkandi Anchalik Panchayat. To meet that a patch work legislation has been brought before us. I say there have been many more pronouncements by the High Court about other matters too. These defects are not being sought the remedied. I say if you go on in this piece meal manner you will make the Act much more unworkable. With certainly I can tell this House and the Hon'ble Minister and through him the Govt. about it. Therefore, it is high time that they should come forward with regular bill for a regular Act to replace the present Act. The second thing that I would like to tell this House, I feel, very sore about it, is this, Sir, as you know nomination was introduced as a measure. We introduced the element of nomination for the unrepresented areas like tea gardens and forest areas

and Gramdani gaon sabhas in the Panchayat. As it was done rather at the fag end of the last Assembly we told the House that because there was no time to let up goan sabhas and hold election in the garden areas and forest areas. after formation of Panchayats, therefore this element of nomination had been incorporated in the Act and that it was only a temporary measure. Sir, through these nominations, the Govt. today is controlling a large number of panchayats. The majority opinion often have no voice in them. If any panchayat can be given nomination of 8 or 10 members, overnight they change the majority into minority. This power has been used so badly that I cannot describe. I give an example of inalapide use in Kamrup district. Although there was no gramdani gao sabhas in that panchayat only. On the previous day of the election by a special message Govt. nominated one person as if he was a representative of the gramdani areas and the next day by one vote in the President election the person who ought to have been elected was defeated. When the case came to the High Court the Secretary of the Panchayat Deptt. gave an affidavit and I am sorry to say that it was a false affidavit, to the effect that there were gramdani goan sabhas. When I, as a counsel of the other side produced papers and showed that there was no gramdani alaka in that Panchayat and the Secretary to the Govt. of Assam and the State Govt. had lied before the High Court in this Affidavit, then they came with the Second affidavit

expressing regret and saying that there was no gramdhani gacn sabhas and that they had made a mistake. But what about the election that had taken place in the meantime? By falsely nominating a man by malafide exercise of power you had changed the course of events and these brought in all kind of litigations. In the Munsiff court there was an election case and the election has been let aside. The power so used molafide resulted in all kind of bad blood in the villages. All these have been done only to elect a particular person against the majority opinion. In the same way, Mr. Speaker Sir, in the every areas they are changed majority into minority by nominating 7 or 8 members. And in this matter of nominations we have given almost the monopoly to some people. They submit a list and on the basis of that list the nomination is to be given even without taking into consideration of the views of the local M.L.A. The people have no voice in it. The D. C. will pass on that list and then they will change the majority into minority. Whatever, assurances were given to this House that we would go for the amendment of this Act and we would abolish the provisious relating to nominations by bringing in the element not election in the tea garden areas were forgotten and again in this election of Panchayats nominations were not abolished. Despite that assurance goan panchayats have not been set up in the tea garden areas forest villages and gramdhani areas. Govt. has not translated into action this assurance. The recent panchayat election was held without the Act being amended and with the

same provision of nomination in these areas. Therefore there have been litigations. In a large number of cases elections had to be set aside by the Courts. Because in the garden areas the nominations were not given in time, therefore co-option took place without nominations this court set aside such co-option. Hence Govt. had to bring this amending bill to the effect that even if there were vacancies the elections would be all right. It is only to obviate that they have brought this amendment ; it is because the power was not used in time. The power which was assumed by the Govt. they have no alertness, they have no sagacity to use it in time. When they use they used malafide. Today as a result of all these the Panchayats have been strangled, the people have been put at logger head. But what about the main thing—the assurance given that this type of nominations shall not be there. The Govt. did not carry it out before the last panchayat election. Even today when they have come forward with an amending bill the assurances given on behalf of the Govt. have not been incorporated in this amending Bill. Govt. is a continuity, Govt. is by the same party. Therefore, we are bound by these assurances. Why these assurance are not incorporated in this bill brought before this House ? I want a categorical reply from my friend, the Minister-in-charge of Panchayats. With these words I request my friend that they should come with a fresh bill ; a fresh Act to replace the present one soon.

Thank you, Sir.

Shri Ataur Rahman (Minister, Panchayat)—Mr. Speaker, Sir, I am very glad that hon. Members have focussed their attention to certain aspects of the working of the Panchayats. I have carefully noted suggestions advanced by them and I shall try to accommodate these as and when serious consideration is given to reorient the whole Panchayat system in our state. Hon'ble member, Shri Barua's suggestion as to the necessity of bringing in a comprehensive act replacing all the amended act in the past is very welcome, and I want to submit, Sir, towards that direction steps are already being taken. The Estimate Committee of this august House is going through the working of the Panchayats and it is expected that they will come forward with some solid suggestion as to the amendment of the Panchyat Act so also the Rajyic Panchayat Parishad has been working towards this end. Moreover, Sir, some non-official bodies have been engaged in advancing suggestions for amendment of the Act. The Govt. also constituted a Committee to go into the matter. Now, all this has been taking place after 1966. It is true in 1964 the then Minister of Panchayat, Shri Haque Choudhury had given an understanding to the House that a comprehensive Act would be brought in and it is during his time 1966 that some amendments were brought instead and those were acted upon. Be that as it may, the whole position is being reviewed and Govt. is contemplating to bring about a comprehensive amendment of the Act, if possib'le, during the next Budget Session.

Sir, there is no denying the fact that all the Panchayats are hard-pressed for finance. The Govt. have been advancing certain grants to them including a share of the land revenue, and the entire money that Govt. derives out of collection of local rates, over and above, certain specific grants are attached to specific schemes. Even then, Panchayats have been finding difficulty in managing their affairs. It is all very proper the Govt. should like to see the grants increased towards Panchayats. But, then, Sir, there is another aspect to be looked into, The Panchayats also have to be hard-working and up and doing. From my experience, I have found it, Sir, that the Panchayats have not been able to raise their own resources as allotted to them. For example, taxes on cycles, carts including bullock-cart, buffalo-cart, pucca houses, rice mill, etc. these have been provided in the Panchayat Act. Demands have been made. But against the demand say, for 24,000 it is found that three or four thousand only was realised. So, Panchayats have lacked in collection of their own resources. The policy of the present Government is to encourage the Panchayats to raise their own resources by making a better collection of the taxes allotted to them and also taking to other means such as, pisciculture and other special cultivation such as of ground-nut cotton, etc., on which the Agriculture Department of the Government is working upon and which the Panchayats themselves will have to work out. I think, Sir, with these steps in view and these being im-

plemented the financial position of the Panchayats may improve to a great extent. So far as the point raised by hon'ble member, Shri Haque Choudhury about nomination of tea garden areas in the Anchalik Panchayat, I may only say, this power of nomination whatever may have been in the past, will be very judiciously used and I might say if these nominations are made in consultation with local M.L.A.s representing the areas. I do not think, there will be any scope for complaint. As for the other suggestions. Sir, I take a note of them.

So far as the amending bill itself is concerned, Sir, it relates to only two matters, namely, (1) as provided in the original Act if there was a vacancy, a single vacancy, in the membership of a Gaon Panchayat or a Anchalik or a Mahkuma Parishad the election of the President and the Vice President of the G. P, or the Mahkuma Parishad could not take place. Therefore, to remove that lacuna this provision has been made, that even though there is some vacancy in some Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad the D. C. or S. D. O., as the case may be, will empowered to call a meeting of that body for a election of the president and the Vice President. This was necessary because in relation to election of certain members there were litigations, cases pending in High Court and other Courts and naturally the finalisation of the judgement in the cases took time and a very anomalous position arose that although term of a particular member had long

expired they used to sit in Panchayat committee as no election to President or the Vice President took place. Therefore, this amendment is vitally necessary. (2) To bring the secretaries of the Gaon Panchayat in a single cadre under the Mahkuma Parishad. This has been done in order to bring them under better control and discipline and for better direction of their activities. As you know, Sir, the Mahkuma Parishads have been given power of supervision over the Gaon Panchayats and the Anchalik Panchayats, and, therefore, if the secretaries at the lowest level were not brought or, as a matter of fact, other Panchayats employees appointed by the Panchayats themselves, were not brought under the direct control of the Mahkuma Parishad, the Mahkuma Parishad could not execute their function of supervision properly. Therefore, as a first step the secretaries of the Gaon Panchayats have been sought to be brought in a single cadre of Mahkuma Parishad. These are the two things that have been proposed in the amending bill. Sir, I think, the hon'ble members will have no objection in getting these two provisions passed pending the assurance from the side of the Govt. that after a thorough look into the Panchayat Act and its various amendments a comprehensive bill incorporating the amendments as also the original Act would be brought in due course. Certain hon. Members have arisen the question of relationship between the Anchalik Panchayat Presidents and the B.D.Os. Myself having been associated with Panchayats for more than 9 years I also know a little about the relationship between

the Anchalik Panchayat Presidents and B.D.Os. Wherever the President and the B.D.O. do not pull on same terms, friction does take place, that is a fact and there is no doubt about it. But the removal of that friction depends upon the measure of local leadership with the Anchalik Panchayat and Gaon Panchayat Presidents. Wherever there is a conscious and responsive leadership, this friction cannot come in the way. Mr. Gogoi referred to the appointment of a Gaon Panchayat Secretary by the President of the Gaon Panchayat himself. Now, there, if the other members of the Gaon Panchayat would have been responsive and conscious, they would have long passed No-Confidence motion against the Gaon President.

Shri Promode Chandra Gogoi : They have passed No-Confidence Motion.

Shri Ataur Rahman : That is very good. Now what I was harping upon was that for effective, smooth and constructive work of the Panchayat what is required is a very responsive and conscious local leadership. Sir, I do not want to be long. I believe in the Panchayat and I also believe that the Panchayats which have reached a rather moribund condition should be revitalised, and towards that direction the efforts of the Government will be directed. For that what I require is unstinted co-operation from all quarters.

Shri Dulal Chandra Barua : Sir, in the last Budget Session the House adopted an amendment that was moved by Shri

Jogen Saikia, now Deputy Speaker, according to which instead of the D. C. being the Chairman of the standing Committees of the Mahkuma Parishad, Mahkuma Parishad President has been made President of the standing Committees. Now if the D. C. or the S. D. O is empowered to attend the meetings of the Gaon Panchayats and elect Presidents and Vice-Presidents, will it not be contradictory in the spirit ?

Shri Ataur Rahman : The D. C. or S. D. O. will convene the first meetings and they will be present in the meeting as ordinary members. There must be some authority to convene the meetings.

Shri Dulal Chandra Barua : The amendment that we passed gave full power and control to the elected bodies without allowing the D. Cs or S.D.Os to interfere in the matter of Mahkuma Parishad. Now if the D. Cs and S. D. Os are allowed to convene the meetings, whether this will not go against the spirit of the amendment ?

Shri Ataur Rahman : What was contemplated in that amendment was that the D. C. or S. D. O. who was made the President or Vice-President of the Standing Committees of the Mahkuma Parishad should no longer be so made President in Vice-President. That was contemplated in that amendment.

* Speech not Corrected.

Shri Dulal Chandra Barua : Instead of empowering the S. D. Os or D. Cs to convene the meetings why the Planning Officer who has a direct contact with Mahkuma Parishad is not empowered to convene meetings ?

Shri Ataur Rahman : That will be examined.

Shri A. N. Akram Hussain : মাননীয় অধ্যক্ষ মহোদয়, মই আমাৰ পঞ্চায়ত মন্ত্ৰী মহোদয়ৰ পৰা জানিব খুজিছো যে B.D.O. সকলে আঞ্চলিক পঞ্চায়তৰ পৰা হাজাৰ হাজাৰ টকা ধাৰে লোৱাৰ কিবা ব্যৱস্থা আছে নেকি ? আৰু আঞ্চলিক পঞ্চায়তৰ President জনে পঞ্চায়তৰ সন্মতি নোহোৱাকৈ B.D.O. ক হাজাৰ হাজাৰ টকা ধাৰে দিয়াৰ ব্যৱস্থা আছে নেকি ? কাৰণ আমাৰ ছয়গাওঁ আঞ্চলিক পঞ্চায়তত আঞ্চলিক পঞ্চায়তৰ কমিটিত টকা Sanction নোহোৱাকৈ B.D.O. জনে ২৯ হেজাৰ টকা ধাৰে ললে। সেই টকা ঘূৰাই লবলৈ বুলি এটা Deputation ত বহুতো প্ৰতিনিধি ভূতপূৰ্ব মাননীয় মন্ত্ৰী মহোদয়ৰ ওচৰলৈ আহিছিল আৰু মন্ত্ৰী মহোদয়ক লগ পাইছিল, কিন্তু তেখেতৰ পৰা কোনো সন্তোষজনক খবৰ নোপোৱাত তেওঁলোক উন্নতি যাবলৈ বাধ্য হয়। সেই কাৰণে বৰ্তমান প্ৰগতিগীন দুজন মন্ত্ৰী মহোদয়ৰ পৰা এই বিষয়ে সকলো কথা জানিব বিচাৰিছো।

Shri Ataur Rahman : Certainly there is no provision of B.D.O. taking loan from the Anchalik Panchayat Presidents. I do not know the Circumstances of the present case. If details are given, I shall look into it.

Shri A. N. Akram Hussain : চাৰ, এতিয়া আপোনাৰ জৰিয়তে মই বিভাগীয় মন্ত্ৰী দুগৰাকীক অনুৰোধ কৰিছো যেন তেখেতসকলে এই বছৰতে

ছয়গাওঁ আঞ্চলিক পঞ্চায়তত এবাৰ পৰাপৰ্ণ কৰে। ইয়াকে কৈ মই বহিলো।

(এটি স্বৰ : মন্ত্ৰীক পিছাবলৈ মানা গাতি খোৱা আছেনে নাই?)

মানা কেনেই? পূজা কৰিবলৈহে মানা লাগে। তেখেত দেৱতা
নেকি?

Mr. Speaker : Order, Order. The question that the Assam Panchayat (Amendment) Bill, 1970 be passed.

(The motion was adopted)

The Transfer of Property (Assam Amendment) Bill, 1970.

Mr. Speaker :—Now item No. 12. Here is message from the Governor.

“I recommend, under the provision of Article 207 (3) of the Constitution of India, the consideration of the Transfer of property (Assam Amendment) Bill, 1970, by the Assam Legislative Assembly.

Sd/- B. K NEHRU,
Governor of Assam

Shri Kamakhya Prasad Tripathi (Minister, Finance) : Sir. I beg to move that the Transfer of Property (Assam Amendment) Bill, 1970, be taken into consideration

* Shri Dulal Chandra Barua : I want to have certain

* Speech not Corrected.

clarifications : We know what will be fate of these Bills at the time of implementation. Whatever that may be, as we have got a lot of Bills let us see, if possible, one by one their merits.

Here in the explanatory note it is stated. "The State Government is losing considerable Revenue Income due to registration of most of the tea estates and some town lands being effected outside Assam. In order to discourage such practice it is proposed to amend the Transfer of Property Act to provide that title to, and rights over, immovable property in Assam will not pass unless the deed registered in Assam."

Now, before that we want to know from the Finance Minister, who is sponsoring the Bill whether any such assessment has been made as to the amount of loss we have incurred at least during the last 25 years. Unless such assessment is made, simply by saying that a considerable revenue income has been lost by the State due to registration as such for land outside the State the position is not clear to us. At the same time we should have a list of the people—the outsiders who have made such registration outside the State. We should know all these things. We find that most of our town land in particular is going from the hands of our local people to the outsiders. As for instance, at Jorhat from Chawk Bazar up to Kenduguri Police point, Via : Gar Ali up to Cinnamara has gone to

the outsiders. All these lands belonged to the local people and as you know, the outsiders offer more price and due to the financial crisis our people sell the land to them. In this way this town, and not only this town but almost all the towns of Assam have been converted into cosmopolitan area rather towns for outsiders. We may be called mean for this; but we should see to the interest of our local people first. So I want to know whether at the time of preparation of the Bill, the Government thought over the matter. Here I should like to point out that the Government of Meghalaya has made law that no transfer of lands can take place without the permission of the Government in case of the land being sold to an outsider. How the sale of land take place? It is like this; if a big man purchases a plot of land in certain place, the man, naturally a local man, having a plot by his side, the pressure on him will be such that ultimately he will be compelled to sell out the land to the big man. In this way all our land is going out from our hands. I want to know whether that protection, by considering the gravity of situation, can be given so that at least the land which is proposed to be sold out by our local people will not go to the outsiders—by outsiders I mean the people who have got no economic interest with the people of Assam. I want to know whether that assessment has been made and whether Government has prepared such list as to how much land has been sold to outsiders by our people and how many of them have registered the

sale deeds outside the State and what is the amount of revenue we have lost due to those transactions? This is very essential. Therefore, I request the Finance Minister and also the Chief Minister to look into this things.

Sir, we know that in Andhra, Maharastra and Gujrat land is settled with outsiders on lease provided they want to start any industry. If after settlement of the land on lease basis if they do not start the industries the lease is cancelled. Why we cannot do that in our State also? They have done it by an executive order (Shri K. P. Tripathi They have not done it). Yes, they have done it and I have that information. In our State big plots of land are occupied by some outsiders and they are keeping these plots vacant by which they are neither giving any economic benefit to the State nor are they creating employment potentialities. We have to ponder over the matter and Government should take suitable measures so that the valuable lands of the State can be protected and utilised for our own benefit. I want to have that clarification from the Finance Minister. I do not know what will be future implication but whatever that might be, I want that an assessment should be made. But as I see no such assessment has been made in this matter. I wonder on what basis such a Bill could be brought to this House. I do not know whether it is due to the desire of some I.A.S. officers or some Minister that this Bill has been brought. Therefore,

unless we base on facts no legislation should be brought by the Government to this House. I hope that the Finance Minister will clarify the position which will not only help the House but also will help the entire State.

Shri Debeswar Sarmah : Sir, reading the definition of 'sale' in the Bill in section 54 of the Transfer of Property Act which reads: "Sale" is a transfer of ownership in exchange for a price paid or promised or part paid and part promised', then goes, on 'Sale' how made—Such transfer, in the case of tangible immovable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument. Now in place of the word "Register instrument" the amendment reads like this : "In section 54 of the principle Act, in paragraph 2, for the expression "by a registered instrument" the following expression shall be substituted, namely :—

"by an instrument registered in the State of Assam, notwithstanding anything contained in the Indian Registration Act, 1908 (Act XVI of 1908) to the contrary."

Sir, to being with, I offer congratulation to the Finance Minister for bringing this Bill which should have been brought long ago but unfortunately we were unmindful about it ; therefore, as he has brought this now, he deserves congratulation.

Now, this relates to "sale". What about 'lease'?

Shri Kamakhya Prasad Tripathi : Lease also is a transfer.

Shri Debeswar Sarmah : Yes, "lease" is a transfer of interest, nobody would dispute that. But here, 'sale' is defined — 'Sale how made' has given 'such transfer'. It is not any transfer that is 'sale' it is transferred by lease and so on and so forth, but, 'such transfer' is 'sale'. So far as 'sale' is concerned, I think it is fairly well settled. But what about the 'lease'? And your *ad valorem* fees, stamp duty on lease is no less than that of 'sale'. But what about 'lease', Sir?

Those who got money, they know ways how to avoid payment. They are not like us. Therefore what is being done in respect of sale and what it is not be broadened? We had paper, we had ink, we could have printed it, this could have been more broad based? We could have amended the Registration Act also, so that it would have been fool proof? Therefore, what has been done is good but I wish that a comprehensive amendment would be brought in the next Session of the Assembly because 'lease' is as good as 'sale' from the point of view of the revenue. I know of transaction of 'lease' lease for fifty thousand rupees 'lease' for two lakhs of rupees and so on and so forth. I know about instances. Therefore, 'lease' also is an important thing I very much wish this amendment—let it go through for the time being because several Tea Estates are hanging for

sale, but my suggestion is, kindly bring in a more comprehensive Bill.

Shri Kamakhya Prasad Tripathi : The point which the Hon'ble Member. Shri Sarmah has raised is valid and I will look into the matter. But this amendment refers to that section of the transfer of Property Act which relates to 'sale' and not 'lease' and that is the point. We will examine this matter.

So far as the assessment about the amount involved is concerned, it will be appreciated that the figures are not available with us. What was the consideration for which all the Tea Garden were sold, this matter is not available here. It is available only in Calcutta because so long all the Transfer deeds were made in Calcutta, according to Presidency Registration Act. If a transferable property is registered in Calcutta, which is the Presidency Town, then in that case the title of a land in Assam can pass. That was the existing law. Therefore, we never know which tea gardens were selling, what land tea gardens were selling outside Assam we did not know.

Shri Debeswar Sarma : That is all very well. When I was the Finance Minister I did not look to all this, I am not blaming you but for a Government to say that "we do not know" does not look nice.

Shri Kamakhya Prasad Tripathi : Sir, the Government normally keeps track of funds for which it is directly concerned.

Now, these registrations were taking place in Calcutta and so normally our Department could not keep track for all this.

Shri Debeswar Sarmah : Sir, I am coming in only to make a further suggestion. In that Bill I reathr think that a clause should be there that the deed of sale or in other words this transfer should be got approved first by the Government. There is no interference, no other things are done. For example, certain sales are held not to the best interest of security of the State. Therefore, the States should have a complete grip in the matter of all such big transactions not to interfere but to examine. Because, to my knowledge, sale transactions of tea estates have taken place outside Assam, excepting, perhaps, Sikoni, Koliabar and some other tea estates all transaction are taking place in England or in Calcutta but since we are introducing certain bill by which we want to control, it is not only a question of finance, which is no doubt important, but I would submit, it is question of security also. In all other countries, to the best of my knowledge, where there are democracy, or controlled democracy, the properties cannot be sold to anybody and everybody. There is some control. Therefore, our Government desire to keep a grip over transactions relating to land, permitting or not permitting transfer. The Government of India is only exercising its power in respect of foreign exchange; that is a different matter. We are

directly concerned here with transfer. You do not know what property at the border of Nagaland or what property at the border of Pakistan or what property at the border of China has been sold and to whom. The Government do not know. Therefore, Government should have a grip over all these important transactions not to interfere over the rights given by the Constitution to the citizens, not to interfere but to look to the security of the State and the country. I think that a suitable bill can be properly drafted.

Shi Kamakhya Prasad Tripathi : It will be appreciated that this is a Bill emanating from the Finance Department mainly with a view to gain financial advantage out of this Bill. All other problems which the Hon'ble Member has just now posed are very wider in context. That involves the basic question of fundamental right. Even this Bill, although we pass it, will not become an Act or Law until the President of India gives his clearance. We have written twice to the President.

Shri Debeswar Sarmah : Which Bill.

Shri Kamakhya Prasad Tripathi : This Bill. We have not yet the clearance.

Shri Debeswar Sarmah : You say you have not got the

* Speech not Corrected.

clearance. How much money does this Government of Assam pay for the Ministers travelling allowances for going to Delhi ? What do they do there ? What amount of money the poor Minister spend in going Delhi ? Do they go to Delhi only to bow down on their knees before Delhi Gods ? Why could they not have got the bill cleared. Could this treatment have been mated out to any another State ? I am not talking of seceding and having a separate State for Assam. The Hon'ble Finance Miniter is a senior Member, he was the General Secretary of the All India Trade Union Congress. What does he go to Delhi for ? He could go to the President, to the Law Secretary ! We have oil but the oil has been taken away from us and the Bihar Government gets the sales tax ; we have our Tea Estates but these are sold in Calcutta ? Why do we submit to all these in equities ? I do not revolt nor ask for a separate State ? I do not raise a slogan as the Prime Minister says, against the non-Assamese people, but it is our faith, right and we claim it. Why should we not have the money ? Who is there to stop it ? Our legal rights under provincial autonomy granted by the Constitution has not been exercised by the Government of Assam to our great misfortune.

Shri Kamakhya Prasad Tripathi : The Hon'ble Minister has the habit and capacity to using very harsh words. This an extraordinary capacity which I do not have and therefore,

* Speech not Corrected.

I cannot match him with equally soft words against his harsh words.

Shri Debeswar Sarmah : You know all the subterfuges.

Shri Kamakhya Prasad Tripathi : He is again using harsh words which is meaningless and purposeless. Here we are not discussing subterfuges. He started by giving me compliments for bringing me non-compliments now. He said that he was the Finance Minister and he did not know.

* Shri Debeswr Sarmah : তেখেতে ইমান জাঁই মেকুৰীৰ মাত দিয়াদি মাত দিহে আমি একো শুনাই নাই। মোৰ মাতটো অলপ ডাঙৰ কাৰণেই মোক harsh শব্দ কোৱা বুলি কৈছে। সেই কাৰণেই মই তেখেতক শুধিছো “ত্ৰিপাঠী ডাঙৰীয়া, কেলৈ refuse কৰিলে? ককচোন এতিয়া মিঠা মাত দি কৈছো।”

M. Moinul Haque Choudhury : জাঁই মেকুৰীৰ মাত মানে?

Shri Kamakhya Prasad Tripathi : তেখেতৰ phrase বিলাক বৰ মধুৰ কিন্তু বৰ আক্ৰমণাত্মক যেন লাগে। মই এইটো President এ hold up কৰিছে বুলি কোৱা নাই। মাত্ৰ clarification হৈ বিচাৰিছে।

Shri Debeswr Sarmah : দুবাৰ reject কৰিছে বুলিয়েই কৈছিল।

Shri Kamakhya Prasad Tripathi : মই সেই বুলি কোৱা নাই। মাত্ৰ এই বিষয়ে লিখা পঢ়া চলি আছে বুলিহে কৈছো।

Shri Debeswr Sarmah : অধ্যক্ষ মহোদয়, শুনোচোন বাককি লিখা হৈছে?

* Speech not Corrected.

Shri Kamakhya Prasad Tripathi : President এ clearance নিদিলে আমি একো কৰিব নোৱাৰো। সেই কাৰণে আমি সেইটোলৈ বৈ থকা নাই।

Shri Debeswar Sarma : আগেয়ে কি কৈছিল তাকে ভানকৈ কওঁকচোন।

Shri Dulal Chandra Barua : মন্ত্ৰী ডাঙৰীয়াই যিটো কথা কৈছে সেইটো বৰ পৰিষ্কাৰ হোৱা নাই। তেখেতে প্ৰথমতে দুবাৰ reject কৰিছিল বুলি কৈছিল আৰু এতিয়া clearance বিচাৰিচো বুলি কৈছে। এতিয়া আমি কোনটো বিশ্বাস কৰোঁ?

Shri Kamakhya Prasad Tripathi : মাননীয় সদস্যই মই যিটো কৈছো সেইটো ধৰা উচিত। মই কৈছো যে এইটোত President ৰ clearance লাগে। কিন্তু এতিয়ালৈকে clearance পোৱা নাই আৰু এতিয়া এই বিষয়ত লিখা পত্ৰ চলি আছে।

Shri Debeswar Sarmah . আপুনি দুবাৰ reject কৰা বুলি কোৱাতহে মই ডাঙৰ মাতেৰে সেই বুলি কলো।

After having given me compliments now as he is angry he wants to take away the compliments by using some uncomplimentary words. He has suggested why not the Minister meet the Secretary of Government of India.

Shi Debeswar Sarmah : Did you see the President ?

Shri Kamakhya Prasad Tripathi - The President does not function of his own. He acts on the advice of the Cabinet.

Shri Debeswar Sarmah : The other day the President said to me when I had an interview I act according to my conscience.

Shri Kamakhya Prasad Tripathi : The president under the Constitution is not entitled to act according to his own conscience in these matters. He is obliged to work under the advice of the Ministry. This simple thing is not known to the Ho 'ble Member who is an experienced man.

Shri Phani Bora : Out of anger perhaps he has stated something. May I asked the Minister whether this bill is being held up by the Central Ministry. Has he got any concrete facts to Place before us? He has not met the president because President does not function, according to our Minister, of his own. He functions on the advice of the Cabinet. Does it construe of mean that the Central Cabinet has held up the assent?

Shri Kamakhya Prasad Tripathi : I am not saying that the President has held up. I merely stated that we have not got the clearance.

Shri Kamakhya Prasad Tripathi—মাননীয় সদস্য সকলে শ্রদ্ধা—
Property of a country and a part of the country is dealt with by the Central Government and a part by the State Government. Land as such is a State subject. Transfer of Property which also includes land is Central subject. Because it is a concurrency subject the State Legislature has a right to legislate but the State legislature cannot go counter to the principles of the Central Act. If this goes counter the President will not give his assent. Transfer of Property

Act is a Central Act, and if we want to pass an Act which goes counter to the provisions of Central Act and the President does not give the clearance we cannot pass it.

তাৰ পৰা এতিয়া Home Affairs লৈ দিছে। এইটো refuse কৰা নাই।

Shri Debewr Sarma : তেতিয়া হলে এতিয়া এইটো refuse কৰা নাই।

Shri Kamakhya Prasad Tripathi : আনকি এইটো Minister ৰ level লৈ যোৱাই নাই, Secretariat level তে চলি আছে। তাৰ পাচত তেওঁলোকে advice দিব। এইটো দিব পাৰিব নে নোৱাৰিব সেইটো চাব লাগিব। কাৰণ সেইবিলাক Fundamental Right ৰ কথা। Finance Department ৰ পৰা টকা পালেহে satisfactory result আশা কৰা যাব।

Shri Debeswar Sarmah : এইটো বন্ধ কৰিব নোৱাৰি নেকি যে Government of India ই দৌৰাত্ম্য কৰি অসমৰ Property ৰ ওপৰত Registration চলাব? বা সেই বুলি চৰকাৰে কিয় কব নোৱাৰে?

Kamakhya Prasad Tripathi : সেইটো কৰিছে।

Shri Debeswa Sarmah : ত্ৰিপাঠী আপোনাৰ লগত মই নোৱাৰো কিয়নো আপুনি বৰ পিছল।

Shri Kamakhya Prasad Tripathi : ইমান দিনে Register হৈছিল কলিকতাত। এতিয়া আমি এইটো Compulsory কৰি দিছো যে অসমত Register নহলে এইটো হব নোৱাৰে।

Shri Debeswar Sarmah : লোকৰ প্ৰসাদেৰে সন্ধান কৰিছে নেকি?

* Speech not Corrected.

Shri Kamakhya Prasad Tripathi : এই Transfer of Property আইনখন Government of India ত আছে, সেই কাৰণে Government of India ৰ Concurrence ৰ কাৰণে আমি লিখিব খুজিছো।

Shri Dulal Chandra Barua : এটা কথা বিত মন্ত্ৰী মহোদয়ে দিছে। আমি এই Government of India ৰ আইনখনৰ ওপৰত কোনো সংশোধনী আনিব নোৱাৰো।

Shri Kamakhya Prasad Tripathi : নহলে Government of India ৰ আইনে এই ক্ষেত্ৰত বাধা দিব।

Shri Dulal Chandra Barua : Contribution ত এই বিষয়ে কিবা Bar আছে নেকি ?

Shri Kamakhya Prasad Tripathi : আছে।

* Shri Dulal Chandra Barua : As you are making various revenue Acts, concerning the revenue matters, why not make such provision ; we may change the name. Land is the State subject and so where is the barrier that we cannot make our own legislation. The Finance Minister is mainly hammering on the transfer of property. We may define in different forms on the basis of State subject. Therefore, I think that there would be barrier.

* Shri Gaurisankar Bhattacharyya—Sir, I would not have butted in but two versions are given ; one version says that

* Speech not Corrected.

is a Central subject and the other version says that it is a State subject. Both are partially correct. I would like to draw the attention of the Hon'ble Members to Concurrent List No. 3 of the 7th Schedule of constitution item No. 6, transfer of property other than agricultural land, registration and Deeds and Documents. If it be agricultural land, then it is not a State subject and if it is not agricultural land then registration of Deeds and Documents pertaining to transfer of his land is a Concurrent subject.

Shri Dulal Chandra Barua—It is now the State subject because you are going to give effect to transfer of property in respect to Tea Estates which is agricultural land ; it is a State subject.

Mr. Speaker—What is your point at issue ?

Shri Dulal Chandra Barua—Sir, this is a State Subject Sir, the Finance Minister is saying that the transfer of property Act. is a Central subject and we cannot make any Act. But there is a distinction because tea garden land is agricultural land and so why can't we make an Act of our own ?

Shri Kamakhya prasad Tripathi—I have already said that according to the Presidency Act. I am told that the registration of any document transferring any property any where in India is valid and they have taken advantage of that

* Speech not Corrected.

provision to get things registered in Calcutta. Now by this amendment we are trying to make it compulsory that registration take place in Assam before the legal right is passed. The result will be that the transfer will come to Assam. So long it was going to Bengal Government.

* Shri Gaurisankar Bhattacharyya—I think this is not where meets the point what the Finance Minister suggested. That in view of the Entry No. 18 in List-2 under the 7th Schedule of the Constitution, namely, land being State subject and land there is described land that is to say rights in or over land, land tenure including relation of land-lord and tenure, on the collecting of land, transfer and alienation of agricultural land and agricultural loan, colonisation all these things be included under Entry No. 18. So far as alienation of agricultural land is concerned, there may be legislation done by this House. So far as tea industry is concerned, it is taken for granted that the industry is as a result of 60.40 formula but this is only with regard to income tax and not for any other purposes and that ratio is arbitrary. At the time when agricultural income tax Act was passed by the then Congress Coalition Government, at that time because they did not like to go into the niceties of the matter have borrowed the provision from the income tax Act. But so far as this ratio in the matter of tea industry is concerned, this ratio is actually arbitrary.

* Speech not Corrected.

There is no basis why it should be 60:40. Why can it be 90:10? It was arbitrary passed and it is only being followed. As a matter of fact, this matter also came up in the High Court. The High Court *inter alia* held—why do Government not come for seeking certain clarifications. As it appears, the Government of Assam is losing some revenue because the Government of Assam could have got much more in the form of agricultural income tax because actually the tea estates are primarily agricultural concerns.

Shri Kamakhya Prasad Tripathi—What is the decision of Supreme Court?

* Shri Gaurisankar Bhattacharyya—The Supreme Court is not has never said that 60:40 ratio is correct.

The High Court is not the final authority but the Supreme Court is the final authority in the matter. And it can be decided by the Supreme Court. What the suggestion is that agricultural land is the State subject and probably a piece of legislation may be made by this House itself whereby all transfers of land, particularly agricultural lands that may be compulsory made entirely within the State of Assam and registration outside Assam would not be at all correct. That may be gone into and considered.

Once this Bill is passed we will come exactly to the suggestion to what the Hon'ble member is talking. Other lands are not being transferred for registration in Calcutta.

They are all being registered in Assam. Therefore, that portion which was being registered outside Assam is tried to be brought in by this method. Once this is done then all the transfer of lands will take place here.

Mr. Speaker—I put the question. The question is that the Transfer of Property (Assam Amendment) Bill, 1970 be taken into consideration.

(The Motion was adopted)

Shri Kamakhya Prasad Tripathi—I beg to move that the Transfer of Property (Assam Amendment) Bill, 1970 be passed.

Mr. Speaker—Motion moved. The question is that the Transfer of Property (Assam Amendment) Bill, 1970 be passed.

(The Motion was adopted)

ADJOURNMENT

Amendment is the Rules of Procedure & conduct of Business in Assam Legislative Assembly.

Mr. Speaker:—Rule II shall be substituted by the following :
The Assembly shall ordinarily sit from 10 a. m. to 12-30 P. M. and from 2 p. m. to 4-30 P. M. on all week days

except on Friday and Saturday. On Friday it shall sit from 9 a. m. to 11-30 A. M.

Provided that if there is any Session of the Assembly from Nov. 16 to January 15, the Assembly shall sit from 10 A. M. to 12-30 P. M. to 4 P. M. on all week days except on Friday and Saturday. On Friday the Assembly shall sit from 9 a. m. to 11-30 A. M.

Provided further that the Speaker may, in his discretion according to the exencies of the business, adjourn earlier or extend the hour of sitting.

Adjournment

The Assembly then adjourned till 10 A. M. on Monday the 7th December, 1970.

Sd/-

U. TAHBILDAR

Secretary,

Shillong,

The 5th December, 1970.

Legislative Assembly, Assam.