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Assam

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Legislative Assembly Debates

OFFICIAL REPORT

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ASSEMBLED AFTER THE FOURTH GENERAL ELECTIONS
UNDER THE SOVEREIGN DEMOCRATIC
REPUBLICAN CONSTITUTION OF
INDIA

WINTER SESSION

VOLUME III

No. 8

The 4th December, 1970



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Proceedings of the Tenth Session of the Assam
Legislative Assembly assembled after the
Fourth General Elections under the Sov-
ereign Democratic Republican
Constitution of India

The Assembly met in the Assembly Chamber, Shillong
at 9 A.M. on Friday, the 4th December, 1970.

PRESENT

Shri M. K: Das, M.A., B.L., Speaker, in the Chair, 13
Minister, 6 Ministers of State, 2 Deputy Ministers and
37 Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Re : Sibsagar Court Building

Shri Promode Chandra Gogoi asked :

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

- (a) Whether the site, plan and estimates of Sibsagar Court Building (new) have been approved by the Government ?
- (b) If so, when the construction of the Court Building will be started ?

Shri Mahendra Mohan Choudhury (Chief Minister) replied :

41. (a) —The site for the new Court Building Sibsagar has been finally selected and approved ; but the plan and estimate have not been approved as yet.

(b) —As soon as plan and estimate are approved and funds for the purpose are provided in the budget.

Shri Promode Chandra Gogoi : Sir, the hon. Chief Minister assured during the last Budget session that the construction of the Court building will be started as soon as the plan and estimates are approved. Now the Chief Minister has said that the site for the new Court building has been selected but the plan and estimates have not been approved. May I know from the Chief Minister how long it will take to approve the plan and estimates ?

Shri Mahendra Mohan Chaudhury : My assurance is being followed up. The Plan and estimates are ready and are being put in the schedule, and as soon as the Budget is passed, the construction work will start.

Shri Dulal Chandra Barua : Whether any provision has been made in the current year's Budget or it will come in the next year's Budget ?

Shri Mahendra Mohan Chaudhury : It will come in the next year's Budget.

Shri Dulal Chandra Barua : What is the estimated cost of the building ?

Shri Mahendra Mohan Chaudhury : Rs. 16.6 lakhs.

Shri Dulal Chandra Barua : Where the site has been selected ?

Shri Mahendra Mohan Chaudhury : Just behind the existing Court Building.

Re : Demands from the Cotton College Teachers' Association

Shri Maneswar Boro asked :

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

- (a) Whether it is a fact that a delegation from the Cotton College Teachers' Association met the Education Minister at Shillong and placed before him their grievances in the month of September, 1970.
- (b) If so, what are their long standing grievances ?
- (c) Whether Government propose to fulfil their demands ?

Shri Mahendra Mohan Choudhury (Chief Minister) replied :

42. (a) —Yes, they have seen the Education Minister from time to time.

(b) —Their main grievances are as follows—

1. Restoration of pre-1964 status, seniority and prospects of promotion of the teachers of the Cotton College and creation of the posts of senior Professors (in selection grade Class I).
2. Construction of staff quarters for teachers of Cotton College and grant of conveyance allowance, in lieu thereof.

3. Grant of two advance increments to the Doctorate Degree holders of Indian Universities.

4. Framing of Education Service Rules.

(c) —Administrative approval for construction of staff quarters amounting to Rs. 9.73 lakhs has been accorded. It has not been possible to sanction conveyance allowance but the other grievances are under consideration.

Shri Maneswar Boro : বিদেশৰ বিশ্ববিদ্যালয় বিলাকৰ পৰা যি সকলে 'ডক্টৰেট ডিগ্রী লাভ কৰি আহি কলেজত শিক্ষকতা কৰে আমাৰ দেশীয় বিশ্ববিদ্যালয় বিলাকৰ পৰা যি সকলে 'ডক্টৰেট' লাভ কৰি কলেজত শিক্ষকতা কৰে তেওঁলোকৰ মাজত দৰ্মহা Increment আদিৰ ক্ষেত্ৰত তাৰতম্য দেখা যায়। এইটো কিয় কৰিলে ?

Shri Mahendra Mohan Choudhury : বিদেশৰ বিশ্ববিদ্যালয় বিলাকৰ পৰা যি সকলে পাচ কৰি আহিছে আৰু 'ডক্টৰেট' ডিগ্রী লাভ কৰিছে সেই সকলক দুটা Advance Increment দিয়াৰ ব্যৱস্থা আছে। আমাৰ পাচ কৰা সকলৰ কাৰণে তেনে ব্যৱস্থা নাই তথাপি ইয়াত যি সকলে 'ডক্টৰেট' ডিগ্রী লাভ কৰিছে তেওঁলোকৰ কথাটোও বিবেচনা কৰি আছো, আৰু অন্যান্য ৰাজ্য বিলাকত যেনে ব্যৱস্থা গ্ৰহণ কৰিছে তাৰো অনুসন্ধান চলাই আছে।

Shri Meneswar Boro : ১৯৬০ চনৰ Revise Pay scale আগতে অসম চৰকাৰৰ D.D.P.I. School Inspector আৰু কটন কলেজৰ শিক্ষকৰ দৰ্মহা সমান আছিল। কিন্তু ১৯৬৪ চনত এইটো কমাই দিয়া হৈছে আৰু Grade কমাই দিয়া হৈছে। ইয়াৰ কাৰণ কি ?

Mahendra Mohan Choudhury : কমাই দিয়া হোৱা নাই। ১৯৬৪ চনৰ Pay Commission ৰ Recommendation মতে এই দুটা পৃথক কৰা হল। আৰু কাৰ profession কি সেইটো Selection কৰাৰ ব্যৱস্থাও কৰা হৈছে। আৰু এই Selection কৰাৰ পাচতহে এই বেলেগ Pay scale নিৰ্দ্ধাৰণ কৰা হৈছে।

Shri Gaurisankar Bhattacharyya : Sir among the demands enumerated by the Chief Minister said to be containing in the representation of the Cotton College Teachers' Association, some are very important demands. If I have correctly followed the Chief Minister, these are, firstly, that the pre-1964 seniority should be restored, secondly, that for the guidance of the teachers and other educational staff Education Service Rules should be followed; thirdly, those who get Doctorate Degrees from any Indian University should also get at least two advance increments, fourthly that they should get housing facilities. There are other demands also. Now, so far as the first demand is concerned, i. e., restoration of pre-1964 seniority, does the Government not consider that as a result of the latest procedure followed by Government even the teachers have become junior to their own students in some cases, and this was specifically brought to the notice of the Director of Public Instruction, Education Minister and the Education Secretary and they promised that they would look into it. But though long two years have passed, that has not been attended to. The second demand, an important demand, is for framing of service rules. The college teachers do not know where they stand. Those college teachers, Professors and Lecturers, who are drawn to the Inspectorate get some facilities in the matter of special pay, housing etc., whereas those who stick to their own teaching profession, are deprived of these facilities. In the Gauhati University, the Education Minister must be knowing, as soon as a teacher gets a Doctorate Degree, no matter whether it is from a foreign University or any Indian University, he gets two advance increments. It is generally known that Doctorate Degree of some Indian University like Calcutta and Banaras is considered on an international scale to be of a higher standard than the so called foreign Doctorate Degrees of some American Universities where simply by writing an essay one gets a Doctorate Degree. But the Government is discriminating between a foreign Doctorate and an Indian Doctorate. These teachers are expected to be teaching with a paltry pay without any housing facilities. They are to wait for getting the chance of becoming Hostel Superintendents. Do Government not consider that these demands of the College teachers are very important ones and these should get priority attention of the Government?

Shri Mahendra Mohan Chaudhury : As I have already replied, with the separation of the two services, teaching and inspecting, promotions were made on the recommendation of the 1964 Pay Committee. Now the Government have considered the matter and it has been decided that the teachers who were made Assistant D.P.I. or Inspector, they should retain their seniority in the teaching cadre and an order to this effect is being issued. Then about the advance increment to the Doctorates in the Colleges, we are trying to bring both the Indian and Foreign Doctorates at par.

As I have said, this is being examined ; we are taking action.

Shri Dulal Chandra Barua : As the Chief Minister said, as recommended by the 1964 Pay Committee these two cadres, viz., inspecting and teaching cadres, were brought in. But even at this stage in these cadres seniority has been fixed on the basis of the services rendered by them in the institution. If it is so, do not the Government consider it proper to frame the service rules quickly as the delay has already done great harm to many and, as has been stated by my leader, even some teachers became junior to their own students ?

Shri Mahendra Mohan Chaudhury : Because of not framing the rules, some anomalies have occurred. Therefore, to remove the anomalies we are finalising the rules very soon.

Shri Dulal Chandra Barua : In fixing seniority some sort of discriminatory policy has been adopted by Government. In respect of appointment of the Joint Director, as per Government circular and the Cabinet decision, Dr. Chaudhury is senior to the present Joint Director of Public Instruction by virtue of the former's seniority in the selection grade. May I, therefore know why Dr. Chaudhury has been deprived and Prof Jalal is appointed ?

Shri Mahendra Mohan Chaudhury : If a separate question is put I can give the answer as to how the inter see seniority was fixed as between Professor Jalil and Dr. Chaudhury. If, however, there has been a departure from the rules, the person affected can always represent.

Shri Dulal Chandra Barua : As regards the other facilities mentioned by the Teachers' Association, the Chief Minister himself has admitted that the Association represented to the Government times without number. This Cotton College is not only the oldest institution in Assam, it is also one of the oldest in India. May I, therefore, know whether Government does not consider it necessary to give all facilities to the Cotton College teachers for proper functioning of that institution, as for instance, transport facilities, housing accommodation, etc. ?

Shri Mahendra Mohan Chaudhury : As I have already said, housing accommodation is being provided. This year we hope to construct about 26 quarters for the professors and this will be followed up. Our intention is to give all possible facilities within our means and that we are doing.

Re : Resettlement Operation

Shri Gaurisankar Bhattacharyya asked :

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

- (a) Whether the survey and settlement in terms of the provisions of the Assam Land and Revenue Regulation has been completed within the stipulated period of time in all the districts of Assam ?
- (b) If not, why not ?
- (c) What are the districts where this operation though started is yet to be completed ?

Shri Paramananda Gogoi (Minister of State, Revenue) replied :

43. (a) —There is no statutory time limit for completion of the resettlement operation of a district.

(b) —Does not arise.

(c) —The districts of Nowgong, Lakhimpur and Darrang,

Shri Gaurisankar Bhattacharyya : May I know, whether the Minister replying to this question is aware of the provisions of the Assam Land and Revenue Regulation, viz., sections 17, 18, 19 and 20 ?
(No Reply)

Shri Gaurisankar Bhattacharyya : May I make a submission, Sir ? Before a Minister gives the reply, he should be posted with facts and also with law. There are provisions in the Assam Land and Revenue Regulation— Settlement and Assessment, Chapter III, which covers Sections 17, 18 19 and 20, There is also the Assam Resettlement Manual. According to these laws settlement and resettlement operations take place. If the Minister replying to a question is new and is not posted with the position of law, it is better that a Minister who is posted with the law and the facts replies, because here there is collective responsibility. The Minister should know that there are laws and there are notifications. For example, I can tell the Minister that the settlement operation of Kamrup was notified in 1955, the actual operation started in 1956 and the time stipulated was 5 years, that is to say, the settlement operation was to be completed by 1960. It is 1970, but till now the settlement operation of Kamrup has not been completed. It particularly affects the poor tenants. Draft khatians for raiyats were made but they have remained "drafts" up till now. 15 years have passed and these "drafts" have not been finalised, that is to say, the tenants have not got their rights. There was a specific purpose of my asking this question, that in spite of there being a law, which the Government by notification in the Gazette directed to be obeyed, nothing has been done at least so far as the poor peasants and tenants are concerned. I may also tell the Minister something about the resettlement operations in the 5 upper districts, viz., Kamrup, Sibsagar, Darrang, Nowgong and Lakhimpur. The first resettlement started under the Resettlement Rules of 1883 and then thereafter ten-yearly resettlements from 1st April 1893 and then there was again resettlement operation for Kamrup in 1902-1905, for Sibsagar in 1902-1906, for Darrang in 1905-1909, for Nowgong in 1905-1909 and for Lakhimpur in 1909-1912. In this way, during every resettlement operation there was a period fixed within which resettlement operations were to be completed. In the

Gazette Notification itself, in terms of sections 17 and 18, a time-limit was fixed. In all those districts the resettlement operations were notified under Section 18 of the Assam Land and Revenue Regulation and not in one of them resettlement operations have been completed within the period notified. In not a single district records of rights of the under raiyats and Adhias have been prepared. Whether it is a fact or not?

Shri Paramananda Gogoi : Sir, the information with me is that the resettlement operation was started in Kamrup district in 1956 and closed in 1965. (Shri Gaurisankar Bhattacharyya : Not closed) In Gauhati Circle it was started in 1956 and closed on 1.5.69 and in Chhaygaon Circle it was started in 1956 and closed on 1.5.68. This is the information.

Shri Gaurisankar Bhattacharyya : What about the other Districts and what about the Records of Rights?

Shri Paramananda Gogoi : This information is not with me. In Cachar District it was taken up in 1949 and closed in 1954. In Cachar District, it is in regard to Hailakandi and Silchar Sub-Divisions and in the temporary settled areas of Karimganj Sub-Division the operation was started in 1950 and closed in 1969. In the temporary settled areas of Goalpara District the operation was started in 1956 and closed in 1961-62. In Sibsagar District— started in 1956 and closed in 1965, in Nowgong :— (i) established areas— started in 1963 and scheduled to be concluded by 31.12.70 and (ii) erstwhile immature areas and towns— started in 1964 and scheduled to be concluded by 31.12.79 ; in Lakhimpur District— started in 1964 and scheduled to be concluded in 1972 and in Darrang District— started in 1968 and scheduled to be concluded in 1973.

Shri Sailen Medhi : Sir, the question was whether the Survey settlement in terms of provision of Assam Land Revenue Regulation has been completed within the stipulated period. Completion and closure have two different meanings. The Minister stated that within the stipulated period it has been closed. I want to know whether closure means completion.

Shri Paramananda Gogoi : Sir, according to the information with me now it is completed.

Shri Gaurisankar Bhattacharyya : Sir, I want to know whether notification under Section XVIII of the Assam Land Revenue Regulation was issued in 1956 or in 1955 and what is the number and date of the notification which started the settlement operation. Because it is the notification which started it,

Shri Paramananda Gogoi : Are you asking about the Kamrup District ?

Shri Gaurisankar Bhattacharyya : Yes.

Shri Paramananda Gogoi : The information is not with me at the moment. I will supply it later.

M- Shamsul Huda : In view of the fact that the survey operation in Nowgong and Sibsagar Districts could not be completed within the stipulated period the Government granted time for completion of the operation. If so, under what rules ?

Shri Paramananda Gogoi : I have no information whether extension is granted. Time has not yet come to consider the matter.

Shri Gaurisankar Bhattacharyya : When the notification was issued under Section XVII then what would be done that also is there in Section XVIII. In other words, there certain draft made and one of the very vital drafts i.e. preparation of draft chitas and the Records of Rights. That was a very important feature. Now the Minister says that the settlement operation has been closed and completed in 1965 and 1969 though not completed. In other words those which were drafts have remained drafts that is all labour is lost. The raiyats could not get their rights in certain areas of Kamrup District, for example, in Greater Gauhati and Gauhati Circle Tribal Belt and Chhayaon Circle Tribal Belt because of certain transfer and conversion of annual patta into miadi cancellation and review petition on the side of the Government. In this way Government did

close the operation, but it never completed, that is the position, and did not close on a particular date, closed from time to time. In certain areas after 10 years, in some areas after 13 years and in others after 14 years. Be that as it may, whether the Government do propose, in view of incompleteness and in view of the injustice done to the tenants, to start a fresh settlement operation for the whole district including Gauhati?

Shri Mahendra Mohan Chaudhury (Chief Minister) : There is a proposal to have a resettlement operation in Gauhati Circle. In regard to other Circles the matter has been finalised and closed and settlement operation is complete. In Gauhati Circle there are certain representations from the people and the local Revenue Authority that some anomalies in matters of recording the names of the possessors of land have occurred. Therefore, in order to rectify the anomalies we are proposing to have a Record Preparation operation in Gauhati.

Shri Gaurisankar Bhattacharyya : Are we thereby to understand that so far as the position of the raiyats is concerned they are doomed for ever? Their rights will never be recorded?

Shri Mahendra Mohan Chaudhury : No Sir, we are helping the raiyats. In the rest, there are no representations. If any representation comes from other Circles it will be considered at the appropriate moment.

Shri Gaurisankar Bhattacharyya : Do the Government think that simply because the peasants, the poor ones, the less sophisticated ones, because they are less articulate, because they cannot launch any agitation, because they cannot press the Government, therefore the poor raiyats and the extremely impoverished tenants should suffer and only those who live in Gauhati and who can agitate should benefit and not the poor ones?

Shri Mahendra Mohan Chaudhury : That is not the point. Sir, at the time of passing of the Ceiling Act I assured the House that we are going to take up an intensive programme for

bringing the records of all tenants of all the Districts not only of Kamrup and Goalpara, but in all the Districts we are having an intensive programme to bring the tenants in record.

Shri Gaurisankar Bhattacharyya : Sir, it is a very serious matter. This is the Floor of a House and the Chief Minister in particular should give information which is correct. I may be a man holding 75 bighas of land and out of that I may have given 60 bighas of land to three undertenants. Those three undertenants may be holding land under me for generations together but because I do not come under the Ceiling Act, my tenants will go entirely without any record of rights; that will be a great injustice; particularly, because these people are extremely poor people either belonging to the Scheduled Caste or Scheduled Tribes, they are not articulate, they are not sufficiently sophisticated or educated, they cannot come to the capital, they cannot move in the newspapers—they cannot create a row and therefore these poor people will suffer by having no record of rights?

Shri Mahendra Mohan Chaudhury : Sir, I quite appreciate the anxiety of the Hon. Member. My reply was not only in the context of the Ceiling Act but also in the context of the Tenancy Act which is also in the anvil of the Assembly. Therefore, in those two Acts we are trying to bring all the tenants under record. In the last settlement operation that instruction was there but unfortunately that instruction was not fully complied with and therefore, Sir, tenants have been left out from the records. To bring all the people on records we are having an intensive drive.

Shri Pitsing Konwar : Sir, as you are aware, so many villages in Nowgong district have been left unsurveyed. On the other hand the Government is going to close the settlement operation work. How the condition of the poor people will be protected if the operation is not extended?

Shri Mahendra Mohan Chaudhury : Sir, Nowgong will also come under the same policy that the Government has prepared and where

settlement operations have been completed, instructions have been issued saying that all the tenants should be brought on records.

Shri Dulal Chandra Barua : Sir, the Hon. Chief Minister has said that the Government has decided to make the resettlement operation in Gauhati Circle and he also expressed that if any complaint or anything is received from the other areas also, they will look into the matter. May I draw the attention of the Chief Minister as to what has happened in respect of North Lakhimpur and Sibsagar? Are we to understand that the statement given by the State Minister of Revenue etc. that settlement operation is completed is not at all true?

Shri Mahendra Mohan Chaudhury : Sir, in Lakhimpur settlement operation is not completed, it is in progress and whatever anomalies are there will be looked into. In Sibsagar, the operation has been closed and it is complete. But records of tenants who are left out from the record, I think, will be taken up very soon.

Shri Gaurisankar Bhattacharyya : Sir, may I crave your indulgence to put forward a suggestion that in view of the fact that the record of rights of tenants have not been finalised in any district, at least in those districts where draft khatians have been made, that the Government by a notification will make them legally admissible, at least to that extent the Government will give protection to the tenants?

Shri Mahendra Mohan Chaudhury : I accept the suggestion.

Shri Rothindra Nath Sen : Sir, I will be failing in my duty if I do not point out here that though the Chief Minister has said that resettlement operations have been completed in all the places save and except Gauhati, is not correct. In Karimganj Subdivision all these things are in a mess and a reversal of the resettlement operation is obviously necessary. Therefore, the statement given by the Hon'ble Chief Minister does not go at its face value.

Shri Mahendra Mohan Chaudhury : Sir, I cannot give any assurance on this score but the suggestion as contained in the question will be looked into.

Re : Assam Board of Revenue

Shri Gaurisankar Bhattacharyya asked :

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

- (a) Whether it is a fact that the Board of Revenue is the highest court in revenue matters as the High Court is the highest court in civil and criminal matters ?
- (b) Whether the Assistant's pay scales in the Assam Board of Revenue was previously at par with the analogous Assistants of the High Court ?
- (c) Whether it is a fact that when the Government in its wisdom lowered the pay-scale of the Assistant of the Assam Board of Revenue, the Chairman, Assam Board of Revenue, *vide* his letter No. ABR. 18/64/105, dated 30th January, 1970, represented to the Government to reconsider the matter and revise the decision ?
- (d) Whether it is a fact that the Government in the Revenue Department, *vide* its letter No. RSS. 371/61/Pt./37, dated 5th July, 1970, has turned down the request of the Assam Board of Revenue ?
- (e) Whether the Government is aware that this has brought frustration to the staff of the Assam Board of Revenue ?
- (f) Whether Government in the interest of fair-play and justice will reconsider the whole issue ?

Shri Paramananda Gogoi (Minister of State, Revenue) replied :

44. (a) —Yes. But the Assam Board of Revenue have not yet been vested with such powers as were exercised by the State Government, *vide* clause 5 of the Assam Board of Revenue Act, 1959. Further the Assam Board of Revenue Act, 1962, deleted the superintending and controlling and the executive power provisions as would appear from sections 4 and 5 in Chapter II of the said Act,

- (b) —Yes, prior to 1964 pay revision.
- (c) —Yes.
- (d) —Yes.
- (e) —Such frustration may exist.
- (f) —Government have no objection to reconsider provided it justifies reconsideration.

Shri Gaurisankar Bhattacharyya : Sir, it is a fact that the Government has said that they will have no objection to the review if there is justification for such a review. Now, in answer to (b) the Minister has replied that prior to 1964, that is to say, immediately after the Assam Board of Revenue Act came into force in 1962, in this period, the status of the Assistants in the Assam Board of Revenue was analogous to the status of the Assistants of the High Court. Because, in the revenue matter the Board of Revenue was the final court and whatever superintendence was there that was only under Article 26 and 27, that is to say, in the form of a writ petition and nothing else and these writ petitions should come not only in the Court of Assam Board of Revenue but in Courts of Government itself and even with regard to the Legislature this extraordinary power specially enjoins in the Constitution of India but so far as the status of the Court is concerned as a Revenue Court the Assam Board of Revenue is the Supreme Court in the State and in appreciation to that the decision was taken. Thereafter, by a fiat of the executive order their position was brought to the level of the Secretariat though the Board of Revenue is not a Secretariat. It is a Court. Then again, by another executive fiat it was placed in between the position of the Head of a Department and the Secretariat,

In the agitation, so far as these employees in the Assam Board of Revenue is concerned, their submission is that either they should be considered as the highest Revenue Court and therefore they should be restored to their previous status which they were enjoying from the beginning or they should be given the status of the Secretariat. They should not be kept just neither beasts nor birds. Will the Government be please to review the case which the Minister has indicated to be genuine one and will the Government review that without much delay ?

Shri Paramananda Gogoi : Sir, I agree with the opinion of hon Member and the Government is going to examine all these matters. All these matters I have already replied.

Re : Exemption of Revenue

Shri Jalaluddin Ahmed asked :

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

- (a) Whether any proposal is under consideration for exemption of revenue upto 3 acres ?
- (b) If not, why ?

Shri Paramananda Gogoi (Minister of State, Revenue) replied :

45. (a) —The question of exempting land revenue on uneconomic holdings is under consideration.

(b) —Does not arise.

Re : Water pockets in Khata Mouza

Shri Prabhat Narayan Choudhury asked :

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

- (a) Whether the Government is aware of the formation of some water pockets in Khata Mauza in Nalbari Subdivision due to breach of the left embankment of Pagladiya specially after breach at Barkhanajan in 1966 ?
- (b) Whether Government is aware that about sixteen villages around Ghogapathar have either become water-logged or sand-bedded rendering unfit for cultivation and that at Bhunukuchi, Balikuchi, Nandanga, Tentrasankara Barmurikong another large area has become water-logged and unfit for cultivation of usual crops Ahu and Sali ?
- (c) Whether Government is also aware that a vast cultivable area between two embankments of Pagladiya at Khanjan, Mariadanga and Khatkatia, Katakuchi belonging to poor peasants are lying fallow for want of reclamation ?
- (d) Whether Government propose to help the poor peasants with tractor, power pumps other irrigation facilities free of cost with the help of Agriculture Department ?

Shri Lakshmi Prasad Goswami (Minister, Revenue) replied :

46. (a) —Yes. A huge area has become water pocket in Khanajan area due to breach in the embankment of Pagladiya in 1966.
- (b) —Yes. Sixteen villages covering an area of about 4,530 bighas are so affected.
- (c) —Yes. A total area of 848 bighas in four villages, viz., Mariadonga, Boxkhanajan, Khatkatia and Katakuchi have become fallow and need reclamation.
- (d) —Yes. Agriculture Department has submitted a scheme for seeds, irrigation and tractorization. The Revenue Department will bear the expenditure on these items to the extent necessary to ensure successful Rabi cultivation.

**Re : Investigation Branch Divisional Office of the
Flood Control and Irrigation**

Shri Rothindra Nath Sen asked :

*47 Will the Minister-in-charge of Public Works Department (F. C. & I) be pleased to state -

- (a) Whether there is any proposal for shifting the Investigation Branch Divisional Office in town of Karimganj?
- (b) If so, when this is expected to be materialised?

Shri Syed Ahmed Ali [Minister of State, Public Works Department (F. C. & I.)] replied :

47. (a) —There is no Office by such name.

(b) —Does not arise.

Shri Rothindra Nath Sen : I regret, Sir, there has been some mistake in putting the question. There is an Investigation branch in the district of Cachar and it is decided that the Investigation Branch will be shifted to Karimganj.

Shri Syed Ahmed Ali : The question is a confusing one. If the Hon'ble Member means shifting of any office from anywhere to Karimganj, then the question is not clear. There is one Investigation Division for the whole of Cachar district including N.C. Hills ; but there is one Subdivisional Office at Karimganj both for investigation and construction. There is a proposal for shifting the headquarters of the Investigation Division from Silchar to Karimganj. That proposal is under examination.

Re : Jogighopa Paper Mill

Shri Maneswar Boro asked :

*48. Will the Minister-in-charge of Industries be pleased to state—

- (a) The pulp and paper proposed to be produced per day by the Jogighopa Paper Mill?

- (b) What is the employment potentiality in the Jogighopa Mill.
- (c) What amount will be spent for setting up of a paper mill at Jogighopa ?
- (d) What revenue will be received by the Government from the Jogighopa Paper Mill annually ?

Shri Biswadav Sarma (Minister, Industries) replied :

48. (a) —It is estimated to manufacture 120 tonnes of Pulp and 90 tonnes of Paper per day. Out of 120 tonnes of Pulp, 30 tonnes of pulp will be supplied to the Darbhanga unit.
- (b) —The employment potentiality of Jogighopa unit is about 1,270 persons including supervisory personnel skilled and unskilled labour, but excluding the employment in forests.
- (c) —Total investment of Jogighopa unit would be around Rs. 14 crores.
- (d) —When in full production, the Government in the shape of forest revenue, sales tax and Excise duty will receive about Rs. 50 lakhs a year.

Shri Moneswar Boro : মঞ্জীমহোদয়ে B ৰ উত্তৰ কিমান সংখ্যা দিলে নুবুজিলো ।

Shri Biswadev Sarma : ১,২৭০ জন ।

Shri Maneswar Boro : যিহেতু বিহাৰ চৰকাৰৰ লগত সহযোগ কৰি কামটো কৰা হৈছে গতিকে অসম-ইউনিটত কিমান আৰু বিহাৰ ইউনিটত কিমান ?

Shri Biswadev Sarma : মই অসম ইউনিটৰ কথাহে কৈছো । বেলেগ প্ৰশ্ন কৰিলেহে সম্পূৰ্ণ কথাটো জনাব পাৰিম ।

Shri Maneswar Boro : বাহ-বন কটাৰ কাৰণে কিমান জন মানুহক নিয়োগ কৰিব পাৰি ?

Shri Biswadev Sarma : প্রায় ১০ হেজাৰ জনক।

Shri Maneswar Boro : প্রায় ১০ হেজাৰ জনক বুলিহে কৈছে দেখোন ?

Shri Biswadev Sarma : আমাৰ আনুমানিক হিচাব মতেহে কৈছো ১০ হেজাৰমান মানুহ লাগিব বুলি।

Shri Mathura Mohan Sinha : May I know how many persons have been appointed so far by the Ashoke Paper Mills either at their Gauhati Office or Calcutta Office.

Shri Biswadev Sarma : There is no appointment in the Calcutta Office. I do not know the exact number of people appointed so far in the Gauhati office. I require notice to give full information.

Shri Dulal Chandra Barua : The Minister has been pleased to mention about the employment potentiality in this project. May I know who has prepared the scheme ; whether it has been incorporated in the project report or whether an additional report has been prepared by some other authority.

Shri Biswadev Sarma : The Company as a whole has worked out the details. The hon Member might know that there will be another project - Caustic Soda and this project has also been worked out by the Company itself.

Shri Sailen Medhi : মোৰ এটা প্ৰশ্ন আছে মন্ত্ৰীমহোদয়ে কৈছে যে ইয়াত ১,২৭০ জনৰ চাকৰীৰ সুবিধা হ'ব। এই ১,২৭০ জনৰ ভিতৰত কি পৰ্যায়ৰ, কি ধৰণৰ আৰু কিমান Educational qualification থকা মানুহ লাগিব আৰু অন্যান্য কিবা special training ৰ প্ৰয়োজন হ'ব নেকি ? যদি হয় তেন্তে তেওঁলোকৰ training দিয়াৰ কিবা ব্যৱস্থা চৰকাৰে কৰিছেনে ?

Shri Biswadev Sarma : ইতিমধ্যে আমি কিছুমান Graduate Engineer ক training লৈ পঠাইছো আৰু যি সকলৰ পইচা বেছি তেওঁলোককো বাহিৰত training ৰ ব্যৱস্থা কৰিছো। (Volces এই-বিলাক Break up হ'ব নেকি ?)

Shri Dulal Chandra Barua : আমাৰ প্ৰশ্ন হ'ল যে প্ৰত্যেক বাৰতে, প্ৰত্যেক কথাতো ঠোঁকৰ খাই অহা হৈছে। আৰু কিমানদিন খাম ভগবানেহে জানে। আমাক যিমান সংখ্যক **technical expert** লাগে সেইখিনিৰ ব্যৱস্থা চৰকাৰে নকৰিলে বাহিৰৰপৰা মানুহ আহি ভৰাই দিয়াটো অসম্ভৱ বুলি আমি নধৰো। গতিকে চৰকাৰে **Break-up** ৰ সংখ্যা বাহিৰ কৰি লৈ আমাক যিখিনি **technical qualified** মানুহৰ দৰকাৰ হ'ব সেই অনুপাতে ইতিমধ্যে বাহিৰত প্ৰশিক্ষণ দিয়াৰ ব্যৱস্থা কৰিছেনে ?

Shri Biswadev Sarma : এইবিলাকৰ ব্যৱস্থা কৰা হৈছে। কেইদিনমানৰ আগতে **Assam Tribune** ত ইয়াৰ জাননী দিয়া হৈছে। আমাৰ লৰা-বিলাকক **training** দিম। আগৰ বিধানসভাত শ্ৰীভট্টাচাৰ্য ডাঙৰীয়াৰ প্ৰশ্নোত্তৰত কৈছিলো যে— **special qualification** থকা যিমানখিনি মানুহ আমাৰ দৰকাৰ সেই খিনি আমাৰ নোহোৱাৰ কাৰণে বাহিৰৰপৰা বাচি বাচি আনিব লগীয়া হৈছে আৰু যাতে আমাৰ মানুহ খিনিও **qualified** হ'ব পাৰে তাৰ ব্যৱস্থা কৰা হ'ব।

Shri Dulal Chandra Barua : গোজেই গজালিহলে ?

Shri Biswadev Sarma : সেইটো হ'ব নোৱাৰে।

M. Shamsul Huda : ১২ জন **B. E.** ক **training** ৰ কাৰণে পঠাইছে। যদি **Break-up** টোকে মন্ত্ৰীমহোদয়ে নেজানে তেন্তে এই ১২ জন কেনেকৈ হ'ল।

Shri Biswadev Sarma : আৱশ্যক হলে মই দিম।

M. Shamsul Huda : মন্ত্ৰীমহোদয়ে আৱশ্যকীয় তথ্য-পাতিৰে সৈতে **Break-up** দিব লাগে। বহুতো **B. E.** আবেদন কৰিলে **Interview** ও দিলে। ইয়াৰপৰা মাত্ৰ ১২ জনকহে **Select** কৰি পঠোৱা হ'ল। আৰু কিমানজন মানুহ লাগে তাৰ সঠিক হিচাব জনাব লাগে।

Shri Biswadev Sarma : ইয়াৰ এটা বেলেগেই প্ৰশ্ন তুলিলে দিবলৈ বাজী আছোঁ।

Shri Uttam Chandra Barhma : **Assam Paper Pulp Mill** ৰ **Head Office** টো গুৱাহাটীত নেথাকি কলিকতাত থকাৰ কি উদ্দেশ্য আছে ?

Shri Biswadev Sarma : এই **Company** দুটা এটা দাবভাঙা আৰু এটা যোগীঘোপাত হ'ব। (এটি স্বৰ তাৰ কোনটো অসমৰ কাৰণে ?) অসমৰ কাৰণে আমি গুৱাহাটীত এটা **Unit** বহুৱাম।

Shri Uttam Chandra Barhma : গুৱাহাটীৰ Unit ত General Managerক appointment দিয়াৰ কথাটো সঁচানে ?

Shri Biswadev Sarma : বেলেগে প্ৰশ্ন কৰিলে ভাল হয়।

Shri Dulal Chandra Barua : Gauhati ৰ Unit ৰ General Manager জনৰ নাম কি ?

Shri Biswadev Sarma : Mr. Haque.

Shri Dulal Chandra Barua : তেওঁ কৰ মানুহ অন্ধ্ৰপ্ৰদেশৰ নেকি ?

Shri Biswadev Sarma : মানুহ জন অন্ধ্ৰপ্ৰদেশৰ paper mill ত কাম কৰা মানুহ; তেখেত paper Expert.

Shri Dulal Chandra Barua : অসমত তেনেকুৱা Expert নাই নেকি ? তেওঁক parmanent basis ত অনা হৈছিল নে contract basis ত অনা হৈছিল।

Shri Biswadev Sarma : অসমত নাই, ধৰক contract basis ত অনা হৈছে।

Shri Dulal Chandra Barua : Paper Expertৰ কাৰণে পথোৱা হৈছে নেকি ?

Shri Biswadev Sarma : পথোৱা হব।

Shri Akram Hussain : মন্ত্ৰীমহোদয়ে কৈছে Jugighopa ত ১০ হাজাৰ মানুহক বাহ-হাৰি কটাত লগাইছে আৰু তাৰ আগতে প্ৰায় ১২০০ জন মানুহৰ Employment opportunity হব। গতিকে এই বিষয়ত বাহিৰৰমানুহেই সুবিধা পাব। বিশেষকৈ ডাঙৰ ডাঙৰ কামৰিলাক বাহিৰৰ মানুহে পাব। গোৱালপাৰাত আন্দোলন চলিছে যে ইয়াৰ শতকৰা ন ভাগ খলুৱা মানুহেই চাকৰি পাব লাগিব।

Shri Biswadev Sarma : মাননীয় সদস্যৰ খবৰটো সম্পূৰ্ণ অসত্য; আমি খলুৱা মানুহকহে চাকৰী দিয়াৰ চেষ্টা কৰিছো।

M. Samshul Huda : এটা জৰুৰী কথা আছে।

Mr. Speaker : I disallow this question according to new Rule. Under the amended Rules, not more than six supplementary can be asked.

Re : Assam Government Marketing Corporation

Shri Maneswar Boro : asked :

*49. Will the Minister-in-charge of Industries be pleased to state—

(a) The loss incurred by the Assam Government Marketing Corporation during 1968-69 and 1969-70 ?

(b) What were the reasons for the loss ?

(c) The total expenditure on account of maintaining the head office at Gauhati during 1968-69 and 1969-70 ?

Shri Biswadev Sarma (Minister, Industries) replied :

49. (a) —Rupees 3,57,668·80 paise during 1968-69. For 1969-70, the final accounts are under Audit (Statutory Audit) at present.

(b) —(1) Running of uneconomic and losing Emporia like Jowai, Haflong, Tura, Diphu, Badarpur, Hailakandi, Golaghat, North Lakhimpur, Goalpara and Mangaldai.

(2) Clearance sale of old, damaged and sub-standard stock of some Emporia at reduced price.

(3) Maintenance of surplus staff due to closure of some uneconomic Emporia.

(c) —Rupees 1,85,670·94 paise during 1968-69. For 1969-70, the final accounts are under Audit at present.

Re : Misappropriation of Public Money

Shri Gaurisankar Bhattacharyya asked :

*50. Will the Minister-in-charge of Industries be pleased to state—

(a) Whether it is a fact that Shri B. B. Adhikari of the Industries Department on being sent on deputation to the Assam Government Marketing Corporation and on being appointed Manager

of the Dibrugarh Sales Emporium is alleged to have misappropriated about Rs. 55,000 of public money ?

- (b) Whether it is a fact that the Marketing Corporation enquired into the allegation, drew up proceedings and put the man under suspension ?
- (c) Whether it is a fact that this suspended officer was withdrawn by the Industries Department as a suspended officer ostensibly for necessary disciplinary action, but has in fact been appointed as a Marketing Officer and has been posted at Shillong ?

Shri Biswadev Sarma (Minister, Industries) replied -

50. (a) —Yes.

(b) —Yes.

(c) —Shri B. B. Adhikari was already a Marketing Officer on deputation to the Assam Government Marketing Corporation Ltd. The Corporation suggested infliction of a major punishment on him. As such, the Corporation had to replace the services of Shri Adhikari at the disposal of the lending authority, *i.e.*, the Directorate of Industries, Assam for necessary disciplinary action as required under the relevant provisions of the Assam Services Discipline and Appeal Rules, 1964. Shri B. B. Adhikari was taken back against a vacant post of Marketing Officer and was immediately placed under suspension from the date of his joining pending disposal of the disciplinary proceeding against him.

Shri Gaurisankar Bhattacharyya : Will the hon. Minister be pleased to inform when the misappropriation was committed, when it was detected and when the investigation was completed. I want to know the date of misappropriation, date of detection and the date of the completion of investigation.

Shri Biswadev Sarma : Sir, the exact dates are not with me.

Shri Gaurisankar Bhattacharyya : Sir, will the question be kept pending ?

Shri Biswadev Sarma : Yes, Sir. I will give it tomorrow.

Re : State Dispensary at Bahjani Mauza

Shri Prabhat Narayan Choudhury asked :

*51. Will the Minister-in-charge of Health be pleased to state—

- (a) Whether Government is aware that in Bahjani mauza in Nalbari Subdivision with a population of 25,000 has no State Dispensary due to which the people of this area are deprived of proper medical assistance?
- (b) Whether Government propose to establish a State Dispensary in Bahjani mauza as a special case?
- (c) Whether Government is aware of an offer of lands and building by the public of that area for immediate establishment of the dispensary?

Shri Chatrasing Teron (Minister, Health) replied :

51. (a) —Yes, but the people of that locality are not deprived of medical assistance because of the fact that the following medical institutions are within easy reach of the people of Bahjani Mauza—

- (1) Marowa State Dispensary in South-East direction at a distance of $1\frac{1}{2}$ miles only.
- (2) Balowa State Dispensary in South-West direction at a distance of 3 miles only.
- (3) Chamta State Dispensary in North-West direction at a distance of 6 miles.
- (4) Nalbari Civil Hospital in North-East direction at a distance of 4 miles only.

(b) —In view of the nearness of so many dispensaries etc. within a radius of 5 miles of Bahjani mauza, establishment of a new dispensary for Bahjani Mauza is not contemplated at present.

(c) —Government is aware of this.

Shri Prabhat Narayan Choudhuri : Sir, the hon'ble Minister is replying about the distance of some of the dispensaries from the boundaries. Does the Minister think that the Mouza is located at a point and the dispensaries are located at such and such a distance? Is the Minister aware that the mouza has got its 6/7 miles in length and about 4 miles in breadth. So the distance of the boundary cannot be calculated only on the basis its distance from the nearest dispensary; a large number of people remain unattended to?

Shri Chatrasing Teron : Sir, there is one fact that there is no State Dispensary within the mouza— Bahjani. We have agreed to that. From the point of availability of service from that dispensary, the distance will be thus far. That is the question I am trying to say.

Shri Prabhat Narayan Choudhury : Sir, whether in view of the fact that large number of people are not being attended to by that dispensary, will the hon'ble Minister consider to set up a dispensary soon after public comes forward to offer land and buildings for the purpose?

Shri Chatrasing Teron : Sir, there is a case for sympathetic consideration if such offer comes forward.

Shri Prabhat Narayan Choudhuri : Sir, has the hon Minister received such an offer from Bujarbarua family for land, construction etc.?

Shri Chatrasing Teron : As far as I remember, the Hon'ble Minister had verbally communicated this to me but I do not remember to have received anything written in this regard.

Shri Prabhat Narayan Choudhuri : Sir, will the hon. Minister examine further in the matter?

Shri Chatrasing Teron : Sir, I shall see to it.

Re : Supriti Nursing Home, Karimganj

Shri Rothindra Nath Sen asked :

*52. Will the Minister-in-charge of Health be pleased to state—

- (a) Whether Government is aware that since several years past, Dr. A. Das, M.B.B.S., in his wisdom established a Nursing Home under the name— Supriti Nursing Home on Station Road, Karimganj and has been rendering wonderful selfless services to poor patients, female patients from town and villages in particular ?
- (b) Whether it is known to the Government that on some occasions our Ministers viz., Shri B. N. Mookerjee, Shri S. M. Dey (previous), Shri M. M. Choudhury and Shri K. P. Tripathi so also Union Minister Shri Y. V. Chavan visited that Nursing Home and expressed their pleasure and delight for such a noble venture established by a local physician and assured best of Government assistance ?
- (c) Whether it is also a fact that some months past the Government of India subsidised this Nursing Home with a consolidated grant of about Rs. 12,000 only ?
- (d) In view of all round distressing social conditions in and around Karimganj town, whether Government propose to sanction a regular annual subsidy to this Supriti Nursing Home ?

Shri Chatrasing Teron (Minister, Health) replied :

52. (a) —Yes, about the establishment of Supriti Nursing Home.

(b) —No specific information available with Government.

(c) —A non-recurring grant-in-aid amounting to Rs. 22,000 was sanctioned to be released in two instalments as sanctioned by the Government of India, Ministry of Health and Family Planning during June, 1969. Fifty percent of the grant-in-aid Rs. 11,000 was released last year, *vide* their letter No. F.3-1/69 Grants, dated 13th June, 1969 and the balance of Rs. 11,000 was released this year, *vide* their letter No. F.3-1/69-Grants, dated 22nd April 1970.

(d)'—The matter is under consideration of the Government.

Shri Rothindra Nath Sen : Sir, in reply to the 'B' of this question, the hon Minister has stated that it is not to the information of the Government. But I know that the Hon'ble Minister himself visited this particular Nursing Home and he has seen the remarks made by other dignitaries. He himself was pleased with the performance of this institution, In view of all these, may I expect that some sort of government grants will be expedited.

Shri Chatrasing Teron : Sir, if the Hon'ble Member would have asked as to whether Shri C. S. Teron visisted this or not, then I would have straightway replied but unfortunately my name is not there in the Question. Any way, as far as I know some dignitaries visited this, I have received this information verbally. But there is no official information on this.

Re : Kowerpor-Panbesha Road

Shri Promode Chandra Gogoi asked :

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

- (a) Whether there is a incomplete portion in Kowerpor-Panbesha Road in the Sibsagar Sub-division ?
- (b) Whether there is any proposal to construct the incomplete portion of the road by the Government ?
- (c) If so, when the construction will commence ?

Shri Altaf Hossain Mazumder [Minister, Public Works Department (Roads and Building)] replied :

53. (a) —Yes.

(b) —No.

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

Re : Bridge connecting Abhayapuri with Bijni

Shri Kandarpa Narayan Banikya asked :

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

(a) Whether the Government is aware that instead of a ferry service, a bridge is necessary on the route connecting Abhayapuri with Bijni under Kokrajhar Division ?

(b) Whether the Government propose to construct a bridge there ?
Shri Altaf Hossain Mazumder [Minister, Public Works Department (Roads and Buildings)] replied :

54. (a) —No.

(b) No.

Obituary Reference to the devine of Dr. C. V. Raman

Shri Mahendra Mohan Choudhury (Chief Minister)—Mr. Speaker, Sir.

Nobel Laureate Dr. C. V. Raman, India's first recipient of Bharat Ratna, one of the greatest scientists of the world, who believed that real freedom was not possible without knowledge and that ignorance was the worst slavery, is no more. He died at Bangalore on November 21 last. He was 82.

An unusually brilliant student, Dr. Raman took his Masters Degree from the Madras Presidency College with high honours when he was only 18. His scholarship drew the attention of Sir Ashutosh Mukherjee of Bengal and he was offered the Sir Tarak Nat Palit Chair in the Calcutta University College of Science which he joined in 1918,

He represented the Calcutta University in the Empire University Congress in Britain in 1921 and in 1924 was elected Fellow of the Royal Society. His scientific attainment and contributions drew the attention of the eminent men of science of the world and he was awarded the Nobel Prize in Physics in 1930 for what is known as 'Raman effect', a unique contribution to the world of science.

A dedicated scientist, Dr. Raman's enquiring mind delved deep into various untrodden fields such as crystallography, colour of flowers and perception of sound, to widen the horizon of man's knowledge. His work entitled 'Physiology of Vision' was his gift to the world on his 80th birth day.

Dr. Raman's oratory matched his scholarship and he graced many a University of the world as visiting Professor and his paternal patronage and scintillating personality were in inspiration to any young student who had occasion to meet him. He was the founder of Indian Academy of Science and the Raman Research Institute.

The death of Dr. Raman is undoubtedly a great loss not only to India but to the world and the void created will be very difficult to fill up. We are definitely much poorer today.

We pray for the eternal peace of the departed soul and offer our heart-felt condolences to Shrimati Lokasundari Raman and other members of his bereaved family.

* Shri Gaurisankar Bhattacharyya— Sir, I on behalf of this side of the House associate myself with the message of condolences prayed by the Leader of the House. Dr. C. V. Raman was a first Indian scientist to get recognition in the whole world. His researches in physics which led to the discovery of what is now known as 'Raman effect' has made a great contribution of the world of physics. His researches in sound, space and colour even thereafter have made the Raman Research Institute of

* Speeç not corrected

Physics a great place of research and learning not only for India but also for the whole world. He was devoting himself even upto the time of his death in the realm of scientific discovery and research and he led a more simple and dedicated life. He did not believe in religious performance and he thought that the pursuit for knowledge and learning and wisdom was the real religion. And therefore, even at the time of his death he left the message that he should be cremated in the most simple manner and without observing any religious rites whatsoever. He also left a will that whatever he earned during the period of his life should be spent only for the purposes of the people in the sphere of learning. This itself shows that here there was a man who was above self; here there was a man who loved the country and the people; here there was a man who was a real Indian in letter, spirit and body. India is poorer at his loss and we do express our heart-felt condolences to the members of his bereaved family and we do also hope and expect that many more people would be coming in the same line.

Shri Phani Bora— Mr. Speaker, Sir. I on behalf of my Party fully associate myself with the feelings and sentiments expressed by the leader of the House and the hon'ble member, Shri Bhattacharyya in condoling the death of the great scientist, Dr. C. V. Raman. In the death of Dr. Raman not only we have lost a great scientist but the whole world is left poorer as a result of his death. I associate myself again in sending the condolences to Mrs. C. V. Raman. I do hope that the achievement of Dr. Raman will be an inspiring monument for the coming generation of our countrymen.

Shri Lakhyadhar Choudhury— Mr. Speaker, Sir. I fully associate myself with the feelings and sentiments expressed by the leader of the House and my friends, Shri Bhattacharyya and Shri Bora, at the sad demise of our beloved scientist, C. V. Raman I, on behalf of my Party, offer our sincerest condolences to Shrimati Raman. Thank you, Sir.

Mr. Speaker: I whole-heartedly associate myself with the sentiments expressed by the Leader of the House, the different leaders of

the Opposition Groups and other Members of the House at the passing away of Dr. (Sir) Chandrasekhar Venkata Ram on the 21st November, last.

Prof. Raman showed his scientific talents at a very early age. He graduated at the age of sixteen, standing first in the University and two years later obtained his Master's Degree with distinction.

His work in physics brought him to academiid notice and Sir Asutosh Mukherji offered him the Sir Tarak Nath Palit Professorship of Physics in the newly founded University College of Science in Calcutta. After a great deal of deliberation, Ramon resigned from service and joined the Professorship at considerable pecuniary sacrifice.

Dr. C. V. Ramon was awarded the Noble Prize for his discovery of the principle known as the Raman Effect. He invested a substantial part of his Nobel Prize money in buying several hundred pieces of diamonds for laboratory use in the pursuit of his investigations into the science of crystallography. In 1933 he resigned his Professorship from the University of Calcutta to become the Director of the Bangalore Institute. He, however, resigned from the Directorship also after four years, though he continued as Professor of Physics. He also helped to organise the Indian science Congress. In 1943 he started the Raman Research Institute which was completed in 1950. Shri Raman was also actively connected with the council of Scientific and Industrial Research in its formative period.

As we recount his great qualities and his significant achievements ranging over half a century, we realise the painful fact that India has not produced a scientist of Raman's stature during this entire period. No other Indian has been able to do so much as he did for the advancement of science and technology in the country. His life and work should be a lesson and inspiration for all time to come.

We mourn his loss and convey our heartfelt sympathy to the members of the bereaved family.

Now, I shall request the hon'ble members to rise in their seats and observe two minutes silence as a mark of respect to the departed soul.

(Silence for two minutes was observed)

Report of the Business Advisory Committee

Mr. Speaker : Under Rule 230 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, I called a meeting of the Business Advisory Committee on 26th November, 1970 to settle the programme of business for the adjourned Winter Session of the Assembly.

The Committee decided that there will be eleven working days from 4th December, 1970 to 17th December, 1970 out of which seven days have been earmarked for transaction of Govt. business and four days for Private Members business. The first Friday which is a day for transaction of Private Members' Business under the amended Rules has been earmarked for transaction of Government Business, It has also been decided that the House will sit on Saturday, the 5th December, 1970 which is ordinarily a recess day.

The Committee also decided that the House may not take up the following Bills during the current Session :

- (1) The Assam Municipal (Amendment) Bill, 1969 as reported by the Select Committee.
- (2) The Assam Land Revenue Reassessment (Amendment) Bill, 1970.
- (3) The Assam Purchase Tax (Amendment) Bill, 1970.
- (4) The Assam (Temporarily Settled Areas) Tenancy Bill, 1970.

The programme so detailed has been circulated to all Members.

I hope this has the approval of the House.

Message of Sympathy for the cyclone tragedy of East Pakistan.

Now, the House will have remembered the Chief Minister proposed a message of sympathy to the Pakistan High Commissioner in India for the unfortunate tragedy which had befallen the people of East Pakistan through the last Cyclone. I instructed my office to send the message of condolences to the High Commissioner in acknowledgement of which the following telegraphic message was received.

Extremely Grateful for your kind message of sympathy and condolence on cyclone tragedy in Pakistan. Kindly convey our thanks to all members of assembly, Pakistan High Commissioner.

Adjournment Motion-Retouchment of 12,000 employees in the Flood Control Department

Shri Dulal Chandra Barua ; Mr. Speaker Sir, the matter which I have placed before your under Rule 56 of the Rules of Procedure and Conduct of Bussiness of the Assam Legislative Assembly is a definite matter of urgent public importance and of very recent occurrence. It fulfilled all the conditions that are necessary under rule. The recent decision of the Govt. which has been conveyed to the respective Executive Engineers of the different districts and subdivisions vide Govt. letter No. FC/AB/58/73 dated 10.11.70 according to which the respective Executive Engineers served notice to more than 12,000 employees in different places and in different capacities under the Flood Control Deptt. Not only that it is of urgent public importance but it is also extra ordinary in nature. Because of this order more than 60,000 people of the State will suffer either directly or indirectly whose earning of livelihood is dependant on it. It has created an extra ordinary situation in the State and therefore I have tried to discusse it through an adjournment motion. Sir, it is free from all the restrictions imposed under the rule.

- (1) "Not more than one such motion shall be made at the same sitting." No such motion was moved in the Assembly.

- (2) "Not more than one matter can be discussed on the same motion". We have not discussed this matter here.
- (3) "The motion must not revive discussion on a matter which has been discussed." It is also free from this restriction also.
- (4) "The motion must not anticipate a matter". It is free from this restriction to.
- (5) "The motion must not deal with a matter on which a resolution could not be moved". We can move a resolution on this Sir.
- (6) "The motion shall not deal with any matter which is under adjudication". This is not pending before any court of law in India.
- (7) The motion shall not raise a question of privilege". It is free from this restriction also.

It is under the direction of the state Govt. the retrenchment has been taking place and many of these people have served there for more than 10 years or so. Now, suddenly this order has been issued by the respective Executive Engineers. Specifically I am telling about Jorhat the Executive Engineer Mr. U. Barman has asked the subordinate officers to issue retrenchment order by 20th December at the latest. I am talking particularly about the Jorhat Division. This has created a great resentment not only on the minds of the employees but also on the minds of the public. It is due to the failure on the part of the Govt. of Assam to get the promised amount of 15 crores from the Flood Control Commission. It has clearly proved that the Govt. has failed to keep up its assurances given both inside and outside and House. The Govt's failure to get the amount from the Govt. of India should not be a point of suffering of the employees. Sir, by means of issuing such kind of order of retrenchment the Govt. is doing a great injustice to the employees. I have already said that about 10 thousand workers of this establishment will be out of employment and it will have a great affect on the minds of the people. Therefore Sir, I would request the House to intervene in this matter through

an adjournment motion. I have already stated that it has fulfilled all the conditions laid down in Rule of Procedure of this House and therefore I would request you Sir, to allow this motion.

- * Shri Gaurisankar Bhattacharyya— Mr. Speaker, Sir, I would like to support the contention of my friend Shri Barua with regard to the admissibility of this motion. Now, the first thing that is to be satisfied is whether the matter which is sought to be brought is definite matter. The motion which has been brought seeks to discuss a definite matter. What that definite matter is? The definite matter is that an extraordinary situation has been created by the impending retrenchment of the temporary workers of the Flood Control and Irrigation Department whose number would be anything between 9,000 to 12,000 and this comes on the wake of the throwing out of the casual and seasonal employees of the Department. Several thousands of such employees have already been thrown out. They were, of course, casual and seasonal employees. Every year they are taken and when the season is over, they are off. But then these employees have been serving for years together. So far as the present trend is concerned, it is not a case of casual or seasonal ones; it is the case of those who are termed as temporary but in fact and law ought to be considered as quasi-permanent. So the threat of unemployment and starvation to thousands of our people at this stage is really a very definite and urgent matter. After it is seen that the matter is definite and urgent we should see whether it is a matter of public importance, and whether it is a matter which concerns only a few individuals or the society as a whole or a large section of the society. Now, it is not only the fate of these 10,000 employees but their family members as well, and if we take the average of five members per family then it involves 50,000 people whose fate is hanging on the balance. Already we know that in our State an acute unemployment problem is there and it is said from the side of the Government in season and out of season that there is an unemployment explosion. When there is already an explosion, after this trend is materialised then there will be, so to say, earthquake and the society will be in great jeopardy and in great turmoil. Therefore, this is a matter of urgent public importance.

The manner in which it has been brought is also definite because it seeks only to discuss the situation that is created and not the merit or otherwise of individual cases. No doubt in this connection another aspect of the matter comes and that aspect is the lining up of our Department of Flood Control and Irrigation with the Brahmaputra Control Commission. We have been told that so far as the fixing of the Flood Control Department is concerned, that would not be a difficult matter, and we were told that out of the total outlay of Rs 30 crores at least Rs. 15 crores would be paid by the Central Government. But now we have seen that the Central Government is not at all keen to foot the bill and the news papers have flashed the news that Shri K. L. Rao, Chairman of the Commission and the Minister of the Department in the Central Government has been beseeching the benign Prime Minister for her grace to grant at least Rs. 5 crores and that the Prime Minister has not yet shown much of enthusiasm in the matter, and that has brought further dismay in the mind of the people because with this Brahmaputra Control Commission is tagged the fate of our Flood Control and Irrigation Department. If that dose note come up then the threat which is already there for the 10,000 people would be a reality and calamity. Therefore, this is a matter of extra ordinary urgent in nature for the living of our people. As Shri Barua has already said, this matter actually came to be known only from the 20th of November because that was the target date fixed and from this date the order was to be effective. As it appears, the Government was not sure of its mind because in some cases the notices have been kept in abeyance for about a month. This shows that the Government is not sure whether the services of these people are really needed and how many of them would be needed and when they would be needed. Therefore, they also feel that this matter is of extraordinary importance. There is still another aspect of the matter. As you know, Sir, in Assam rainy season starts rather early and it is long. We get only about four months for earth work and other construction work in connection with flood control and irrigation, and these months are December, January, February and March. These are the four months during which we are to do whatever work we can do with regard to flood control work, and if monsoon starts early, the earth work becomes impossible. This

is December and if at this stage this situation is created then there cannot be a situation which can be said to be worse. Therefore, from every aspect of the matter it is seen that this is a matter of extraordinary public importance and this is a very definite matter, and therefore, this house should definitely discuss it thoroughly so that the counsel of the House may be of some assistance to the Government not only for coming to a correct decision but also to move the Central Government for adequate and timely assistance. In view of this I hope the Government will be pleased to appreciate that this is not a matter of censure as such but this is a matter of great public importance where the entire House should be at one and the House should consider the matter and come to a decision for a correct solution.

Shri Promod Chandra Gogoi ; মাননীয় অধ্যক্ষ মহোদয়, সভা স্থগিত প্রস্তাবটো মই সমর্থন কৰিছোঁ এই কাৰণেই যে যিটো বিষয় তেখেতে উত্থাপন কৰিছে এই বিষয়টো এটা অতি জৰুৰী আৰু নিৰ্দিষ্ট বিষয়। কাৰণ বান নিয়ন্ত্ৰণ বিভাগৰ মুখ্য ইঞ্জিনিয়াৰে যি নিৰ্দেশ দিছে সেই নিৰ্দেশক্রমে নবেম্বৰ মাহৰপৰা তাত যিবিলাক অস্থায়ী কৰ্মচাৰী আছে তেখেতসকলৰ চাকৰীৰ ম্যাদ উকলিব। আৰু সেই নটিচখন নবেম্বৰ মাহৰ ভিতৰতে বিভিন্ন জিলা বা মহকুমাত জাৰি কৰা হৈছে। গতিকে আমাৰ বিধানৰ ফালৰ পৰাও এই বিষয়টো অতি নিৰ্দিষ্ট আৰু অতি জৰুৰী। কাৰণ আমাৰ যোৱা অধিবেশনৰ পাচতহে এই নটিচ বিভিন্ন জিলা বা মহকুমাত জাৰি কৰা হৈছে। বৰ্তমান এই বিষয়টো অতি জৰুৰী— সেই হিচাপে দেখা গৈছে এই বিষয়টো আমাৰ দেশৰ ৰাজহুৱা স্বার্থৰো পৰিপন্থী আৰু বান নিয়ন্ত্ৰণ বিভাগৰ দ্বাৰা নটিচ দিয়া হৈছে যে যি বিলাকে অস্থায়ী ভাবে কাম কৰি আছে বিশেষকৈ ১৯৬৬ চনৰ পাচৰপৰা যিসকলে কাম কৰি আছে তেখেতসকল বৰ্তাস্ত হ'ব পাৰে। আৰু তাৰ ফলত প্ৰায় ৯ হাজাৰ কৰ্মচাৰীৰ চাকৰী যাব। সেই কাৰণে এই বিষয়টো ৰাজহুৱা স্বার্থৰ লগত জড়িত; আৰু কামৰ এটা নিৰ্দিষ্ট বিষয় আৰু অতি গুৰুত্বপূৰ্ণ। সেই কাৰণেই এই বিষয়টো অতি গুৰুত্বপূৰ্ণ আৰু সেই কাৰণেই এই বিষয়টোৰ ওপৰত আলোচনা কৰিব লাগে। কাৰণ এই বিষয়টো আগৰ সকলৰ সম্মুখোৱাত আলোচনা হোৱা নাছিল আৰু এই সকলৰ কাৰ্য্যসূচীটো এই বিষয়টো আলোচনাৰ কাৰণে ব্যৱস্থা নাই। এই বিষয়টো অতি গুৰুত্বপূৰ্ণ, জৰুৰী আৰু ৰাজহুৱা স্বার্থৰ পৰিপন্থী আৰু নিৰ্দিষ্ট গতিকেই মই সভা স্থগিত প্রস্তাবটো সমর্থন কৰিলোঁ।

Shri Mahendra Mohan Chaudhury— (Chief Minister) Mr. Speaker, Sir the circular that has been referred to by Shri Barua has been withdrawn. We are re-considering the matter. The retrenchment of the staff has been kept in abeyance, till 31/12/70 and in the meanwhile we will discuss this matter and come to a decision. In coming to a decision, I am glad to inform the house that the suggestion made by the hon. Members from the other side will be taken into consideration. Sir, we are not going to retrench one and all the work charge employees now working in the Department. What we are proposing to do is that the people who are working for several years continuously they will not be discharged. As Shri Bhattacharyya has pointed out, regarding is casual employees, they are employed generally for 4 months of the year. They are appointed in June and discharged on September 1. Those who are not for a long time I cannot extend any assurance about them in the House. But the people who are working at least for one year we shall try to retain them. The difficulty as has been expressed by Shri Bhattacharyya is genuine and a lot of correspondence is going between the Government of Assam and Government of India to allocate the funds that has been approved by the Flood Control Board to the Brahmaputra Commission. We are hoping that the matter will come to a finality very soon I also propose to go to Delhi to discuss and get the matter finalised. But for that reason I can assure the House that the emergent work which need our immediate attention will not be held back. Generally our working season, specially in matter of cutting earth begins after the harvest because till the harvest is over it is difficult to out the land and carry earth to embankment. We have already taken steps to have the preliminaries ready so that the work may be started immediately. And we want to start the work as soon as the preliminaris are complete and harvesting season is over. Therefore, Sir, the adjournment motion which has been tabled by Shri Barua is not admissible. Because there is no matter before us. There is something in contemplation, somethings in anticipation in nature. No matter under contemplation or anticipation can lie. The mater is being reviewed and is under reconsideration of the the Government. There is no scope of any anticipation. Therefore, I think, the adjournment motion is not admissible. Of course, it is up to

you Sir, to decide whether it is admissible or not..

Shri Dulal Chandra Barua :— I am glad that some sort of assurance has been given by the hon'ble Chief Minister. But the argument of the Chief Minister that this motion is anticipatory in nature is not at all tenable. Because I have got documents with me. (Chief Minister : that has been withdrawn) It has not been withdrawn in respect of Jorhat. The cause of action of action is still in operation. Therefore, we have said that the arguments put forward by the hon'ble Chief Minister is not acceptable at all, The cause of operation is still continuing. No withdrawal has been made so far as Jorhat Sub-Division is concerned. Therefore, Sir, the motion is not anticipatory in nature. It is dealing with the present circumstances-extra-ordinary circumstances that has been created by the Government order which has been given effect to. Now this reason, as has been stated, this Government is not certain regarding the action they propose to take in respect of retaining the people. Our concern is retention of the people, and your concern is to stop retrenchment of people who constitute 60 thousand population of our State, including the dependents of the employees. Are we to understand that the Govt. will consider retaining the employees only when they receive financial assistance from the Government of India. These employees do not belong to the Government of India, but they are the employees of the Government of Assam and it is the Assam Government responsibility to maintain them.

Shri Mahendra Mohan Choudhury :— Sir, on a personal explanation I want to make it clear that whatever assurance I have given to the House is not linked up with the Government of India's grant.

Shri Dulal Chandra Barua :— By the action of the Department a large number of employees are going to be retrenched and this has created an extra-ordinary situation. More so Sir, on the plea of financial crisis and the statement which has been published in the newspaper, we know that Dr. K. L. Rao is going to beseech the Prime Minister for giving assistance to the State. I want to know the statement which has been given by the Chief Minister in support of the motion why it is essential. Through the adjournment motion, if you give a chance we want

to ventilate our grievances. If the Government of India continues doing things in such a manner, I must say that this Government and the people of Assam will might claim complete session from the rest of India and this should not surprise the Government of India.

Mr. Speaker :— I have heard both sides and this is a matter which relates to the administration. The question of retrenchment or retention is a matter of administration. In the regard the Chief Minister has given the House to understand that the notice has been withdrawn and he has given certain assurance with regard to retention of the people. Those who have served for a longer period, in view of his statement of assurance, no fruitful purpose will be served by adjourning the House and by holding a discussion in the matter which relates to the administration. Therefore, I disallow the motion.

Shri Dulal Chandra Barua :— Sir, you are kind enough to disallow the the Motion but may I ask for an assurance from the hon Chief Minister that in no case retrenchment will take place to these employees ?

Shri Mahendra Mohan Choudhury :— Sir, I have already made it clear. I shall try to retain as many persons as possible and the persons who have served continuously for more than five years will never come in this regard.

Shri Gaurisankar Bhattacharyya :— You said earlier you will keep those persons who have completed one year's continuous service !

Shri Mahendra Mohan Choudhury :— In my mind I am trying to retain all the work-charged officials who have been serving continuously for one year.

Presentation of the Supplementary Demands for the year 1970-71

Shri Kamakhya Prasad Tripathi (Minister, Finance) :— Sir, I beg to present the Supplementary Demands for the year 1970-71,

**Presentation of the List of Excess Demands
for the year 1965-66**

Shri Kamakhya Prasad Tripathi (Minister, Finance) :— Sir, I beg to present the Supplementary Demands for the year 1965-66.

Motion for Extension of time for submission of the Report of the Select Committee on the Assam (Temporarily Settled areas) Tenancy Bill, 1970.

Shri Lakshmi Prasad Goswami, Minister, Revenue (Chairman, Select Committee on the Assam (Temporarily Settled Areas) Tenancy Bill, 1970 :

Sir, I beg to move that this Assembly agrees to the extension of time for submission of the Report of the Select Committee on the Assam (Temporarily Settled Areas) Tenancy Bill, 1970 till the next Session of the Assembly.

Shri Promode Chandra Gogoi : মাননীয় অধ্যক্ষ মহোদয়, চিলেক্ট কমিটি সময় বঢ়াই দিয়াৰ প্ৰস্তাবৰ লগত নীতিৰ ফালৰ পৰা মোৰো কোনো আপত্তি নাই। কাৰণ সেই চিলেক্টৰ মইও এজন সদস্য। এটা কথা মই চৰকাৰৰ পৰা জানিব বিচাৰোঁ যে এই চিলেক্ট কমিটিখনত এই বিলখন অহাৰ লগে লগে বিলৰ যিবিলাক ধাৰা বা বায়তী প্ৰচাৰস্বত আছে, এই কথা বিলত গম পোৱাৰ লগে লগে বায়ত সকলক বিভিন্ন ঠাইত বিভিন্ন ভাবে উচ্ছেদ কৰা হৈছে আৰু উচ্ছেদৰ ব্যৱস্থা কৰা হৈছে। সেই কাৰণে এই প্ৰস্তাব মতে এই বিলখন বাজেট অধিবেশনৰ সময়লৈ বঢ়াই দিয়া হ'ব। গতিকে এই সময়ছোৱাৰ ভিতৰত কোনো বায়তে কোনো প্ৰকাৰৰ জুলুম বা বৰ্তমান যি মাটি তেওলোকে দখল কৰি আছে সেই মাটিৰ পৰা উচ্ছেদ কৰিব নোৱাৰে— সেই বিষয়ে চৰকাৰৰ পৰা পৰিষ্কাৰ নিৰ্দেশ অহা দৰ্কাৰ। আৰু মই জনাও এই চৰকাৰে এখন ordinance বৃদ্ধি কৰিব পাৰে।

অধ্যক্ষ মহোদয়, এই বিলত বায়তী স্বত পোৱাৰ কাৰণে যি ব্যৱস্থা কৰা হৈছে, একে লেঠাৰীয়ে তিনি বছৰ যিয়ে দখল কৰি থাকিব তেওঁলোকে বায়তী স্বত বা এই সময়ছোৱাৰ ভিতৰত বায়তে মাটি দখল কৰি আছে সেই বায়তে ৰাখিব নোৱাৰে। তাৰ ফলত,

এই আইনৰ ফলত যি অধিকাৰ পাব লাগিছিল সেই ব্যৱহাৰত অধিকাৰৰ পৰা বঞ্চিত হ'ব। সেই কাৰণে মই চৰকাৰৰ পৰা জানিব বিচাৰিছোঁ যে এই সময়ছোৱাৰ ভিতৰত বৰ্তমান থকা ব্যৱহাৰত সকলক যিভাবে উচ্ছেদ কৰা হৈছে বা মালিকসকলে ব্যৱস্থা কৰিছে, এই সময়ছোৱাৰ ভিতৰত ব্যৱস্থা এটা জনাব লাগে।

Shri Lakshmi Prasad Goswami: এইটোত অলপ অসুবিধা আছে। যি কি হওক-নহওক, বিলত চিলেক্ট কমিটিয়ে যি নিৰ্দেশ দিয়ে সেয়েহে সদনত আলোচনা হয়। যদি কোনোবাই উচ্ছেদ কৰে কাৰোবাক, তেনেহ'লে তেওঁলোকে আইনৰ সহায় ল'লেই তেওঁলোকে সমিধান পাব।

Shri Promode Chandra Gogoi: আইনগত ভাবে যিখিনি ব্যৱস্থা হ'ব পাৰে তাৰ কোনো আশ্বাস বাজহ মন্ত্ৰীৰ পৰা বিচৰা না। তেখেতে সেইটো নকলেও হ'ব। এতিয়া কথা হ'ল চিলেক্ট কমিটিয়ে বিলখন কি ভাবে লয় আৰু সদনে কি ভাবে pass কৰে সেইটোৱেই কথা। সেইটো এতিয়াও জানিব পৰা হোৱা নাই। এই বিলখনৰ সময় যদি বিধান সভাৰ বাজেট অধিবেশনলৈ বঢ়াই দিয়া হয় তেতিয়াহ'লে এই মাজৰ সময়খিনিৰ ব্যৱহাৰত সকলক উচ্ছেদ নকৰাৰ কিবা ব্যৱস্থা চৰকাৰে কৰিবনে।

Mr. Speaker: Has the hon member leave of the House to the extension of the time for submission of the Report? (Voices— Yes, yes).
The time is extended.

Shri Promode Chandra Gogoi: মুখ্যমন্ত্ৰী ডাঙৰীয়াই এটা কথা স্বীকাৰ কৰিছে যে এই বিলখন April '70 ৰ পৰাহে জোৰা হ'ব। ব্যৱহাৰত সকলে Court ত অধিকাৰ বিচৰা কথাটো চৰকাৰে নক'লেও হ'ব।

Shri Mahendra Mohan Choudhury (Chief Minister): অধ্যক্ষ মহোদয়, আমাৰ এই সদনখন অধিবেশনত গৃহীত হওক বা নহওকই যিবিলাকে আইন সংগত ভাবে তলতীয়া ব্যৱহাৰ হিচাবে মাটি দখল কৰি আছে— তেওঁলোকক যাতে অন্যায় ভাবে উচ্ছেদ কৰিব নোৱাৰে তাৰ ব্যৱস্থা গ্ৰহণ কৰা উচিত। কিন্তু সেইটো হ'ব যদিও ব্যাপক সাংগঠনিক ভাবে এনেকুৱা কাম কৰে কেতিয়াবাহে। কিন্তু দুই এক জনৰ

ক্ষেত্রত হস্তক্ষেপ কৰাটো টান। যি সকলক অন্যায়াভাৱে উচ্ছেদ কৰাৰ চেষ্টা কৰে তেওঁবিলাকে আদালতৰ সহায় ল'ব আৰু ব্যাপক ভাবে হ'লে চৰকাৰে হস্তক্ষেপ কৰিব। আৰু আইনত ১২ বছৰ হ'লে Tenancy right পায় আৰু ১২ বছৰৰ কম হ'লে Occupancy right পায়। এনে ক্ষেত্রত উচ্ছেদ কৰিলে ব্যৱস্থা ন'বলৈ আইনজ্ঞসকলক শুধি ল'ম।

Re : Report of the Enquiring Committee on the allegations against the Minister, Co-operation

Dulal Chandra Barua : চাৰ, মই এটা কথা আপোনাৰ পৰা আৰম্ভণিতে জানিব লাগিছিল। সেইটো হৈছে Enquiry Committee ৰ যিটো Report, সেইটো কেতিয়াকৈ আমাক দিব পাৰিব? সোমবাৰে দিনে ভাল হয়।

The Assam Maintenance of Public Order (Autonomous Districts) (Amendment) Bill, 1970

Shri Mahendra Mohan Choudhury (Chief Minister) : Sir, I beg leave of the House to introduce the Assam Maintenance of Public Order (Autonomous Districts) (Amendment) Bill, 1970.

Mr. Speaker : Has the Minister leave of the House to introduce the Bill?
(Voices— Yes, Yes).

The leave is given.

Shri Mahendra Mohan Choudhury : Sir, I beg to move that the Assam Maintenance of Public Order (Autonomous District) (Amendment) Bill, 1970 be introduced.

Mr. Speaker : Motion moved, The question is that the Assam Maintenance of Public Order (Autonomous District) Amendment) Bill 1970 be introduced. (The motion was adopted).

[The Deputy Secretary read out the title of the Bill].

**The Assam Khadi and Village Industries
Board (Amendment) Bill, 1970**

Shri Mahendra Nath Hazarika (Minister, Khadi & Village Industries) : Sir, I beg leave to introduce the Assam Khadi and Village Industries Board (Amendment) Bill, 1970.

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

(Voices— Yes, Yes)

Mahendra Nath Hazarika : Sir, I beg to move that the Assam Khadi and Village Industries Board (Amendment) Bill, 1970 be introduced.

Mr. Speaker : Motion moved. The question is that the Assam Khadi and Village Industries Board (Amendment) Bill, 1970 be introduced.
(The motion was adopted)

[The Deputy Secretary read out the title of the Bill.]

Shri Sailen Medhi : অধ্যক্ষ মহোদয়, মই এটা কথা কব বিছাৰিছো। সেইটো হৈছে, “অসম খাদী আৰু উদ্যোগ” বৰ্ডৰ যিসকল কৰ্মচাৰী সেইসকলৰ বেছিভাগেই ইতিমধ্যে নিজৰ নিজৰ Union গঠন কৰিবৰ কাৰণে সময়ে সময়ে আবেদন দি আহিছে। কিন্তু সেই বৰ্ডৰ বেছি সংখ্যক কৰ্মচাৰী বেই যিটো Union আছে তেওঁলোকক তেওঁলোকৰ requisition নিদিয়াৰ ফলত চৰকাৰৰ ওচৰত দাখিল কৰিব পৰা নাই। গতিকে এই সম্পৰ্কে মন্ত্ৰী মহোদয়ে চেয়াৰমেন হিচাবে Union গঠন কৰা কথাটো বিবেচনা কৰিব নেকি ?

Shri Mahendra Nath Hazarika : অধ্যক্ষ মহোদয়ে বৰ্ডৰ Employee ৰ Union গঠন কৰাৰ সম্বন্ধে যিটো কথা উত্থাপন কৰিছে সেইটো পাছত বিবেচনা কৰা হ'ব।

The Assam Sramik Bahini (Amendment) Bill, 1970

Shri Altaf Hussain Mazumdar (Minister, P.W.D) : Sir, I beg leave to introduce the Assam Sramik Bahini (Amendment) Bill, 1970.

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

(Voices— Yes, Yes)

Shri Altaf Hussain Mazumdar : Sir, I beg to move that the Assam Sramik Bahini (Amendment) Bill, 1970 be introduced.

Mr. Speaker : Motion moved. The question is that Assam Sramik Bahini (Amendment) Bill, 1970, be introduced.

(The motion was adopted).

[The Deputy Secretary read out the title of the Bill].

The Assam Games and Betting (Amendment) Bill, 1970

Shri Sailen Medhi : Mr, Spraker, Sir, I beg to move my amendment. The amendment is that the title of the bill should be substituted as follows : "The Assam Games and Betting (Amendment) Bill, 4970." The purpose of bringing this bill is to enable the public, the lawyers, the prosecutor and the Court of law and without any difficulty in the whole of the State of Assam. Sir, this Assam Game and Betting Bill, 1970, is trying to amend two other Acts the Public Gambling Act, 1967 which is a Central Act, and the other The Assam Amusement and Betting Tax Act. The Government has got the power by amending a single act to amend certain other acts, and by that power this Government by introducing this Act is trying to amend two other Acts which are prevelant in the State of Assam. Sir, we have seen that difficulties crop up in doing so. When this bill becomes an Act the name will be Assam Game and Betting Act ; in that case the Public Gambling Act, 1967, and the Assam Amusement and Betting Tax Act which are still prevailling, the people will naturally see whether these Acts are also amended or not. But in these Acts they will not find that those are been amended. We have seen in the High Court also that sometimes some difficulties arise and everybody gets perplexed. Therefore, to ease the situation and to know the actual fact, I have brought this amendment. If this amendment is accepted it will be easier for us to know that the Assam Gambling laws which are prevelant in the State are going to be amended.

Therefore, it will be easier for us, for the public, for the prosecutor. for the implementer and also for the Government and also lawyer in the court to know what the Government

has proposed to do by this Act. Therefore, I suggest that there will be no difficulty on the part of the Hon'ble Finance Minister to amend the Assam Games and Betting Bill and substitute it by Assam Gambling Laws Amending Bill, 1970.

Shri Dulal Chandra Barua :— Sir, we are bringing this Amendment only by considering the legal aspect of the Act. As has been stated by my friend, Shri Medhi, if we had the original Act, then for most of the cases for the purpose of legal action, this name has been used. There will be no difficulty if the Government accepts our amendment because the provisions of the Act will be changed and after this is given effect to then for the purpose of legal action in the court of law, there will be little advantage to the litigant public as well as for the counsels. Therefore, by considering that end in view, we have brought this amendment. I hope, the Hon'ble Minister, Finance who is sponsoring this Bill, will accept our amendment. But if he has got some other explanation we want to hear it. Our simple argument is that we are bringing this amendment only on the legal consideration.

Shri Kamakhya Prasad Tripathy :— Sir, the problem which has been posed by Shri Medhi is an important one and this has concerned us to consider this matter. In point of fact, the Advocate General also had to be consulted on this point and ultimately the title which has been proposed for this Bill is as a result of considering all the pros and cons by the Advocate General.

Therefore it will be wise for us to accept the title as suggested by the Advocate General who has suggested this after considering all the pros and cons which arose in this matter. It will be appreciated that there is no such law at Assam Gambling Act. How can a law be passed showing Assam Gambling Amendment Act? If the original law itself is not there, how can we say Assam Gambling Amendment Act. The problem is there.

Shri Sailen Medhi :— In that case, Assam Game and Betting Act is also not there.

Shri Kamakhya Prasad Tripathy :— The Act is not there. The word - 'Amendment' is not there.

Shri Dulal Chandra Barua : To extend the public Gambling Act. of 1867 to the whole of Assam— If it is a new Act and if you consider that it is not amended Act but the original Act, then why it is there?

Shri Kamakhya Prasad Tripathy : I am first of all replying to the question as to whether the word— 'amendment' should be put in. I am addressing myself to that point. Since there is no such Assam Gambling Act, and therefore to say Assam Gambling Amendment Act carry us nowhere. This point was considered by the Advocate General. He came to the conclusion that the title should be given without the word— 'amendment'. So, the word— 'amendment' is missing. Now there are three things involved in this case. One is amendment of the Public Gambling Act of the Central Government; second is the amendment of certain provisions of Assam Amusement and Betting Tax; and third is that there are original provisions. The original provisions are very important and it is for this reason that if we merely describe that amendment under the existing Act, it will mislead. Therefore, what we have to do is to give a new name and in this we are having a Bill containing three parts— one is the amendment of the Public Gambling Act, the other is the Amusement and Betting Tax and the third is the original provisions which were enacted.

Shri Gaurisankar Bhattacharyya : Sir, may I be allowed to but in. It is not only the question of naming the Bill; it is also a question of principle of drafting. When we are bringing an amending Bill, it is to confine itself within the limits of the original Act. It cannot go beyond the general ambit of the original Act. In other words, if certain original things unconnected with the Act which is sought to be amended or only too distantly connected that are brought, if such absolutely original things are brought then that can be brought by original Act.

Shri Kamakhya Prasad Tripathi : What the Hon'ble Member has said is very correct, Since we are trying to bring the original Act itself, therefore, the original Bill has been brought. What is now amended is by implication because certain aspects of this

Bill will impinge upon the provisions of the existing Bill. Therefore to that extent three things are amended, For this reason, we have considered it as an original Bill rather than an Amending Bill. What Shri Bhattacheryya has said, correctly, legally and constitutionally, defines the reasons why these have been done. I would therefore request the Hon'ble Members not to press for the amendment to the title which after all has been given after a great deal of consideration,

Shri Sainen Medhi : As has been explained by the Hon'ble Finance Minister, although there will be difficulty, we do not press for the amendment.

Shri Kamakhya Prasad Tripathi : Thank you.

Mr. Speaker : Leave is granted.

* M, Shamsul Huda : মই সেইদিনা বোয়া ধৰিছিলো ১ বজাৰ পিছত গুচি আহিলো আপুনি কবলৈ সুবিধা দিম বুলি কৈছিল কিন্তু দিয়া নহল, মোক বেচি সময় নালাগে। যি Amendment টকাৰ সংশোধনী দিছে : The title of the Bill shall be substituted by the following, viz., Assam Game and Betting (amendment) Bill, 1970.

এই সংশোধনী এই কাৰণেই কৈছো amendment দিয়া আছে সেই বিলখনত প্রকৃততে সেইটো amendment নহয়। এই বিলখনত যি amendment আনিছে তাত দেখা যায় যে এই কথাটো চৰকাৰৰ ফালৰপৰা উল্লেখ কৰা হৈছে।..... clause ২২ ত আছে Chapter II of the Assam Amusement and Betting Tax act, 1939, hereinafter referred to as the said chapter shall stand amended as specified in the Schedule আছে। আকৌ Page 9 Section 22, amendment to chapter 22 of the Assam Amusements and Betting Tax Act, 1939

গতিকে clause 20 chapter II সংশোধনী কৰা হব বুলি কোৱা হৈছিল। কিন্তু কাৰ্য্যক্ষেত্ৰত এইখন নতুন বিল নহয়, সংশো-

ধনী বিনহে। গতিকে এইটোত যথাযথ ভাবে সংশোধনী শব্দটো title ত থাকিব লাগে।

গতিকে এইটো হব লাগে। যদি title ত এই 'সংশোধনী' শব্দটো নিদিয়ে তেতিয়া হলে এই বিনখনত চৰকাৰে নতুন আইন বুলি দাবী কৰিব নোৱাৰিব। অন্যহাতেদি আকৌ দেখা যায় এইখন সংশোধনী কৰাৰ পাচতো সংশোধনী শব্দটো গ্ৰহণ কৰিব খোজা নাই। ইয়াৰ ফলত এই আইনখন infctive হৈ পৰিব পাৰে। সেই কাৰণে মই কৈছো এই সংশোধনী শব্দটো সোমোৱাই দিব লাগে। আজি চৰকাৰে চি বি খেলৰ নিচিনা জুৰা খেল চলাই ৰাখিব বিচাৰিছে। আজি আনকি ৰাইজেও এই চৰকাৰক জুৰাৰী চৰকাৰ বুলি কয়। আজি চৰকাৰে এই আইন তৈয়াৰ কৰিবলৈ যাওঁতে চৰকাৰৰ লোকে কাবু কৰিবৰ প্ৰয়োজন নাই। সেই কাৰণে আজি মই এই সংশোধনীটো দাঙি ধৰিছো আৰু চৰকাৰ পক্ষৰপৰা জুৰাখেলা সুচনা কৰা বিত্তমন্ত্ৰী মহোদয়ক অনুৰোধ কৰিছো যাতে মোৰ এই সংশোধনীটো গ্ৰহণ কৰে।

Shri Kamakhya Prasad Tripathi : আমি জুৰাৰী গৱৰ্ণমেণ্ট নহয়, আমি জুৰাখেলাৰ বিৰুদ্ধে কঠোৰ শাসন আনিবৰ কাৰণেহে চেষ্টা কৰিছো। দ্বিতীয়তে ইয়াত দুটা কথা আছে। এটা Central Act. আনটো State Act. এই দুটা implication হোৱাৰ কাৰণে আৰু যি পৰ্য্যায়, সেই সকলো পৰ্য্যায় সামৰি লৈছে। ইয়াৰ বাহিৰত যিবিলাক বিষয় আছে সেইবিলাক সামৰি নোলোৱাৰ কাৰণে এইখন সংশোধনী বুলি কব নোৱাৰি। সেই কাৰণে এইখন Original বুলি কলে ভাল হবনে নহয় এই কথাটো Advocate General কো সূধিছিলো। তেখেতে বহুত ভাবি-চিন্তি এই সংশোধনী শব্দটো বাদ দিলে আৰু এইখন original বুলিয়েই কব লাগিব। তাৰ পিচত Public gambling act ত এইবোৰ যাব নোৱাৰে সেই কাৰণে এইখন Original Bill বুলি কবলৈ বাধ্য হৈছো। মাননীয় সদস্যই যেন অনুগ্ৰহ কৰি তেখেতৰ সংশোধনীটো তুলি লয়।

M. Shamsul Huda : এই সংশোধনী গ্ৰহণ নকৰিব পাৰে, কাৰণ তেখেত সকলৰ majority আছে। এই বিনখনৰ যিটো tittle দিছে তাৰ-

পৰা চৰকাৰে ঘোষণা কৰিছে যে তেওঁলোকে জুৱাৰ চৰকাৰ নহয়। কিন্তু মই নিজে আশঙ্কা প্ৰকাশ কৰিছো যে— এই সংশোধনী শব্দটো নাথাকিলে চৰকাৰ কেতিয়াবা বিপদত পৰিব পাৰে। কিন্তু কাৰ্য্যক্ষেত্ৰত ইয়াৰ দ্বাৰা প্ৰচণ্ড জুৱাখেলা চলি থাকিব বুলিলেও হয়।

Shri Kamakhya Prasad Tripathi : মূল উদ্দেশ্য ব্যৰ্থ কৰাৰ কৌশল নাই। এইটো মই আশ্বাস দিছো।

M. Shamsul Huda : যিহেতুকে তেখেতসকলৰ মোৰ সংশোধনীটো গ্ৰহণ কৰিবলৈ অনিচ্ছুক, মোৰ সংশোধনী উঠাই লৈছো।

Mr. Speaker : Has the hon. Member leave of the House to withdraw the amendment. (Voices— yes, yes)

Amendment is withdrawn.

Now, in view of the withdrawal of 1 and 2, the amendment numbers 3 and 4 are redundant and they may not be moved.

Now, No. 5, Shri Huda.

M. Shamsul Huda : ইয়াত আছে—

—In clause 1, sub clause (2) “It shall extend to the whole of Assam excluding the Autonomous State of Meghalaya but including the Municipality of Shillong.” shall be deleted.

এই কথাখিনি autonomous State within the state of Assam, excluding the Autonomous State of Meghalaya but including the Municipality of Shillong.

এই শব্দকেইটা বাদ দিয়াৰ কথা কৈছো। তাৰোপৰি এই বিলখন অনাৰ পিছত কেন্দ্ৰীয় চৰকাৰে পৰ্ব্বতীয়া ভাইসকলক **autonomous** ৰাজ্য দি তেওঁলোকৰ আশা-আকাংখা পূৰণৰ ক্ষেত্ৰত আগবঢ়াই নি পূৰ্ণাঙ্গ ৰাজ্য দিলে আৰু তেওঁলোকে নীতিগত ভাৱে গ্ৰহণ কৰিছে। মেঘালয় পূৰ্ণাঙ্গ ৰাজ্য পোৱাৰ পিছত মেঘালয় শব্দটো ইয়াত উল্লেখ নথকাই ভাল। এইখন পূৰ্ণ পৰ্যায়ৰ ৰাজ্য হোৱাৰ পিচত এই শব্দটো থকাৰ কোনো প্ৰয়োজন নাই। অন্য এখন ৰাজ্যৰ কাৰণে আমাৰ আইন তৈয়াৰ কৰাৰ অধিকাৰ নাই। সেই কাৰণে সংশোধনীটো দাঙি ধৰিছো।

Shri Dulal Chandra Barua : Sir, while moving our amendment I want to make certain observations under this particular clause. Here it has been mentioned, 'it shall extend to the whole of Assam excluding autonomous Meghalaya but including the Municipality of Shillong'. Sir, in future it will create confusion. The political map of Assam has changed recently. Now, if these provisions are kept there I think after few months the Govt. may have to come with another amendment. Therefore "excluding autonomous Meghalaya etc....."

I think is redundant. I hope the hon. Finance Minister will accept our amendment in view of the explanation given from this side. Because it will not serve any purpose therefore I think it will be better if we exclude it altogether from this bill.

Shri Kamakhya Prasad Tripathi : Sir, this point was also considered very carefully. Autonomous Meghalaya is a part of Assam and if we say that the law extends to the whole of Assam then it will create an impression that it includes the autonomous Meghalaya area also. Now, under the amendment of the constitution it appears that Meghalaya has been given the right to legislate on this point and they have passed a law on this point and so there is no necessity to pass a law for that part. Therefore, what we need a law for the whole of Assam and Shillong Municipality. If we exclude it then by implication it will mean that we are trying to legislate and impose it on them, So we need not create that impression in their minds.

Now there is a hurdle if we completely separate. In such a case it will be excluded in future and therefore I would request the hon. members to accept the draft as it is.

Shri Dulal Chandra Barua : But to my mind I think it should be excluded now. Of course the hon. Finance Minister has given some explanation but even then I think it should be excluded from the bill. By notification the amendment that has been made in respect of reorganisation they will form a State within a state but even then we cannot take it for granted administratively. It is an artificial union. Artificially they are within Assam. The Govt. by a notification and by amending the

constitution they have defined the powers and functions about legislation on different subjects and therefore I think when we are accepting that Meghalaya is a part of Assam then what is the necessity of mentioning the name of it.

Shri Rothindra Nath Sen : Sir, I would like to approach it from a different angle. I am neither supporting nor opposing this amendment. Now, at this time when we are going to legislate on this bill the autonomous Meghalaya is within and a part of Assam. This has been tantatively decided by the present Govt. of India. It will require 2/3 majority voting and many other things. God only knows after 1970 what will happen to this present Govt. Keeping all these points in view we are to pass this amendment. We may agree with the hon. Finance Minister and pass this bill. If in future it is completely separated we will amend it again then.

M. Shamsul Huda : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় বিত্তমন্ত্রী মহোদয়ে নিজে কৈছে যে Meghalaya অসমৰ ভিতৰত আছে সেইকালৰ পৰা দেখা যায় Meghalaya শব্দটো ব্যৱহাৰ নকৰাই ভাল। অন্যফালে Meghalayaক আমাৰ Stateৰ ভিতৰতেই এটা State হিচাবে উল্লেখ কৰা হৈছে। গতিকে আমাৰ Stateএ এনে ক্ষেত্ৰত আন State ৰ কাৰণে আইন কৰি দিয়াত কোনো যুক্তি নাই, যিহেতু Meghalaya য়ে নিজে এটা Rule কৰিছে।

তাৰপাছত দ্বিতীয় কথা হ'ল যে Shillong খন Meghalaya State নে অসমৰ এইকথা উল্লেখ নাই। গতিকে Shillong টো Municipality কৰি ৰখাৰ কোনো যুক্তি নাই আৰু ইয়াৰ বাবে Bill কৰাটো উচিত নহয়।

তৃতীয় কথা হ'ল যে মেঘালয়ৰ আইন প্ৰনয়ণ কৰাৰ কোনো আৱশ্যকতা নাই। যিহেতুকৈ মেঘালয়ক পূৰ্ণ পৰ্যায়ৰ ৰাজ্য হিচাবে স্বীকৃতি দিয়া হৈছে এতেকে নীতিগত ভাবে মেঘালয়ৰ কাৰণে কোনো আইন কৰাৰ আৱশ্যকতা আমি নেদেখো। মেঘালয়ত Gambling and Betting আছে কিন্তু তাৰ কাৰণে আইন কৰাৰ

আমাৰ কোনো অধিকাৰ নাই। এতিয়া **Excluding the Autonomous State of Meghalaya and including the Municipality of Shillong.** এতিয়া এই ক্ষেত্ৰত আৱশ্যক ভাৱে বাক-
বিত্ততা কৰাৰ কোনো সাৰ্থকতা নাই।

Mr. Speaker : Now, I put the amendment.

The motion is that in clause 1, in sub-clause (2), the words "excluding the Autonomous State of Meghalaya but including the Municipality of Shillong", appearing in lines 2 and 3, shall be deleted.

(The motion was negated).

ADJOURNMENT

The Assembly then adjourned till 10 a.m. on
Saturday, the 5th December, 1970.

Shillong
The 4th December, 1970

U. Tahbildar
Secretary,
Legislative Assembly, Assam.