

Proceedings of the Ninth Session of the First Assam Legislative Assembly, assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met at the Assembly Chamber, Shillong, at 11 A.M. on Monday, the 10th March, 1941.

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the nine Hon'ble Ministers and fifty-one members

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred question No. 15 standing in the name of Maulavi Muhammad Maqbul Hussain Chaudhury was not put and answered as the questioner was absent.)

Recommendations of the Retrenchment Committee

Mr. BAIDYANATH MOOKERJEE asked :

- *16. Will Government be pleased to state—
- (a) When the question of giving effect to the recommendations of the Retrenchment Committee was taken up ?
 - (b) When the retrenchment proposals of Government will be completed ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

16. (a) and (b)—Government have just completed the examination of all the recommendations of the Retrenchment Committee except those relating to the revision of the scales of pay and the decision will be published shortly.

War Risk Insurance Officer in Assam

Mr. BAIDYANATH MOOKERJEE asked :

- *17. Will Government be pleased to state—
- (a) The name of the officer who has been appointed as War Risk Insurance Officer in Assam ?

- (b) What are his qualifications and what is the pay for which he has been appointed to this particular post?
- (c) Whether Government consulted the Public Service Commission in making this appointment?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

17. (a)—Srijut Benudhar Rajkhowa. He has since resigned.

(b)—A retired officer of the Assam Civil Service. Rupees 200 per month.

(c)—The appointment was made by the Central Government so the question of consulting the Assam Public Service Commission did not arise.

Mr. NABA KUMAR DUTTA: May I know, Sir, why Mr. Benudhar Rajkhowa resigned his office?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: On account of his health he was not able to discharge his duties.

Mr. NABA KUMAR DUTTA: May I know if any other officer has been appointed in his place?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Not yet, Sir.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir. May I know whether the Central Government pay for this officer or the Provincial Government?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I am not sure about that, but I shall inform the hon. member later on.

Mr. NABA KUMAR DUTTA: May I know if another officer will be appointed as War Risk Officer in his place?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir.

Mr. BAIDYANATH MOOKERJEE: Are we to understand from the reply given by the Hon'ble Minister that an officer who is paid from the Exchequer of this province may be appointed by the Central Government without consulting this Provincial Government?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is a hypothetical question, Sir.

Mr. BAIDYANATH MOOKERJEE: It is not a hypothetical question, Sir.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I have said, Sir, that I am not aware as yet whether this money will be provided by the Central Government or not.

Mr. NABA KUMAR DUTTA: What are the factors essential for making this appointment?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: He must be a retired member of the Civil Service.

Mr. NABA KUMAR DUTTA: Is that the only factor?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir.

Recommendations of the Retrenchment Committee

Maulavi ABDUR RAHMAN asked :

*18. Will Government be pleased to state—

- (a) The total number of recommendations made by the last Retrenchment Committee ?
- (b) The number of recommendations examined by the Congress Coalition Government and the number examined by the present Government during the year 1940 ?
- (c) Whether it will be possible for Government to examine all the recommendations before the end of 1941 ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

18. (a) to (c)—Out of 174 recommendations made by the Retrenchment and Resources Committee the Congress-Coalition Government examined about 49 ; and the present Government have just completed the examination of all the recommendations and it is hoped to place on the library table before the end of the present session a list showing the orders of Government on each recommendation.

Maulavi ABDUR RAHMAN : May I know whether effect will be given to these recommendations shortly ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, Sir. Effect will be given as soon as possible.

Maulavi ABDUR RAHMAN : May I know the approximate time ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : It is very difficult to say, but as soon as we are relieved from the work of this Legislature we shall see to this.

Maulavi ABDUR RAHMAN : Is it not a fact that the Government previously promised that as soon as the recommendations were considered they would be given effect to ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, Sir. They have already been scrutinised by us.

Maulavi ABDUR RAHMAN : My question is, was it not the declared intention of the Cabinet that they would be given effect to as soon as they had been considered ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, Sir, that assurance will be implemented.

Maulavi ABDUR RAHMAN : May I know whether effect will be given from the next financial year, i.e., the 1st of April 1941 ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I am not in a position to say that, but as I said before, the recommendations will be given effect to as soon as possible.

Maulavi ABDUR RAHMAN : The Hon'ble Minister has said that the recommendations will be placed on the table within this session. May I enquire when effect will be given to them ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : As soon as possible.

Maulavi ABDUR RAHMAN : This is very vague, Sir ?

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Doctors of Subsidised Dispensaries

Maulana ABDUL HAMID KHAN asked

31. (a) Will Government be pleased to state whether they are aware that due to the small pay fixed for the doctors of subsidised dispensaries in Assam, qualified doctors do not stick in their post and in many places people have not taken advantage of the scheme?

(b) If so, do Government propose to consider the desirability of raising the pay of doctors of subsidised dispensaries at least to Rs 50 per mensem?

The Hon'ble Srijit HIRENDRA CHANDRA CHAKRAVARTY replied:

31. (a)—Government is aware that amongst other reasons qualified doctors in some subsidised dispensaries left their services either to get better jobs or after getting better appointments elsewhere. Government is also aware that in some places people could not take advantage of the scheme as they could not fulfil the requirements of the regulations.

(b)—No. The monthly subsidy has only recently been raised from Rs. 25 to Rs. 35 and the question of a further increase cannot be taken up so early without giving this a considerable trial.

Census Operations of 1941

Babu LALIT MOHAN KAR asked:

32. Will Government be pleased to state—

(a) Whether it is a fact that in the Census Operations of 1941, the Bengali immigrants or tea garden labourers in Assam have not been separately censused as such, to be distinguished from Surma Valley or Assam Valley Hindus or Muslims?

(b) If so, why?

33. Will Government be pleased to state—

(a) Whether it is a fact that the place of birth of the people censused is one of the informations gathered during the Census Operations?

(b) If so, with what object in view it has been so done?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

32.—The Census card has been designed so far as possible to bring out the facts and enable communities to be distinguished. For this reason it will be possible to determine the population of certain tribes which are

found mainly among tea garden or ex-tea garden labourers. Language may in some other cases also give an indication, as when Bengali-speakers are found in an area which is mainly Assamese-speaking. But it is not possible at a Census to distinguish the population of an immigrant body as such, since all that can be shown is the district of birth (which may be a district of Assam) and the mother-tongue or language spoken in the home.

33. (a) — Yes.

(b) — This information enables the trend of migratory movements and the comparative increase or decrease of the non-migratory populations to be studied.

Abolition of a block for immigrants in the Nauboisa Mauza

Srijut KARKA DALAY MIRI asked :

34. Will Government be pleased to state —

(a) Whether they have received representations from the local member of the Assembly and the raiyots to abolish the block which was opened to the immigrants in the Nauboisa Mauza in the North Lakhimpur Subdivision ?

(b) If so, will Government be pleased to state what action has been taken over those representations ?

(c) Whether it is a fact that the Hon'ble Premier assured the local member of the Assembly that he would immediately abolish that block for immigrants and reserve it for Miris of the locality ?

(d) If so, whether that assurance was given effect to ?

(e) If not, why not ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

34. (a) — Yes.

(b) — Government have decided not to reconsider the orders which were passed and given effect to after a very careful consideration of all circumstances involved.

(c) — No.

(d) & (e) — The question does not arise.

*Srijut KARKA DALAY MIRI: টাইবেল বিলাকক safeguard দিয়া যদি গভৰ্ণমেণ্টৰ policy হয় তেনেহলে block cancel কৰিব নোৱাৰাৰ কাৰণ কি ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: এই order cancel কৰিবলৈ গভৰ্ণমেণ্ট কোনো assurance দিয়া নাছিল। আগেয়ে কংগ্ৰেচ কোৱালিচন গভৰ্ণমেণ্টে সেইটো block তৈয়াৰ কৰি দিছিল। তেতিয়া ভবিষ্যতলৈ তেনে কোনো block কৰা নহ'ব বুলি কৈছিল আৰু তেনেকুৱা কৰা নহ'বও।

Srijut RABI CHANDRA KACHARI: Is it not a fact that the Hon'ble Premier gave an assurance in this respect?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I reply, Sir, as my name has been mentioned? While we were touring—my Hon'ble Colleague the Revenue Minister and myself in the North Lakhimpur subdivision last year at a place called Narayanpur, we received addresses from the Miri people, and one of the requests made was that Naoboisa mauza should not be opened to the Mymensinghia immigrants. In reply I said that in view of the fact that this area was opened for Mymensinghia immigrants by my predecessor, the Congress-Coalition Government, some people have already settled there. I promised, however, in which my Hon'ble Colleague Khan Bahadur Masudur Saadur Rahman concurred, that we will not allow any fresh immigrants to settle there if it is a tribal area. Since then the members of the Tribal group have seen me, as well as the Hon'ble Khan Bahadur, and they agree that although some land has been allotted to some Mymensinghias and a Sub-Deputy Collector has gone there to demarcate the boundaries, still there is no actual occupation by these people. They said that if a sufficient margin be left for the tribal people they would not object to settlement of land with the Mymensingh people at a distance. Yesterday they saw me again, and have given me a representation whereby they again reiterate the same thing. They say that there is a natural boundary—a small stream beyond the east of which the Mymensingh people should not be allowed to settle, but they will have no objection to those people who have already been given lands to settle on the west side of the stream. We are looking into the matter, Sir.

Subsidised Dispensaries

Babu BALARAM SIRCAR asked :

35. Will Government be pleased to state—

- (a) The number of subsidised dispensaries since started in the Surma Valley and the Assam Valley? (To be shown Valley by Valley separately).
- (b) Whether Government are aware that some questions were raised in the last Budget Session to increase the salary of the doctors of those dispensaries to Rs.50 per month and Government gave assurance that they would consider their cases next year?
- (c) If so, do Government propose to provide adequate money in the next budget to raise their salary at the rate of Rs. 50 per month?
- (d) Whether Government are aware that in a subsidised dispensary where there is no *Kala azar* Department, the Doctor himself has to prescribe as well as dispense medicines?
- (e) If so, do Government propose to appoint apprentice or paid compounders to help the doctors in every such subsidised dispensary?
- (f) Whether Government propose to make provision for a chowkidar in those dispensaries to look after the property of the dispensary, buildings and compounds?

- (g) Whether it is a fact that Government pay no money for contingency charges, stationery and service postages to those dispensaries?
- (h) If so, do Government propose to provide money for that purpose in the next budget?
- (i) Whether it is a fact that adequate instruments which are urgently needed for those subsidized dispensaries are not supplied by Government?
- (j) If so, do Government propose to supply necessary instruments mentioned above to every subsidised dispensary at an early date?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

35. (a)—Surma Valley—6.
Assam Valley—13.

(Of the Assam Valley Dispensaries, 3 have been closed since the doctors gave up their posts, while a fourth has been closed since the doctor left for work under the Military Department).

(b)—No. It was said that Government would consider the question from time to time.

(c)—Does not arise.

(d)—Yes.

(e) & (f)—No. These are not contemplated by the regulation.

(g)—Government supply forms, but provide no funds for contingencies, stationery, or postage.

(h)—No.

(i) & (j)—Government grant Rs. 300 in the first year, and Rs. 200 in subsequent years, for the supply of medicines and instruments, but do not supply instruments direct.

Free-studentships for Scheduled Caste students

Babu BALARAM SIRCAR asked :

36. (a) Are Government aware that the last Congress-Coalition Ministry passed an order to grant 4 per cent. free-studentship to the Scheduled Castes students in every Government and Aided Secondary Schools and Colleges?

(b) If so, will Government be pleased to lay on the table a list showing the number of students enjoying such free-studentships in every Secondary Schools and Colleges, in the Surma Valley? (Schools and Colleges to be shewn separately.)

(c) Do Government propose to take steps in the case of any School or College where such free-studentships have not been properly distributed to the Scheduled Castes students, according to the said allotted percentage?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

36. (a)—Government are not aware of any such orders passed by their Predecessor-in-office. They are informed that final orders were not passed.

(b)—Does not arise

(c)—The question of exchanging the existing scholarships as regards scholarships and free places is under the consideration of the Director of Public Instruction.

Message from the Assam Legislative Council on the Assam Money Lenders' (Amendment) Bill, 1937, by Maulavi Abdul Aziz

The Hon'ble the SPEAKER : Secretary to read out a message from the Assam Legislative Council.

The Secretary to the Assembly (Mr. A. K. Barua): Sir, the following message has been received from the Secretary, Assam Legislative Council:—

"In pursuance of rule 110 4) of the Assam Legislative Council Rules, I am directed to intimate that on the 14th January, 1941 the Assam Legislative Council agreed to the Assam Money Lenders' (Amendment) Bill, 1937 (Assam Legislative Assembly Bill No 10 of 1937) as further amended by the Assam Legislative Assembly."

The Assam Decree Settlement Bill, 1938, by Maulavi Abdul Aziz

Maulavi ABDUL AZIZ: I beg, Sir, to present the Preliminary Report of the Select Committee on the Assam Decree Settlement Bill, 1938.

Sir, the Bill was referred to a Select Committee, and the members of the Select Committee met on the 20th February last. The Select Committee found difficulty on their way to proceed with the Bill on account of the passing of the Assam Temporary Postponement of the Execution of Decrees Act, 1941. It is on account of this fact that we could not proceed with the Bill in the shape in which it was originally introduced. So we thought it expedient to drop the Bill for the time being. The members of the Select Committee were unanimous and recognised the principle of the Bill but felt the necessity of dropping the Bill for the time being owing to the passing of the Temporary Postponement of the Execution of Decrees Act and also the Assam Money Lenders' (Amendment) Bill. With these words, Sir, I beg to present the Preliminary Report of the Select Committee to the House.

The Assam Temple Entry Bill, 1940, by Srijut Ghanashyam Das

The Hon'ble the SPEAKER : Further discussion on Srijut Ghanashyam Das's motion that the Assam Temple Entry Bill, 1940, be referred to a Select Committee.

Now, this motion has been standing over from the last session, and the House adjourned when the Hon'ble Srijut Rohini Kumar Chaudhuri was replying. He may continue his speech if he likes.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Mr. Speaker, Sir, I was nearly completing my speech on the day the House adjourned for further consideration of the Bill. I think I have not much to add to what I have already said.

The Hon'ble the SPEAKER : The Hon'ble Minister has replied as the Minister in charge of the Department to which the Bill relates. The hon. mover of the Bill is absent from the House. So there will be no one to reply to the points raised on behalf of the Government or of the other members who spoke against the motion. Therefore, I am now putting the motion to the vote of the House.

Maulavi MUHAMMAD AMJAD ALI: Sir, it is not known whether the Hon'ble Minister is opposing the Bill from the trend of his speech.

The Hon'ble the SPEAKER: I cannot compel the Hon'ble Minister to say whether he opposes it or not. However, it would be better for Government to state their attitude with regard to this Bill.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I only discussed the various points which were raised by the different persons who had given their opinion when the Bill was circulated for eliciting public opinion, and also, if I remember aright, I pointed out that some influential members of the scheduled community were opposed to a legislation of this kind. On the whole, Government thinks that it is better to leave reforms of this kind to develop in the society itself and to avoid interfering by way of legislation as far as possible. That is the view which we take on this matter. Our position is that if hon. members, after considering public opinion, come to the conclusion that such a piece of legislation is necessary at this stage, we have not much to say; but if after going through the opinions received it seems that a piece of legislation of this kind may defeat its own object.....

Babu AKSHAY KUMAR DAS: Which members of the Scheduled Castes were opposing this Bill?

The Hon'ble the SPEAKER: Hon. members are in possession of the opinions, and they may decide their course of action. I may now put the question.

The question is:

"That the Assam Temple Entry Bill, 1940, be referred to a Select Committee consisting of the following members:—

1. Srijut Mahi Chandra Bora,
 2. „ Gaurikanta Talukdar,
 3. „ Mahadev Sarma,
 4. „ Rabi Chandra Kachari,
 5. Babu Kalachand Roy,
 6. Srijut Dhirsingh Deuri,
 7. „ Bideshi Pan Tanti,
 8. Babu Balaram Sircar,
 9. The Hon'ble Minister-in-charge, and
 10. The mover (i.e., Srijut Ghanashyam Das).
- Five members to form a quorum."

The motion was negatived.

The Assam Shop Assistants' Relief Bill, 1941, by Maulavi Badaruddin Ahmed

***Maulavi BADARUDDIN AHMED:** Sir, I beg to move for leave to introduce the Assam Shop Assistants' Relief Bill, 1941.

The Hon'ble the SPEAKER: Motion moved:

"That leave be granted to introduce the Assam Shop Assistants' Relief Bill, 1941."

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On a point of information, Sir. I think this Bill requires the previous sanction of the Governor General before introduction, because clause 11 of the Bill gave some executive power to the Minister in the Department of Labour. Sections 49 and 50 of the Government of India Act.....

*Speech not corrected by the hon. member or Minister concerned.

The Hon'ble the SPEAKER : No, I think the Hon'ble Minister is wrong. It is clause 13 of the Bill.

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : It is clause 11.

The Hon'ble the SPEAKER : I don't think. It is clause 13. Here the power is given to Government.

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : This clause says that the Hon'ble Minister-in-charge of the Department of Labour shall have power to grant permission of exemption from the prohibitive provisions of this Act with respect to special circumstances arising suddenly and also with respect to all shops in an exhibition and charity bazar or any similar establishment of a temporary nature.

***Mr. A. WHITTAKER** : I think, the Hon'ble Minister of Labour is referring to section 12.

The Hon'ble the SPEAKER : I think, in clause 12, there is the word "Government". The hon. members would please see that there are two Bills—one tabled by Maulavi Badaruddin Ahmed and another by Bahu Akshay Kumar Das and Bahu Karuna Sundar Roy. In clause 12 of Mr. Badaruddin's Bill, there is the provision that Government shall have power to grant permission of exemption from the prohibitive provisions of this Act with respect to special circumstances arising suddenly and also with respect to all shops in an exhibition and charity bazar or any similar establishment of a temporary nature and to auction sales for a period to be fixed by Government and grant of such permits shall be signified by means of special permit thus obtained in writing. The objection raised by the Hon'ble Minister may be raised when the Bill will be taken up. Clause by clause by moving amendments. If the Hon'ble Minister wants to change the expressions used in the Bill in order to give executive functions to any Government servant he can do it. I looked into the matter when the Bill was admitted and my definite opinion was that it was not really an executive function that was given to the Minister. Minister has been put there only as a representative of the Government. That was my view but since then the word 'Minister' has been changed to "Government" in order to avoid all difficulties.

***Mr. A. WHITTAKER** : Mr. Speaker, Sir. Is it in order to point out to the hon. mover that on this very subject which is on the Concurrent List of the Government of India Act, there is already another draft Bill for the Central Assembly?

The Hon'ble the SPEAKER : He has asked for leave to introduce the Bill and when the next motion would come up, the hon. member may draw his attention to that and it would be up to him whether he should proceed with the further consideration of the Bill or not. I may tell the House that such a Bill has been passed in the Bengal Legislative Assembly giving some powers to the 'Hon'ble Minister-in-charge'. There was no objection in that House with regard to the question of obtaining the previous sanction from the Governor-General.

The question is:

"That leave be granted to introduce the Assam Shop Assistants' Relief Bill, 1941."

* Speech not corrected by the hon. member or Minister concerned.

The motion was adopted.

(The Secretary then read the title of the Bill)

***Maulavi BADARUDDIN AHMED:** Sir, I beg to move that the Bill be circulated for eliciting public opinion thereon.

***The Hon'ble the SPEAKER:** The hon. member has to mention the date by which the opinion is to be received.

***Maulavi BADARUDDIN AHMED:** On or before the 30th June.

The Hon'ble the SPEAKER: At this stage, the hon. member is entitled to make a speech and explain to the House the object of the Bill.

Maulavi BADARUDDIN AHMED: Mr. Speaker, Sir. The object of the Bill is to give some relief to shop assistants in this province. Shop assistants in this province lead a life of drudgery without rest and proper security; for there is no holiday, no sick leave and no adequate salary. This is not only detrimental to their health but also to the interest of the employers for, an under-paid and over-worked man cannot devote his full energy and capacity for the work he is entrusted with. Moreover a shop assistant has got his family, his wife, children, and his old parents who are dependant upon him. He requires his earnings for them too. Indeed, this miserable class of shop assistants require some legislative help to raise them from this lamentable condition. Though it is not possible to give them full security of livelihood, leisure and enjoyment under the present economic condition, still it is quite possible to mitigate some of their grievances and give them some amount of security and rest which will go a considerable way to bring some relief and sunshine to their dull and worry-worn life.

Sir, every man has a right to live in this world, and to live in the world a man must have fooding, clothing and shelter. Apart from these necessities, he must have some amount of recreation. In other provinces e.g., Bengal a Bill like this has been passed to ameliorate the condition of the shop assistants but Assam is still lagging behind them. These shop assistants have got to toil from morning till late at night on small wages like lifeless spring dolls. So with a view to give some relief to this set of miserable creatures, I have introduced this Bill. I request that the hon. members will accept my motion.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Shop Assistants' Relief Bill, 1941, be circulated for eliciting public opinion thereon by the 30th June, 1941."

Mr. A. WHITTAKER: Mr. Speaker, Sir, I think, most of us will agree that the profession of the shop assistant is one of the most sweated trades in India, and I think, most of us will agree with the hon. mover that there is a real need for the protection of these sweated employees, or—in the rather poetic phrase which the mover uses—to bring some relief and sunshine to their dull and weary life. I think, if we in this House have to consider a Bill introduced in the terms in which this Bill has been introduced, there will be no sunshine in our legislative life. It is in many ways a most remarkable Bill. It is a Bill called the Assam Shop Assistants' Relief Bill and yet there is no definition of the word 'shop'. It is impossible that this House or public opinion can come to any sensible view about a Bill with an omission as startling as this. We have, as the mover pointed out, a very good guide in the recent Bengal Act. Bengal is not the only province which has sought to give relief to shop assistants. There is a Bill in the Punjab called the Punjab Trade Employees' Bill. There is a similar enactment in

Bombay called the Bombay Shop Assistants' Act. There is also one, I understand, being drafted in the United Provinces. It seems to me therefore that to save the time of this House and also to keep the public informed we might profit from the deliberations of the other Assemblies in India instead of putting forward the present Bill.

There is yet another point. The Central Government are proposing to introduce this year a Commercial Establishments Bill granting holidays with pay. That too would be a very valuable guide for the authors of this Bill.

The present Bill is unique in many respects, whereas in most of the provinces in India the minimum number of hours to be worked is 54, in Assam we come down to 44. There is a good deal to be said for limiting the hours of work. But it is impossible to make Assam a closed circuit where the hours are 44 here and 54 or more elsewhere. There is an extraordinary provision, in clause 5(3), which says that shop employees who join work at 8 in the morning shall be given $5\frac{1}{2}$ hours' period for rest. I think, most of the Hon'ble Ministers join their work before 8 in the morning. A shop employee joining his work at 8 in the morning shall be entitled to five and half hours' rest for his meal, tiffin and tea in three intervals. This seems to me to be an impossible provision. There is another curious clause which says "during daily employment, shop assistants joining works at 10-30 A.M. shall be granted two hours' rest". There is yet another provision which provides statutory increment of salary of one anna in the rupee after eleven months' service. Sir, I have not seen any legislation which require any industry to pay increments. There is another provision which seems to me very unusual and that is that the shop employee shall be entitled to one month's salary as bonus on completion of his service of eleven months. Not only shall he be granted an increment of one anna per rupee but he must also be given a bonus of $1\frac{1}{2}$ annas in the rupee for his eleven months' service! The concessions to the employee do not end here. In clause 6(5) the employer shall build up a reserve fund and pay a provident fund contribution of yet another anna in the rupee. Therefore the effect of this Bill is that in the first twelve months a man can get his wages raised by $3\frac{1}{2}$ annas in the rupee. That is a very good profit for eleven months' service. But the next clause is that a shop assistant can only be dismissed on receipt of $1\frac{1}{2}$ months' notice or $1\frac{1}{2}$ months' salary in lieu thereof. It seems that a skilful shop assistant could earn a lot by changing his employment from one shop to another every 11 months.

Next come holidays. Every shop assistant is to be given 12 days' casual leave on full pay, plus privilege leave for 15 days on full pay. This is equivalent to an eight per cent. increase in the working costs. In addition to such leave, if he falls ill he is to be given one month's leave on full pay. Over and above this he is to get 78 holidays per year plus 11 days' religious holidays which means 89 days per year. Again he is to be given a half day for every holiday announced in the *Assam Gazette*; that would include prohibition days, mass literacy days, etc., besides various *hartal* days which are very common now-a-days.

According to this Bill a shop assistant need work only two-thirds of the year.

Clause 11 is a remarkable one. It allows Government to exempt any particular class of shops and then sub-clause (2) says notwithstanding anything contained in this section, Government can extend the Act to shops not intended to be covered. Perhaps the most remarkable clause is clause 14—"Any officer not below the rank of an Extra Assistant Commissioner

or if available any responsible non-official, specially representative of people as member of the Legislature and Local Bodies shall be entrusted with the duties of investigation of contraventions of the Act". Such persons shall be entitled not only to inspect but shall also be given the power of investigation. This seems to me a curious provision and takes members of the House into very deep water indeed. Sub-clause (2) narrates the powers of these officers. I wonder how we in this Assembly can debar the police in this public matter from making any investigations, and yet order these powers to be given to responsible non-officials! This means that hon. members of this Assembly would go into the shops, find out whether there has been a breach of these rules, and make themselves responsible for filing a complaint in the law courts against the offender and possibly against the innocent shopkeeper. Surely before we submit this Bill for eliciting public opinion, it is better for this Assembly to see that it is workable. If other Assemblies have considered this matter and if the Central Legislature promises a Bill, surely we are entitled to profit from the labours of other provinces and from the drafting ability of the Central Government. Now finally I will refer to an unusual provision and that is clause 7. Clause 7 says that in the case of an employer who wishes to discharge an employee he must take the case before the Subdivisional or District Shop Employees' Associations.

To my knowledge, Sir, there is no such association in this province and in any case this is the first time I have heard that we are going to introduce into Assam a local 'Soviet'. I cannot believe that this is the intention and as a person who has taken the trouble of studying this Bill I venture to suggest to the hon. mover that in its present form his Bill is both unintelligible and unworkable. Merely circulating a Bill is many obvious defects, for public opinion is an abuse of the right to introduce private member's Bills in this Assembly.

(At this stage the Hon'ble Maulavi Abdul Matin Chaudhuri rose to reply).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, there are two other Bills in the name of two other hon. members.

The Hon'ble the SPEAKER: I think they are different.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The difference is only in one clause, Sir. So will it not be better to hear those members also, Sir?

The Hon'ble the SPEAKER: Is hon. Babu Akshay Kumar Das going to move his Bill?

Babu AKSHAY KUMAR DAS: I shall move, Sir, after the consideration of this Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Both the Bills are practically the same, Sir.

Babu AKSHAY KUMAR DAS: I think there is some difference and so I am not going to move my Bill now, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That Bill is the same, Sir. It only goes further than that of Maulavi Badaruddin.

The Hon'ble the SPEAKER: A short discussion will do.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, the hon. Maulavi Badaruddin Ahmed has moved for the circulation of this Bill. As acceptance of the motion for circulation does not involve the acceptance of the principle of the Bill I am not going to oppose this Bill at this stage. But I should like to point out certain prominent features of the Bill to which Mr. Whittaker has drawn our pointed attention. It has been said that

similar Bill has been introduced in the Bengal Legislative Assembly and passed by them. This Bill, Sir, as Mr. Whittaker has rightly pointed out goes very far beyond what is provided in the Bengal Act, 1932, or the Bombay Act. The Bengal Act deals with regulation of working hours and weekly holidays for the shop assistants but this Bill not only provides a very generous amount of holidays and shorter hours of work for the shop assistants but it also provides for a minimum of wages for the shop assistants. It has been provided in the Bill that the shop assistants should get more than 30 rupees a month. Not only that Sir, as Mr. Whittaker has pointed out in his speech it takes away the power of dismissal from the hands of the employer. It gives the power of dismissal to a committee of shop assistants whose approval must be obtained before the employer can dismiss his employee. This is a form of 'Syndicate' or 'syndicalism', which I do not know whether this House will agree in principle. Besides, Sir, the conditions in our province differ from conditions in metropolitan towns like Calcutta, Bombay, Lahore etc. Therefore, Sir, if the Government agree to the circulation of the Bill it reserves its right to define its attitude after opinions are received from the public and the Bill comes back from circulation. We are not required, I think to accept the principle of the Bill at this stage and when the Bill comes from circulation we shall define our attitude, Sir.

The Hon'ble the SPEAKER: I may tell the hon. members that if the motion for circulation be accepted, it will not be committing the House to the principle of the Bill.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir, that is why I support the circulation of the Bill.

Mr. BAIDYANATH MOOKERJEE: Sir, what is the definition of the word 'shop'? There being none will it be possible for any man to give his opinion about this Bill? It seems to me rather curious.

The Hon'ble the SPEAKER: I am not to say that. The hon. members who feel that they cannot give their opinions on the Bill on account of the absence of a definition of "shop" they will certainly know the course of action that they are to adopt in regard to the Bill.

Rev. J. J. M. NICHOLS-ROY: Sir, this Bill is called the Assam Shop Assistants' Relief Bill. I find that there is no definition of the word 'shop.'

The Hon'ble the SPEAKER: What is the dictionary meaning of the word 'shop'?

Rev. J. J. M. NICHOLS-ROY: I think it means a place wherever a thing is sold.

If this Bill, Sir, is going to be an Act in Assam, in my opinion, it will kill many shops and some poor people's shops will have to go out of business or employ no shop assistant at all. It appears to me that instead of putting a stumbling block to shops in Assam that are struggling to keep their existence we should allow them to work as many hours as possible in a poor province like this. If we follow the countries where there are organized big stores and shops, we shall be nowhere. We shall soon be discouraging business in this province. For these main reasons, Sir, I think with Mr. Whittaker when he says that there is very undesirable. I am at one Bill which will mean a sheer waste of money in getting opinions and putting those before the Legislature. I am against this Bill.

Mr. A. WHITTAKER: On a point of personal explanation, Sir. I want to make it clear that I am not opposed to the Shop Assistants' Relief Bill but I am opposed to this Bill which leaves so many gaps and inconsistencies and which has absolutely unworkable provisions. It is useless to circulate this present Bill but I am not opposed to a better Shop Assistant's Bill.

Maulavi BADARUDDIN AHMED: Sir, if the Bill be circulated for eliciting public opinion, then after receiving opinions there will be enough time for the House to consider the Bill, and if necessary the Bill can be amended in the light of opinions received. In view of this I request the hon. members to accept my motion.

The Hon'ble the SPEAKER: Has the Hon'ble Minister-in-charge got anything more to say?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I have already said that I have no objection to the circulation.

The Hon'ble the SPEAKER: The question is:

"That the Assam Shop Assistants' Relief Bill, 1941, be circulated for eliciting public opinion by the 30th June 1941."

(The sense of the House was taken by voices and the motion was declared lost. A division was then claimed and the bells were rung.)

Maulavi BADARUDDIN AHMED: Sir, in view of the fact that similar Bills are standing in the names of Babu Akshay Kumar Das and Babu Karuna Sindhu Roy, I beg, at this stage, to withdraw the Bill with the leave of the House.

The Hon'ble the SPEAKER: The question was really put and negatived. Now does the question of withdrawing the Bill arise? I think there ought to be the clear course of taking a division.

The Assembly divided.

AYES—23.

1. Babu Akshay Kumar Das.
2. Srijut Joges Chandra Gohain.
3. Babu Kamini Kumar Sen.
4. Srijut Purandar Sarma.
5. Srijut Ram Nath Das.
6. Maulavi Abdul Aziz.
7. Maulavi Abdul Bari Chaudhury.
8. Maulana Abdul Hamid Khan.
9. Maulavi Abdur Rahman.
10. Maulavi Syed Abdur Rouf.
11. Maulavi Md. Abdus Salam.
12. Maulavi Muhammad Amjad Ali.
13. Maulavi Badaruddin Ahmed.
14. Maulavi Mahammad Maqbul Hussain Chaudhury.
15. Khan Bahadur Maulavi Mufizur Rahman.
16. Maulavi Muzarrof Ali Laskar.
17. Maulavi Namwar Ali Barbhuiya.
18. Mr. Benjamin Ch. Momin.
19. Srijut Binode Kumar J. Sarwan.
20. Mr. Jobang D. Marak.
21. Srijut Karka Dalay Miri.
22. Srijut Khorsing Terang.
23. Babu Sanat Kumar Ahir.

NOES—9.

1. Khan Bahadur Maulavi Mahmud Ali.
2. Mr. F. W. Blennerhassett.
3. Mr. N. Dawson.
4. Mr. W. R. Faull.
5. Mr. P. Trinkle.
6. Mr. C. W. Morley.
7. Mr. D. B. H. Moore.
8. Mr. A. Whittaker.
9. Rev. J. J. M. Nichols-Roy.

The motion for circulation was adopted.

(After the result of the division was announced)

The Hon'ble the SPEAKER: The hon. member in charge of the Bill ought to have decided his course of action with regard to his motion before the question was put to the vote. The question was put to the vote and it was declared as lost. Then a division was called and when the House was being asked to divide the hon. member rose in his seat and said that he was withdrawing his motion. That was perfectly irregular. I may also point out to the House that, when a member, after having made a motion, asks to withdraw his motion, the leave of the House is to be asked for such withdrawal and if there be an objection to such withdrawal from a single member, the motion cannot be withdrawn. From the result of the voting the hon. member may perceive that most likely he would not have gained his object even if he had asked for withdrawal before the question was put, because, as the majority of the members were in favour of the motion, it may be presumed that there would have been objections to the withdrawal of the Bill.

The Assam Shop Assistants' Relief Bill, 1941, by Babu Akshay Kumar Das

Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, the object of my Bill is the same as that of my hon. friend Mr. Badaruddin Ahmed and the purpose of my Bill would be fulfilled by the passing of that Bill.

The Hon'ble the SPEAKER: So the hon. member is not asking for leave to introduce his Bill?

Babu AKSHAY KUMAR DAS: No, Sir.

The Goalpara Tenancy (Amendment) Bill, 1941, by Maulavi Muhammad Amjad Ali

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I beg to move for leave of the House to introduce the Goalpara Tenancy (Amendment) Bill, 1941.

The Hon'ble the SPEAKER: Motion moved: "That leave be granted to introduce the Goalpara Tenancy (Amendment) Bill, 1941".

The motion was put and adopted.
(The Secretary then read the title of the Bill.)

Maulavi MUHAMMAD AMJAD ALI: I beg, Sir, to move that the Bill which has been introduced be circulated for eliciting public opinion thereon.

The Hon'ble the SPEAKER: The hon. member's motion is that the Goalpara Tenancy (Amendment) Bill, 1941, be taken into consideration. Having given notice of one motion, he cannot move another motion. I wanted to move in that way.

Maulavi MUHAMMAD AMJAD ALI: As there was an agreement, consideration. I now move, Sir, that the Bill be taken into

With reference to this Bill, Sir, I might state that there has been one Bill sponsored by the Government in 1939 and that Bill is awaiting its final stage. But unfortunately some of the provisions which were required to be put in have not found place in it—particularly legal recognition and protection of certain valuable rights enjoyed by the Goalpara tenants under their zemindars. These rights, for which a clearly worded legislative protection is sought, are not provided in that Bill. I may also say that these

rights have been in existence for a very long time and the tenants have been enjoying them. But, Sir, due to want of clear legislative provisions, there arise certain disputes between the landlords and the tenants. So we have thought it proper that certain legislative provisions ought to be there in order to protect the rights of these tenants. The provisions which I have put in are not only sound, but reasonable also. They are on the face of it fair and equitable. With these words, Sir, I move my Bill for the consideration of the House.

The Hon'ble the SPEAKER : Motion moved :

"That the Goalpara Tenancy (Amendment) Bill, 1941 be taken into consideration."

Maulana ABDUL HAMID KHAN : Mr. Speaker, Sir,

অনাবেরন মৌলবী আমজদ আলী শাহের গোয়ালপাড়া প্রজাস্থ আইনেরযে সংশোধনী বিন উপস্থিত করিয়াছেন তাহা আমি সমর্থন করিতেছি। আমাদের অভিজাততন্ত্র গভর্নমেন্ট প্রকাশ করিয়া থাকেন যে মাংসী গভর্নমেন্টের কবল হইতে সমস্ত দেশকে বক্ষা করিবার জন্য প্রত্যেক মানবের বর্তমান কষ্টবা এবং তাহার Hitlerism এর হাত হইতে দেশকে বক্ষা করিবার জন্য ভারতের হিন্দু মুসলমান জাতিধর্ম নিবিশেষে সকলের দৃষ্টি আকর্ষণ করিয়া থাকেন। কিন্তু দুঃখ ও পুরিতাপের বিষয় এই যে প্রবল প্রতাপ-শালী জমিদারগণ দুর্বল প্রজার বক্তৃতা শোমন করিবার উদ্দেশ্যে যে সমস্ত অস্ত্রধারণ করিয়া থাকেন তাহার নিবারণ করে গভর্নমেন্টের নিকট পুনঃ পুনঃ আবেদন করা স্বত্বেও গভর্নমেন্ট তৎপ্রতি মোটেই দৃষ্টিপাত করেন না। গোয়ালপাড়া জেলার জমিদারগণ ব্যবস্থা করিয়াছেন যে কোন এক স্থানে যদি দুই চারি বা দশ বিঘা বাগ জমি পড়িয়া থাকে সেই জমির জন্য প্রজারা দরখাস্ত দিতে গেলেই দুই টাকা হইতে পাঁচ টাকা পর্য্যন্ত fees আদায় করায়। একই জমির জন্য একশ দুইশ দরখাস্ত গ্রহণ করেন এবং যে প্রজা অত্যধিক পরিমাণে আমলাতন্ত্রকে সম্বলিত করিতে পারেন, তাহার অদৃষ্টেই সেই জমি পড়ে, আর অবশিষ্ট দরখাস্তকারীরা শত শত টাকা জমিদারকে fees দিয়াও হতাশ হইয়া বাড়ী ফিরিয়া যায়। এরকম বে-আইনি কর গ্রহণ করা অন্যায় বলিয়া ঘোষণা করিবার নিমিত্ত গভর্নমেন্টের নিকট বহুদিন যাবত গোয়ালপাড়া জেলার মরণাপন কৃষকবৃন্দ করুণ আবেদন জানাইয়াছেন, কিন্তু ভোগ বিলাসে মত্ত মাননীয় রেভিনিউ মিনিষ্টার তৎপ্রতি মোটেই দৃষ্টিপাত করিতে পারেন নাই (hear hear)। গোয়ালপাড়া জেলার প্রজাদের আরও দুর্দশা এই যে, কেহ যদি ধুবড়ী টাউনে কাপড় বা নিত্য প্রয়োজনীয় কোন জিনিষ খরিদ করিতে যায়, ধুবড়ী টাউনের ঘাট বা অন্য কোন ঘাটে নৌকা লাগাইলেই তাহাদিগকে 'খুটগারীর' বাবদ দশ আনা বা এক টাকা দিতে হয়। আমি নিজে কিছু দিন পূর্বে বগরিবাড়ীর ঘাটে নৌকা রাখিয়া পোষ্ট অফিসে একখানা পোষ্ট কার্ড খরিদ করিতে গিয়াছিলাম। ফিরিয়া আসিয়া দেখি যে জমিদারের একজন বরকন্দাজ আসিয়া নৌকা ধরিয়া দাবী করিয়াছেন যে দশআনা তলব দিতে হইবে। আমি বলিলাম যে আমি তিন পয়সার একখানা পোষ্টকার্ড কিনিতে গিয়াছিলাম এবং তাহার জন্যই কি আমাকে দশআনা দিতে হইবে? তিনি উত্তর করিলেন—'জানিনা; চাকরী করি জমিদারের অফিসে, সুতরাং জমিদারের আদেশ পালন করিতে বাধ্য। সেজন্য কিছুতেই আমি নৌকা ছাড়িয়া দিতে রাজি নই।' এরকম ভাবে শত শত

গরীব প্রজাকে দুই পয়সার একটি মাটি বা তরকারী বিক্রি করিবার জন্য টাউনে গেলেন। নৌকার খুঁটগারীর দাবত পয়সা দিতে হয়। অথবা দু'ব বিক্রি করিতে গেলেন। নৌকার বাওয়া মাত্র তাহাদের খুঁটগারী তুলন করায়। এই অমায় অত্যাচারের প্রতি দাব দাব জমিদার এবং গভর্ণমেন্টের দৃষ্টি আকর্ষণ করা হইয়াছে এবং বলা হইয়াছে যে এই খুঁটগারী আদায় করা সম্পূর্ণ বে-আইনী বলিয়া ঘোষনা করা হউক।

প্রজার জমি নদী সিকন্তি হওয়ার পূর্বে সেই জমিতে যদি কোন বকম ধান বিক্রি বা পটি বিক্রি করিবার জন্য কোন নৌকা আসে, তাহার উপর উপযুক্ত পরিসীমায় ট্যাক্স আদায় করা হয়। সেখানে জমিদারের খাদ মাই। কোন অমস্বাদেই জমিদার সেখানে এই বে-আইনী কর প্রচল করিতে পারেননা।

তাঁহারপর যে কোন প্রজার জমি জমিদারের কাছে পড়ন হউক না কেন, জমিদারগণ ব্যবস্থা করিয়াছেন যে তাঁহার কাছে হইতে চুনবন কর আদায় করিতে হইবে। সেই জমিতে হয়ত চুন, বন, দাল বা কাঠ কিছুই নাই এবং সেই প্রজা হয়ত ফরেজের পক্ষাশ মাইল দূরে থাকিতে পারে, অথচ জমিদার দাবস্থা করিয়াছেন—“তুমি চুন ব্যবহার কর বা নাই কর এবং তুমি কাঠ কাট না কাট, তবুও তোমাকে উপযুক্ত পরিসীমায় ট্যাক্স দিতে হইবে।” প্রজার উপর এরকম শত শত অত্যাচার আনন্দমান কাল হইতে হইতেছে। কিন্তু গভর্ণ মেন্ট নোটেই সেদিকে দৃষ্টিপাত করিতেছেননা। বিদেশী শাসক শোষণ আমাদের দেশে দৈনিক-এবিক agent কায়েন করিয়াছেন। এদেশের জমিদারের কারেমী খাখ বন্ধা নাকরিলে চিরকাল লক্ষ লক্ষ টাকা শোষণ করা সম্ভব হইবেনা। কমতার বলে পূবল দুর্ভিক্ষে শোষণ করিতে পারে, কিন্তু আমি মনেকরি, সকলের মিনি স্ট্রিক্টা তাঁহার নিকট অনায়া ও অবিচার বাবদ শাস্তি আমাদের আছে। তাই আজ যদিও জার্মানির অত্যাচার আমাদের মনে পড়ে এবং সর্বদাই কৃষককুল চিন্তা করে যে জার্মানি যেন আমাদের দেশে না আসে কিন্তু জমিদারদের অত্যাচারের বিরুদ্ধে গভর্ণ মেন্টের নিকট করণ আবেদন করিয়াও যখন কোন সাড়াশব্দ পায়না তখন মনেকরে এইদেশে একটা পরিবর্তন হওয়া উচিত— যেন এই অনানুসিক অত্যাচার চিরকাল আমাদের দেশে কায়েন না থাকে। ষোড়শ নিকট প্রার্থনা করি, সফরই দেশে একটা পরিবর্তন আসুক। হইতে পারে, দরিদ্র প্রজাবৃন্দের প্রতিিনিধি হইয়া আসিয়া আজ আমরা উপযুক্ত নাহিনা পাইয়া এবং নানাক্রম ভোগ বিলাসে থাকিয়া গরীব প্রজার কথা ভুলিয়া গিয়াছি। কিন্তু সফরই এক দিন আসিবে যখন আবার ভোট ভিক্ষার জন্য বড় বড় গাছের নিচে তাহাদের কাছে যাইতে হইবে। সে সময় তাহারা আমাদের প্রতিশ্রুতি স্মরণ করাইয়া দিবে। আমরা প্রতিশ্রুতি দিয়াছিলাম যে তাহাদের ভোট নিয়ে এসেমব্লিতে গিয়ে তাহাদের প্রতি অত্যাচারের প্রতিকার আমরা নিশ্চয় করব। আজ ৪ বৎসর অতিবাহিত হইয়া গেল আজ পর্যন্তও গোয়ালপাড়া জেলার চল্লিশ হিন্দু মুসলমান প্রজার জন্য একটি জিনিয়ও নিতে পারিলামনা। শুধু আমাদের ১০০০ নাহিনা এবং first class T.A. ছাড়া গরীব কৃষকের জন্য কিছুই নিতে পারিলামনা। যিনি আমাদের বড় করিয়াছেন বা এই এসেমব্লিতে আসিবার সুযোগ দিয়াছেন তিনি সফরই ইহার বিচার করিবেন। তাই আমি আশাকরি দরিদ্র কৃষকগণের দুঃখ দূর করিবার জন্য আপনারা সকলেই বন্ধপরিষদ হইবেন। নতুবা নাৎসীবাদের

মত ভারতেও বিপ্লবের সৃষ্টি হইবে যাহার ফলে জমিদার কেন, গভর্ণমেন্টকেও স্বংস প্রাপ্ত হইতে হইবে। গভর্ণমেন্ট যদি বিপ্লবের সম্মুখীন হইতে চান তাহা হইলে নিজেদের অস্তিত্ব রক্ষাকল্পে কিছুতেই সম্ভবপর হইবেনা। মাননীয় রেভিনিউ মিনিষ্টারকে আমরা বার বার অনুরোধ করিয়াছি সেই মরণাপন্ন কৃষকদের দুরবস্থা দেখিবার জন্য; কিন্তু আমাদের দুর্ভাগ্য যে যেখানে রাজমহারাজার বাড়ী নাই সেখানে তাঁহাদের যাইবার সুযোগ ঘটেনা। তিনি বহুবার প্রতিশ্রুতি দিয়াছিলেন যে তিনি গোয়ালপাড়া জেলার মরণাপন্ন কৃষককুলকে দেখিবার জন্য একবার যাইবেন, কিন্তু দুর্ভাগ্যবশতঃ আজ ৪৮তম অতিথি হইয়া গেল, তবুও তিনি সেখানে যাইবার সময় পাইলেননা। এজন্যই তিনি যাইতে পারেন নাই যে গরীব কৃষকেরা dinner party দিতে পারিবেনা বা সেভাবে reception দিতে পারিবেনা। মরণাপন্ন কৃষকের যে দিবার কিছুই নাই। তাই আমি প্রত্যেক নেয়ারকে মরণাপন্ন কৃষকদিগকে ট্যাক্সের দায় হইতে রক্ষা করিবার জন্য এই Billটি support করিবার জন্য অনুরোধ করিতেছি। এই আবেদন শুধু আমার নয়—নয় লক্ষ প্রজার পক্ষ হইতে তাহাদিগকে এই অত্যাচার হইতে রক্ষা করিবার জন্য করযোড়ে আমি আপনাদিগকে প্রার্থনা করিতেছি। খোদা আপনাদের সহায় করিবেন—ইহাই আমার আশা এবং আকাঙ্ক্ষা।

Maulavi GHYASUDDIN AHMED: Mr. Speaker, Sir, at this stage I wish to move that the Bill be circulated for eliciting public opinion.

The Hon'ble the SPEAKER: Returnable by what date?

Maulavi GHYASUDDIN AHMED: By the 1st of May 1941.

The Hon'ble the SPEAKER: That will be too early.

Maulavi GHYASUDDIN AHMED: Then by the 30th of June 1941.

Sir, I beg to move that the Goalpara Tenancy (Amendment) Bill, 1941, be circulated for eliciting public opinion thereon by the 30th of June 1941.

The Hon'ble the SPEAKER: Amendment moved: "That the Goalpara Tenancy (Amendment) Bill, 1941, be circulated for eliciting public opinion by the 30th June 1941."

Maulana ABDUL HAMID KHAN: আমি এই amendment oppose করি কারণ circulation এ গেলে এই বিল এমনি চলে যাবে।

Mr. C. W. MORLEY: Mr. Speaker, Sir, in our opinion this Bill is another example of the need for a proper survey and a proper record-of-rights. It is contended that many valuable rights are enjoyed by the tenants which are not embodied in legislation.

It is surprising to us that so soon after the passing of a sweeping measure like the Goalpara Tenancy (Amendment) Bill, 1939 a further proposal for drastic amendment is put forward. We heard during the discussion on the main Amendment Bill that the Revenue Minister made prolonged local enquiries and we should have expected to have learnt from those enquiries whether in fact these realisations from the tenants were being demanded by the landlords, and secondly whether the new rights which the proposed section 177A describes were in fact being enjoyed by the tenants.

On questions as important as this we consider that an essential preliminary enquiry should be made by a Select Committee. Particularly, this is necessary because the landlords have not spoken in this House. For similar reasons we consider that at a stage of Bill which should be circulated for public opinion so that the House may be in a position to weigh the arguments for and against the measure.

The Hon'ble the SPEAKER: The Hon'ble Minister may now speak.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, a similar Bill was tabled before this House by Mr. Jogendra Chandra Nath, and it was at the last session that when the Government Bill was passed by this House he did not like to press for consideration of his own Bill.

Maulavi MUHAMMAD AMJAD ALI: If I may be allowed to correct the Hon'ble Minister, there was no time for asking for leave to introduce that Bill.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Is it not a fact that he did not like to press the Bill? If I am understood aright, he had occasion for moving this Bill, but he did not. Anyway, I should have expected that the hon. member also would have taken that course, but he has chosen to bring forward this motion for consideration of this Bill and it will be proper for me to state the Government point of view.

At the outset, I may make it clear that Government will have no objection to accept the motion for circulation of the Bill for eliciting public opinion. Now, Sir, the hon. mover of this Bill was a member of the Select Committee on the Government Bill and he had occasion to press for the provision which he now wants to incorporate in this Bill. As a matter of fact while the Bill of Sriput Jogendra Chandra Nath was before us we sent the provisions of that Bill to the Commissioner for a report, and that report was also considered by the Select Committee to the Government Bill. Now Government appreciate the solicitude for the welfare of the tenants in Zemindaris who would have been very happy to concede to the tenants those concessions and privileges which are enjoyed by rayats in *khas* land in the Government temporarily-settled areas. But this Bill goes far beyond those concessions. Hon. members will remember that a tenancy is always governed by the terms of the lease, subject to law and custom. Now there is no law which gives tenants the rights which are sought to be given by this Bill. There is no custom either which can support the tenants' claim to any such rights and privileges. The only people, namely, Garos who put forward such a claim have failed in law courts to prove this. Any concessions which the Zemindars want to make to their tenants must be a matter for negotiation between the parties as rights of third parties may be involved therein. A tenancy legislation is intended to guide and control the relationship between the landlord and tenants and with reference to the land over which the tenancy is created. Now to invest tenants with some statutory rights in matters in which tenants now-a-days have only participated through the magnanimous concession of landlords will only be going too far and to make landlords impotent to exercise their legal rights. As regards the provisions of this Bill, if I am allowed to refer to them at this stage, by clause 4 the hon. member wants to add certain clauses to section 95(1) of the Goalpara Tenancy Act. What is this section 95(1)? Section 95(1) says—"All impositions upon a tenant for the use and occupation of the

lands of his tenancy, in addition to the actual rent, which are not specially authorised by this Act, or by any other Act or Regulation for the time being in force, shall be illegal and all stipulations and reservations for the payment of such shall be void". After this section some provisions are sought to be added by this Bill. Now to mention in this Bill some of the exactions as being illegal will naturally lead to the presumption that the remaining exactions are legal. This is the first objection to such a provision in this Bill.

By clause 4, item (a) he wants to do away with petition fee. In this my hon. friend Maulavi Muhammad Amjad Ali has gone beyond what Mr. Nath wanted. Mr. Nath wanted to keep at least a maximum of annas eight as petition fee, but my friend wants to do away with petition fee altogether. This petition fee, Sir, is nowhere realised at more than one rupee. It is only in the Gauripur estate that this petition fee of one rupee is realised. In other places the petition fee is less.

Item (b) of clause 4 of this Bill is entirely new. I do not see any reason why the petition fee should not be charged for settlement of *Khas* land. The present Government is realising a court fee of annas eight for such petitions under the development schemes. Now clause 4 only relates to *Khutagari* and *Sanbankar*. In Mr. Jogendra Nath's Bill only *Khutagari* was mentioned, the hon. mover adds *sanbankar* also to this. *Khutagari* about which my hon. friend Maulana Abdul Hamid Khan has said so much, is not a rent and it is not levied on tenants. It has nothing to do with the Goalpara Tenancy Act, but *Khutagari* tax is akin to mooring fee which is, I think, now leviable under the provisions of the Assam Municipal Act in Municipal towns.

Sanbankar is not in vogue every where. In Mechpara, *Sanbankar* is collected as part of the land revenue at rates varying from annas 12 to Re.1-8 per residential holding in a year. Except in Parbatjhar and the Wards' Estates, the permit system prevails. Now, I may tell the hon. mover that Government have already been making enquiries about this imposition of *Sanbankar* in the Wards' Estates. The view of the Government is that they do not favour levy of *Sanbankar* from all tenants irrespective of any facilities for supply of thatch and other forest produce. They are making enquiries and, if possible, they would like to substitute this by permit system.

Now, *Pattan Salami* is justifiable as a loss to the landlords. The Zemindars after waiting for about three years resort to law for recovery and have, in execution, to purchase the holdings themselves. There is no reason why the loss should not be recovered from those with whom the land is leased out again.

Now about clause 5, which wants to give some rights to the tenants, Government had an inquiry made into the state of affairs existing at present, and they have been informed that as regards the grazing, the tenants are allowed to graze their cattle, buffaloes and other domestic animals on the *khas* waste lands free of any rent, but for the improvement and preservation of forest, pasturage is prohibited in forest area except in times of high flood. The Zemindars however impose grazing tax on professional graziers. As regards the forest produce, the tenants are not allowed to extract any forest produce for their own use without the permission and without payment of fees. It appears that in the matter of imposition of fee, the rate is different in different estates. *Sanbankar* is realised in certain estates,

as I have said, and sometimes concessions are allowed for forest produce. For works of public utility free permits are issued.

As regards fishing, the fisheries are generally reserved for the *raiyats*. In certain estates, tenants, however, are allowed to take home consumption during certain period of the year. In Malapara Estate, all fisheries have been allotted to tenants for fishing for their own use. Then about Pituni Mahale. Pituni Mahale exists in all estates except Tezpur, and Karabari and the tax is collected from the collectors of stone, mica and pottery who collect plastic earth from estate. But largely for making earthenware. In the Bijni Raj Ward's Estate the *Hazari*, Tezpur, Karabari and Dalgona pay the tax in kind. Tax in cash is received from *raiyats*, *kuraj* and other outsiders who take earth for commercial purposes.

Thus, Sir, it would be found that though the rights and privileges are recognised by the Zemindars in the matter of grazing, forest produce and fishing, the concessions and facilities allowed for the *Zemindars* to the tenants in these matters vary in different estates and the idea to be aimed at is to make them uniform and to standardize the procedure for assessment and realisation of taxes or cesses other than rent. But as has been pointed out by my hon. friend Mr. Morley, the panacea for all these lies in the preparation of a record-of-rights. The Government feel that it would be unfair on their part to agree to a legislation of this nature encroaching on the rights and privileges of the Zemindars, but Government at the same time consider that it would be better for the Zemindars to see whether they are in a position to grant some concession to their tenants on the lines of what is done by Government for their own *Kuraj* *Pattidars* in regard to grazing and fishing. Grazing grounds for the benefit of villagers have been constituted by Government wherever necessary and possible. *Kuraj* *Pattidars* have as a concession been allowed to help themselves to certain forest produce from Unclassed State Forests for domestic purposes and licences of Government fisheries are required to let *raiyats* of neighbouring villages to catch fish for their own consumption with net, basket, or other instrument on payment of a small fee not exceeding four annas. Government also consider that there is no justification for some of the cesses which Mr. Knowlton A. J. Laid found in vogue 20 years ago and that in others there is no reason why their levy should not be regulated by principles which should be uniform in all Zemindari. Therefore, Sir, Government do not propose to oppose this Bill at this stage but would like to have public opinion including the opinion of the Zemindars elicited before any final step is taken in the matter. (hear, hear.)

Mr. C. GOLDSMITH: Mr. Speaker, Sir, I agree with the hon. mover in bringing this Bill to give some benefit and legitimate relief to the tenants in Goalpara district. I am specially interested in section 177. By the proposed section 177A, certain primary rights are asked for these people living in the areas very near the forest who from time immemorial have been living in those parts, have cleared the forests and lived in the midst of wild animals and have made these lands habitable and cultivable and helped to bring revenue to the coffers of the Government. Now when they have done these things, they are only asking for certain primary rights to take forest produce for home consumption which should be conceded by the Government, Zemindars and landlords, because they have helped in the past to bring revenue to the Zemindars and landlords. Now these people, I admit, to maintain their rights had to take recourse to the law court, because they believe that they have certain rights. They have collected money by thousands and spent days and months in bringing about a solution to their problem. The Hon'ble Revenue Minister has suggested for a compromise. They have

spent nights, days and months in going for a compromise. But those efforts at compromise had failed and the people had to take recourse to law court and spent thousands of rupees. Poor people collected thousands of rupees only to vindicate their claims. I have never seen poor people getting together like this and collecting so much money for such purpose, and this they are doing for they are convinced that they have a claim. It is for their asking that a legislation is sought to be made by which certain rights would be given to the people. I like the suggestion of the Hon'ble Revenue Minister that these Zemindars make certain concessions and come to a compromise to the satisfaction of the people. That will be all right with us. But, I think, Government has some duty in this connection. Unless they take certain steps, the Zemindars and the landlords will never willingly concede to their demands. I, therefore, lend my support to the motion for circulating the Bill for eliciting public opinion.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I was also a member of the Select Committee of the Goalpara Tenancy (Amendment) Bill, and in that we have discussed many things and there are still many things to be amended. As regards the right for the use of forest produce, the matter has been finally settled by the Government long ago. When the Assam Government was under the Chief Commissioner, orders were passed stating that the Bijni Raj and also the Government did not entirely mean in issuing those orders to prohibit the use of timber and *Sanban* by these tribal inhabitants in the Goalpara district. It came to the notice of the Government and to the authorities of the Bijni Estate that these tenants were somewhat misusing these forest produce by taking more than what they actually required and in order to protect these forest produce, Government issued these orders that they should obtain free permit from the authorities concerned, because if they are allowed to cut timber without permit, forest produce will extinct; and this matter is still pending in the High Court and the hearing of arguments was fixed sometime in February last. I know this personally because I was at the time going to Ranchi and on my way back home, I was stopped by some Garos in Calcutta to see their Advocate in this matter and I advised them not to insist in this case because the matter had been already settled by Government and we here in Assam have taken up legislation to reduce the amount of labour rendered to the Forest Department for getting these concessions. About the amount of labour rendered by the tenants and *projas* in the Goalpara subdivision, we have in our Bill, reduced the days of labour from 10 to 5 and I would like to ask the Government how long it will take them to do away with the remaining 5 days. Sir, as regards the rights of the Garo people in the Bijni Estate at Habraghat, there was a long-standing dispute between the Bijni Raj and the Garos. During the time of Sir Bamfylde Fuller, this matter was considered very carefully and Mr. Scott was entrusted to go into the details by investigation and Mr. Scott submitted a detailed report about this and after all the case was dismissed on the ground that although the Government did recognise these rights of the Garos which were confiscated by the Bijni Raj, Government could not help in the matter. Then the matter was referred to India Government and India Government also replied the same thing. So the case of the Garo people is finally settled. But still there are some *Lakheraj Laskars* who are enjoying lands free of land revenue. There are many Garo *Lakheraj Laskars* in Goalpara subdivision and in many other places who are still enjoying lands free of revenue. These are relics or token of the fact that the Garos were then in possession of lands in Goalpara subdivision some years back.

As regards petition fees, *talimat*, *permanan* and so forth, we are glad to hear from the Hon'ble Revenue Minister that the Government are trying to bring these in uniformity. In some places, Sir, people are being required to pay 4 annas, in some places 8 annas, in some places 12 annas or even a rupee. So, if these fees are brought down to the same level, the people will be satisfied. With these few words, Sir, I support the motion moved by my hon. friend Maulavi Amjad Ali.

Mr. BAIDYANATH MOOKERJEE I will just add a few words, Sir. Particularly I should like to draw the attention of the Hon'ble House to the Statement of Objects and Reasons. It has been said there—

"The Goalpara Tenancy (Amendment) Bill of 1939 sponsored by the Government of Assam does not go to the root of the matter and unfortunately hesitate to boldly give legal recognition and adequate protection to the many valuable rights enjoyed by the tenants of Goalpara from time immemorial and attempted encroachments against which were and are a fruitful source of friction between the landlords and the tenants."

Sir, from the Statement of Objects and Reasons it is quite evident that the tenants from time immemorial are enjoying the benefits that have been sought for in this Bill. Sir, I thought that the Hon'ble Revenue Minister would try to give us some idea about his enquiry relating to this allegation that there are attempts for encroachment. But I am sorry there is none, so I request the Hon'ble Revenue Minister to enquire about the matter why there is this attempted encroachment. I think, Sir, if this is the root cause, it should be thoroughly investigated. Why is this encroachment by the landlords, if there be any? I think, my hon. friends who are so very vigilant to bring these legislations should think thrice before they bring any such Bill before the House. Whether by bringing a Bill of this nature, as the present one, they are creating troubles and dissatisfaction or not? If the tenants of the Goalpara district enjoyed all these privileges from time immemorial and, if at present there is the apprehension of encroachment, there must be some reasons and in my opinion, Sir, that because some of my hon. friends who are very eager to give legal recognition to all these rights, they are really creating all these troubles. What does it matter whether there is any legal recognition to all these rights or not?

Maulavi MUHAMMAD AMJAD ALI: On a point of order, Sir, The hon. member, in the course of his speech, has repeated thrice or four times that we are creating troubles in this House. By bringing in certain legislation or legislative measures we are creating troubles! I do not think, Sir, that it would be very proper to say that. Would he just see his way to withdraw that, Sir?

The Hon'ble the SPEAKER: I do not think what he has said is objectionable.

Mr. BAIDYANATH MOOKERJEE: Sir, for his benefit may I add a word? That the hon. member conveniently mistook one word that I uttered thrice. What I said was that whether by bringing in this sort of Bill in the Legislature they were creating troubles or not. But he has conveniently left that word and because it is becoming very unpalatable for him he has stood up on a point of order. Sir, let him have patience.

Again, Sir, in item (b) of clause 4 it has been said, "Realisation of any amount as petition fee or otherwise by the landlord or his agent from any person....." (*a voice*—any tenant) No, it is not tenant but person. I know Sir, how to read. This is not the only case, where this Bill seeks relief for non-tenants I shall also show from the following clauses that the sponsor

of this Bill wants that the landlords should not be allowed to take any petition fee from any person and the realisation of *Khulagari* tax and *San-Ban-Kar* shall be illegal. Sir, if these would have been said in regard to the *bonafide* tenants of the Zemindar.....

The Hon'ble the SPEAKER: That has already been pointed out by the Hon'ble Minister.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, I am just trying to impress upon the House the motive of bringing this Bill. It is brought not for the good of the tenants of the Goalpara district, but there is some other motive behind it. Sir, a man from the Mymensingh district when comes for some business to Goalpara and use the lands of a Goalpara Zemindar why should he not pay *Khulagari* tax to the respective Goalpara Zemindar? Why should he not pay? I do not find any sound reasoning in this. Sir, though it has been said that this Bill is meant for the benefit of the Goalpara tenants, I hope, I shall be able to prove, Sir, that this is not the real object as it has been explained.

Then again, Sir, in clause 5 you will find—of course, I will not take up much time of the House by going into details about that, but I am just trying to bring out the main idea of clause 5—that “The settled *raiylats* of a village shall have the following rights,” Several rights have been mentioned in (a), (b), (c), (d), (e), and (f). Sir, a *raiylat* may pay to his landlord, say, a rupee a year, or even less. So will it be proper for any sensible man to support this provision that he will enjoy all these benefits provided in clause 5? Is it meant for the poor tenants, the real agriculturists for whom my hon. friends are crying in this House or is it meant for persons of the status of my hon. friends Mr. Amjad Ali, Mr. Ghyasuddin Ahmed and the renowned Maulana Saheb.....

The Hon'ble the SPEAKER: They may also be settled *raiylats*.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, this is why this cry. But why they proclaim that all these are for the poor tenants? If it is for them mean the *bonafide* poor tenants—then I request the hon. members to come in that form which will be a proper one. Why in disguise, do they mention the name of the poor tenants? If they are really for the tenants poor deserving tenants of the Goalpara Zemindars, they will certainly have the sympathy of this House. But, Sir, when Maulavi Ghyasuddin Ahmed has moved an amendment before the House for circulation of this Bill for eliciting public opinion, I think, I should not say anything more now, as here is no harm in eliciting public opinion.

I am also in favour of circulating the Bill for eliciting public opinion.

Adjournment.

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

After lunch.

Srijut JOGENDRA NARAYAN MANDAL: Mr. Speaker, Sir, we have seen what has befallen during the last four years of discussion of the last amending Bill. We do not know what will be the fate of this Bill. The result is that the fate of the cultivators is still in suspense. So I think that this amending Bill should be seriously pressed by the hon. members of this House, especially because there are some measures of relief in this Bill which have not been

provided for in the other Bill. This Bill, Sir, refers to some realisations which have no reference to the land on which a tenant is settled and which are unreasonable, inequitable and unfair. These are, realisations from the tenants by the landlords, of petition fees, etc., as enumerated in the Bill. We know also that in forest areas the tenants living there have got the right to collect grass, fuel, bamboos, etc., for their private use. But the tenants settled in the permanently-settled areas are very often hampered when they try to exercise their primary rights in regard to getting the articles required for their daily life. I do not see any reason why a tenant living in a Zemindari estate should be deprived of these rights. Another thing is the fishing right. The villagers in the Zemindari estates have been enjoying the right from time immemorial to fish in the neighbouring waters, but when the Zemindars settle their lands with others, the villagers are prevented by the settlement-holders from catching fish from the neighbouring waters of their landlord and constant quarrels arise therefrom, leading them to litigations and some cases are still pending in the criminal courts. This thing should be stopped. The grazing tax also is unnecessary and unusual and the tenants should be at liberty to graze their cattle, as they are tenants of the Zemindari estates. The Hon'ble Minister-in-charge has said that, if a compromise be effected, the concession may be given by the Zemindars. But I submit, Sir, that this is not a measure of concession. This is a pledge given by the Government since the time of the Permanent Settlement Regulation for the protection of the rights of the tenants and for saving them from exploitation. With these few words, Sir, I beg to support the motion that the Bill be circulated for eliciting public opinion.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I am grateful to this Hon'ble House, and particularly to the Hon'ble Minister-in-charge of Revenue for the elucidation which he wanted to give about the provisions of my Bill. I am also grateful to my hon. friend Mr. Baidyanath Mookerjee, who has given the viewpoint of the other side, i.e., of the landlords. The Hon'ble Revenue Minister has given us an opportunity of knowing that the Government itself is trying to settle up the difference between the landlords and the tenants by a compromise, and as he says, there has been a long enquiry by the Commissioner of Divisions on this particular subject as to what was the nature of rights which the tenants of Goalpara had been enjoying. It has been admitted by almost all the hon. members, who spoke on the Bill, that the tenants had certain rights which they had been enjoying from a very long time, and now the only thing that is required is that they should be codified, and the relations between the landlords and tenants which are sometimes strained on account of litigation should take a legislative shape and brought to the Statute Book.

The Hon'ble Revenue Minister has given us certain facts regarding the provisions of the Bill, and in one or two instances he has given informations which are not correct. I will take one or two of them. One is the question of *Hiramati*; that is a natural right of taking earth for making pots which the tenants must enjoy and were enjoying, but the Estate of Bijni Raj has levied tax on it, and harass the tenants in the law courts on account of non-payment of this tax. This is a tax as he said, levied not upon the up-country people, but upon the tenants themselves. He said that this obtains in some places in Barahajari and Dalgoma. I do not know about Barahajari, but in Dalgoma there are villages such as Dahikata and Mornoi where there are scheduled caste people like *Hiras*—(the term *Hiramati* comes from the word *Hira*)—who have to pay this tax whether they take earth or not; if they have got some females in the house they have to pay

the tax. This is curious. Because this is a trade resorted to by a certain sect of people, and women being very much adept in that art they were formerly employed for this purpose ; but not wholly now. Because formerly women of this particular class took to this art, the tax is being levied indiscriminately on every household whether they take earth or not. This is iniquitous and unfair, and should be done away with.

As regards fisheries, the Hon'ble Minister has admitted that the fisheries of landlords are leased out annually to Mahaldars, at a certain price but there are certain common fisheries in which the tenants are allowed to fish for their own consumption. But trouble often arises, and it is seen that a large number of people when they go to fish in some neighbouring waters are hauled up in courts by the Mahaldars and litigation ensues. This is a right which the tenants have been enjoying from time immemorial, and they should be allowed to enjoy it unhampered, and it is necessary that there should be some legislation on the subject. *Sanbankar* is another iniquitous tax which should go forthwith. My views on this are too obvious as I have been crying hoarse over it for the last five years in this House.

Khutgari tax is a tax which is said to be not paid by their own tenants. But as a matter of fact this tax is paid by tenants of one landlord to another landlord, and often in practice it is realised from the landlords' own tenants. This tax is described as the mooring tax by the Hon'ble Revenue Minister. Mooring tax is not paid by the Steamer Companies, but poor vegetable and milk sellers are being made to pay it, and also poor peasants who bring their produce to the market. This is iniquitous and very harsh, and it should go.

Reference was also made to the payment of *Pattan Salami* by persons who submit petitions for taking up *Khas* lands. As a matter of fact it often happens that when a particular piece of land is applied for, *Pattan Salami* is realised from them without any fixed standard, which is iniquitous, and as it is working very harshly this should also go.

Regarding the collection of fuel and similar forest produce like *sal* posts for building mosques, churches, and agricultural implements etc., I say, they should be given free of any fee or charge by the landlords. As this is often being denied, it is desirable that there should be legislation on that point.

With these few words, I accept the amendment moved by my hon. friend Maulavi Ghyasuddin Ahmad.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I have already dealt at length with all the points that have been raised by the hon. mover. Now I do not think that I should repeat the arguments that were placed before the House by me. I have already pointed out the difficulties of the Government in becoming a party to such a legislation. However the Government is prepared to have the Bill circulated for eliciting public opinion, and in that view of the matter, I agree to the motion.

The Hon'ble the SPEAKER: The question is :

"That the Goalpara Tenancy (Amendment) Bill, 1941, be circulated for eliciting public opinion by the 30th June, 1941."

The motion was adopted.

The Hon'ble the SPEAKER: The original motion now falls through.

The Sylhet Non-Agricultural Tenancy Bill, 1941 by Maulavi Abdul Aziz

Maulavi ABDUL AZIZ: Sir, there are two Bills against my name. Item No. (v)* raises the same subject as that of the Bill mentioned in item No. (vi)†. Item No. (vi) is a temporary one, but the Bill mentioned in item No. (vi) is a permanent one. Sir, I beg leave to move the Bill mentioned in No. (vi). This Bill is a permanent one and will be helpful for the House.

The Hon'ble the SPEAKER: I find that there is a similar Bill standing in the name of Babu Akshay Kumar Das. I see he is absent. But I do not know if he will want to move it.

Maulavi ABDUL AZIZ: That will be a permanent one. It will therefore be helpful for us to move item No. (vi) first, and I will move item No. (v) then.

The Hon'ble the SPEAKER: Very well.

Maulavi ABDUL AZIZ: I beg leave of the House to move to leave to introduce the Sylhet Non-Agricultural Tenancy Bill, 1941.

The Hon'ble the SPEAKER: Motion moved.

"That leave be granted to introduce the Sylhet Non-Agricultural Tenancy Bill 1941."

(After a pause)

The motion was put and adopted.

(The Secretary then read the title of the Bill.)

Maulavi ABDUL AZIZ: Sir, I beg to move that the Sylhet Non-Agricultural Tenancy Bill 1941, be taken into consideration.

In moving this motion I beg to explain the principles of the Bill as follows. Sir, this Bill concerns a section of our people who happen to live in towns and in big Bazaars. The dwellers in towns and big Bazaars are the most important sections of the people. They are the intelligentsia of the people; but unfortunately, Sir, there is no law granting them protection against the vagaries of their landlords on whose land they have their dwelling houses and where they carry on their business. The present Bill is introduced with a view to create rights in favour of those unfortunate residents of towns, big Bazaars and market places. The principle of this Bill is well-known to this House as, as early as 1937, a Bill on the same subject was introduced in this House. That Bill was twice passed by this House. But the members of the Upper House did not see eye to eye with us and have differed from us, and the present position is, so far as that Bill is concerned, that it awaits decision in a joint sitting of the Legislature.

There is another fact which prompts me in bringing in the present Bill. There is a slight difference between that Bill and the present Bill. That Bill was concerned with only one town of the District of Sylhet. The present Bill is wider in its scope as it includes all Municipal towns, Bazaars and market places; but the principle is the same. The first principle is that occupancy right should be given to all residents in Municipal towns and dwellers in big Bazaars and market places in the district of Sylhet. For creation of this right, I have proposed 10 years' continuous dwelling

* The Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941.

† The Sylhet Non-Agricultural Tenancy Bill, 1941.

within a Municipal area or a market place or a Bazar. A man ought to live for ten continuous years in a particular place or land within the Municipality to have the right of occupancy in respect of the land on which he has got dwelling house. At present the relation between landlord and tenant is regulated by agreement subsisting between the parties. There is no statute granting the right of occupancy in respect of his land even if he has been on the land for hundreds of years. So this is a very helpless state of things and circumstances in which people are now living in towns and Bazars. The present Bill wants to remove that helplessness of the inhabitants of the Municipal towns and bazars in the district of Sylhet. Now, because of the absence of a statute regulating the relation between the landlords and the tenants, the landlords occasionally exercise *Julum* on the tenants especially during the time of election to the Legislature and Local Bodies. Whenever there is any difference between the landlord and the tenant as regards any particular matter, the landlord exercises *Julum* on the tenants and thus there is enough opportunity for him to coerce the tenants.

Sir, another sort of oppression or high-handedness which generally the landlords exercise against the tenants is when the term of a particular contract ends. They demand exorbitant *salamis* and they extort conditions which very often interfere with the freedom of the tenants. So in this view of the thing, I have provided how *salamis* is to be regulated. I have also provided how the rate of rent should be enhanced and also the period during which the landlords cannot claim enhancement of rent. I have also provided in the Bill that when a tenant is ejected, he should be granted certain amount of compensation for the building and other valuable structures which he constructed on the land. At present, Sir, when an ejection decree is passed against a tenant, he gets nothing by way of compensation for building and structures made by him. Sir, in short, these are the principles on which the present Bill is based. The principles of this Bill are well-known to the hon. members of this House and they have already discussed these principles several times within the walls of this House. So I invite the hon. members to accept this Bill and give the dwellers in towns and Bazars a permanent right on land on which they invested large sums of money. It is quite in the fitness of things and justice that they should have this right and they should be given protection against the vagaries and high-handedness of their landlords.

If the hon. members care to go through the Statement of Objects and Reasons, they will find me saying "It is therefore essential that the landlord's unlimited and illimitable rights to ejection of non-agricultural tenants, enhancement of rent and realisation of *salami*, etc., should be adjusted and regulated to suit the needs of the present-day society. With this end in view the Bill is sought to be introduced".

Sir, with these few words, I move my motion for the acceptance of the House.

The Hon'ble the SPEAKER: The Motion moved:

"That the Sylhet Non-Agricultural Tenancy Bill, 1941 be taken into consideration."

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, the Bill as it is introduced by the hon. mover has not had enough time to be thoroughly scrutinised by the hon. members of this House. I very well remember that I did not get much time at my disposal to look to the

pros and cons of the Bill and with this view in mind, I beg to move an amendment to the motion of the hon. mover that the Bill be referred to a Select Committee consisting of the following members and the Committee should submit their report by the 31st May, 1941:

1. Babu Akshay Kumar Das,
2. Mr. A. Whittaker,
3. Babu Kamini Kumar Sen,
4. Maulavi Muhammad Maqbul Hussain Chaudhury,
5. Khan Bahadur Maulavi Mahmud Ali,
6. Maulavi Abdur Rahman,
7. The Hon'ble Minister in-charge, and
8. Maulavi Abdul Aziz.

Five members will form the quorum.

The Hon'ble the SPEAKER Did the hon. member take the consent of the members before?

Maulavi ABDUR RAHMAN Yes, Sir, I have taken the consent of the members except Mr. Whittaker.

The Hon'ble the SPEAKER I have repeatedly ruled that before moving a motion for referring a Bill to a Select Committee consent of the members whose names are proposed should be taken first.

Maulavi ABDUR RAHMAN I have put down the name of Mr. Whittaker because he is the Leader of the Opposition group.

The Hon'ble the SPEAKER Then I take it that the members whose names are mentioned are agreeable to be on the Select Committee, proposed.

Mr. A. WHITTAKER No, Sir. I wish to propose an amendment to the motion of Mr. Rahman. I think, this is a Bill which will take much time to consider as it refers to the existing rights of landlords and the existing privileges of the tenants. As far as I am aware, there is no province in India in which occupancy rights have been conferred on town dwellers and before we embark on this we should see just how revolutionary it is. Those persons who will be affected adversely and disadvantageously, should, I think, have an opportunity of considering it. I bring this motion particularly because I find that this House has only 25 members at the present moment. I doubt whether we are acting democratically if we seek to deprive a large number of people of their rights by a snap vote of only 25 persons. I therefore propose an amendment that this Bill be circulated for eliciting public opinion thereon.

The Hon'ble the SPEAKER I have not yet placed the motion before the House.

Amendment moved:

"That the Sylhet Non-Agricultural Tenancy Bill, 1941, be referred to a Select Committee consisting of the following members and that the Committee should submit their report by the 31st May 1941:—

1. Babu Akshay Kumar Das,
2. Mr. A. Whittaker,
3. Babu Kamini Kumar Sen,
4. Maulavi Muhammad Maqbul Hussain Chaudhury,
5. Khan Bahadur Maulavi Mahmud Ali,
6. Maulavi Abdur Rahman,
7. The Hon'ble Minister-in-charge, and
8. The mover (i.e., Maulavi Abdul Aziz).

Five members to form a quorum."

Mr. A. WHITTAKER: May my name be withdrawn from the list of the members of the Select Committee?

The Hon'ble the SPEAKER: Yes, Mr. Whittaker is not agreeable to be on the Select Committee.

Babu AKSHAY KUMAR DAS: May I suggest the name of Babu Bepin Behari Das in place of Mr. Whittaker?

The Hon'ble the SPEAKER: Mr. Rahman wants somebody from the European group.

Maulavi ABDUR RAHMAN: Yes, I request Mr. Whittaker to name somebody from his group.

Mr. A. WHITTAKER: Any nomination from the members of my group might presuppose acquiescence in the terms of the Bill. I must therefore decline the invitation of Maulavi Abdur Rahman.

The Hon'ble the SPEAKER: There is no other alternative. You should mention some other name.

Maulavi ABDUR RAHMAN: As Babu Akshay Kumar Das has suggested the name of Babu Bepin Behari Das, I have no objection to that. May I now speak in support of the Bill?

The Hon'ble the SPEAKER: The hon. member should have finished his speech before the Chair was required to read the motion before the House. I thought the hon. member had finished his speech. Mr. Whittaker may speak if he likes.

Mr. A. WHITTAKER: Mr. Speaker, Sir, there is no need for repeating the arguments I used a few minutes ago when describing this Bill as a very large invasion of existing rights. Maulavi Abdul Aziz described it as a wide extension of the principle in a highly contentious Bill which is now due to come before a Joint Session. This highly contentious Bill has taken three years to reach its present stage. So it is not unreasonable to ask that before there is any extension of this contentious principle, the Bill be submitted to the public for eliciting their opinion.

I would therefore formally move an amendment to the motion that the Bill be circulated for eliciting public opinion by the 31st of August, 1941.

The Hon'ble the SPEAKER: Amendment moved:
"That the Sylhet Non-Agricultural Tenancy Bill, 1941, be circulated for eliciting public opinion thereon by the 31st of August, 1941."

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I very much regret to say that I am unable to accept the motion that has been moved by my friend Maulavi Abdul Aziz and by my friend Maulavi Abdur Rahman, because the Government at this stage cannot accept the principles of the Bill. But I am perfectly willing to have this Bill circulated for eliciting public opinion as has been moved by Mr. Whittaker. Now the hon. member-in-charge has mentioned that the principles of this Bill have been taken from the Sylhet Town Tenancy Bill which is still pending a decision of the Joint Session. Hon. members will remember that in the original Sylhet Town Tenancy Bill as it was introduced in the Assembly there was a provision, I mean clause 2 which ran thus—"Provided that the Local Government may, by previous notification published in the local Gazette, extend the operation of this Act to any other Municipal areas in the province of Assam". Now the Select Committee which sat to consider the provisions of that original Bill, after a good deal of deliberation, came to the conclusion that this proviso should be omitted. I do not know whether Maulavi Abdul Aziz was a member, but I think Mr. Rahman was a member of that Committee. (Maulavi Abdur Rahman: No). At any rate

Mr. Akshay Kumar Das who is also moving a similar Bill was a member. They say as the conditions of Sylhet town are different from those of any other town in the province, they do not consider that the Bill should be made applicable to any other town. That was the opinion of the Select Committee on the 23rd October 1937. If that was the unanimous opinion of the Select Committee, then I do not know what has taken place in the meantime to necessitate the extension of the provisions of that Bill to other areas in the Sylhet district. Further, this Bill seems to be a replica of the Bill that was introduced in the Bengal Legislative Assembly by Mr. Jashu Nath Kundu on the 8th December 1939. That was entitled as the Bengal Agricultural Bill, 1939. The Statement of Objects and Reasons in the present Bill has been adapted to fit in their line, with some catch words and phrases, word for word. Now I beg to submit to the members of the House that in Bengal conditions are entirely different from those in this province. In Bengal, where a temporary ordinance has been recently enacted, there was a long agitation and representation from the public, as a result of which the Bengal Government appointed a Committee to go into the conditions of the non-agricultural tenants. Now, while that Committee was still sitting, the Government felt the urgency of the matter and issued a communique requesting the landlords not to unnecessarily grieve non-agricultural tenants. The Government did not stop there but they declared that a very stringent legislative measure will be adopted if the landlords could not act up to that request. Now, as the result was contrary to what Government desired, these hon. members there are two members Mr. Kundu and Maulavi Abdul Hakim introduced two Bills on the 8th December 1939. While these Bills were still in circulation, the Government introduced that Temporary Provision Bill in January 1940. Now in the Statement of Objects and Reasons of the Government Bill, the Minister-in-charge made it clear that the legislation was brought forward to maintain the *status quo* for the time being as it was brought to the notice of the Government that steps were being taken by certain landlords to evict agricultural tenants with the object of preventing them obtaining any benefit from legislation which the Government might decide, after receipt of the recommendation of that Committee. Now this measure received the assent of the Governor of Bengal on the 24th May, 1940. I will ask the hon. members of this House whether there is any occasion here for passing or for considering a Bill of this nature. So far as Government is concerned, we have received no representation from the non-agricultural tenants of Sylhet district that they are being harassed by their landlords. The only representation that was received was from the town of Sylhet and that we have already a Bill pending. So there is no data before the House to sponsor or agree to a measure of this kind. If my hon. friends want that the conditions or the alleged harassment of the tenants by the landlords should be a matter of enquiry, they could easily come forward with a proposal for formation of a committee.

Besides, I beg to point out that by some of the provisions, clauses 3, 4 and 5 of the Bill, they propose to give retrospective effect and I think this offends against section 292 of the Government of India Act. In this view of the matter, Sir, I cannot agree to the proposal for reference of this measure to a Select Committee, but I have no objection if the Bill be circulated for eliciting public opinion.

Maulavi ABDUR RAHMAN: Sir, I oppose this motion.

The Hon'ble the SPEAKER: How many times the hon. member will speak?

Maulavi ABDUR RAHMAN: I will speak a few words, Sir, opposing the amendment moved and hence I think have got a right to speak.

The Hon'ble the SPEAKER: No, the hon. member has no right. The hon. member moved an amendment and spoke. He has no right to speak again.

Babu AKSHAY KUMAR DAS: Sir, I support the motion moved by my friend Maulavi Abdur Rahman. I have also a similar Bill to be introduced to-day. I have heard the Hon'ble Minister and I am surprised. He told in this House that he had not heard of any oppression on the tenants of Sylhet. Sir, I am afraid, my friends, the members of this House may be displeased with me when I say that on the 20th December last, I heard that some of the Hon'ble Ministers had been severely rebuked by one of the landlords of Sylhet for the simple reason that the Hon'ble Ministers could not carry out the desire of the landlord. Sir, if the Government is rebuked in this way, are we not right when we say that the tenants are rebuked and oppressed much more.....

The Hon'ble the SPEAKER: The hon. member is taking a grave responsibility. He is asserting that the Hon'ble Ministers were rebuked.

Babu AKSHAY KUMAR DAS: We heard, Sir, and so far as I know about the Municipal affairs in the matter of appointment.....

The Hon'ble the SPEAKER: These are irrelevant.

Babu AKSHAY KUMAR DAS: But these are true. Sir, the town of Sylhet is a big town. A landlord has nothing to pay for his land whereas the tenants are to pay exorbitant rents. Again, the tenants simply live there at the whims of the landlords. There is lease system and when the lease expires, the landlord will come and ask for exorbitant rent and if the tenant does not agree, he will ask the tenant to vacate. Sir, this is the condition in Sylhet and I can say that the Hon'ble Minister perhaps has not followed the Bill *in toto*. We want to have this Bill to give protection to the non-agricultural tenants throughout the district of Sylhet. The non-agricultural tenants do not live only in towns. There are non-agricultural tenants who live even in villages. So, Sir, I do not like to talk much about the Bill because a similar Bill, of course not altogether similar, has been discussed in this House more than a year before. That Bill has been shelved. That Bill has been passed by the Lower House. It went to the Upper Chamber who turned it back and we sent it again to the Upper House, but the Government is not calling the Joint Session. Then are we not, Sir, to save the people by sponsoring a similar Bill? On account of this, Sir, my friend and I have brought this Bill and I hope every member of this House will support the Bill.

Mr. BAIDYANATH MOOKERJEE: I think, Sir, I shall be failing in my duty if I do not thank my Hon'ble friend, Khan Bahadur Sayidur Rahman, for taking the right attitude at least in this matter. Sir, sometimes when I differ from him I take the opportunity and do not spare him to criticise; so as an honest and sincere member of this House, I think, it is my duty also to thank him for the right attitude he has taken. Sir, he has fully dealt with this matter and he has practically minimised my work because, Sir, when the Sylhet Town Tenancy Bill was brought before this House I had to fight tooth and nail single-handed, but this time I am really very glad that both the European Group and the Treasury Bench are behind me, not to please me, but to do justice, for all those for whom they are

here to-day. Sir, this is the right attitude they have taken because they are here not only for the tenants but for the Zemindars also. As the Zemindars pay revenue to the Government, they are also therefore tenants. So the attitude of the Government should be for doing justice to all and for adjustment. Sir, the motion moved by Mr. Whittaker for speeding up the Bill, I think, is the right course that we should take up at present. As it has been said, Sir, that there was another Bill, was called the Sylhet Town Land Tenancy Bill before this House not only once but twice and was withdrawn on the face of that Bill, because of the revolutionary nature of the said Bill, the other House was compelled to turn back the Bill, came with some extraordinary amendments. Sir, that was meant only for a particular town, but this Bill is meant for all the non-agricultural lands of the district. It has been rightly pointed out by the Hon'ble Revenue Minister that there was a provision in that Bill to the effect that the Local Government's notification might extend the provisions of that Bill to all the Municipal areas of the province, but as the members of the Select Committee agreed unanimously that as alleged when only the Zemindars of the Sylhet town were causing trouble to the tenants, there was no necessity for keeping that provision in the Bill and consequently that clause was deleted. But now I find that there are other Zemindars also, in other towns, who are belonging to the category of the landlords of the Sylhet town. Sir, it is not the tenants or the landlords but the greediness of the tenants that is responsible for all these troubles.

Sir, as I said before, I repeat it again and with firm conviction, that by bringing forward this sort of legislation we are creating troubles. Only the other day we were told that there were no troubles in any other town except the town of Sylhet, but now the troubles have spread over all other towns of the district as well. What is the reason? Some people, while enjoying special benefits and special consideration from their landlords take advantage of them and want to deprive the landlords of their real rights which is very sad. However the landlords have also the right to protect their own interests; so it is better to proceed cautiously and slowly.

Now, Sir, I think that the hon. members who have advocated for referring the Bill to a Select Committee will consider and consider seriously about the motion moved by Mr. Whittaker. Why this unusual hurry? We passed a Bill in hurry and we know the result. I may in this connection mention the Money-lenders' (Amendment) Bill too, which was passed hurriedly by this House and which was so much defective and one-sided that even before the incorporation of the measure into the Statute Book the result has been disastrous.

So, Sir, in the fitness of things, I hope the hon. members will agree to the motion moved by Mr. Whittaker that the Bill be circulated for eliciting public opinion.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I rise to oppose Mr. Whittaker's motion. Much has been said about the Sylhet Town Land Tenancy Bill in this connection. Sir, the Hon'ble Minister, Revenue, said that the Select Committee constituted in connection with the Sylhet Town Land Tenancy Bill rectified some clause of that Bill the aim of which was that the Local Government when they intended could extend the provisions of that Act to other Municipal towns of the Province. Regarding that there was some difficulty because the Bill was meant only for the town of Sylhet, but the Bill under discussion now is meant for all the towns in the district of Sylhet. I simply get amused to hear Mr. Mookerjee when he praised the honesty of the Hon'ble Revenue

Minister, though the other day, while discussing the Budget, he questioned the honesty of the Hon'ble Khan Bahadur (*laughter*). He frequently mentions the word "trouble". I fully realise that this kind of legislation give him much trouble of mind and I really sympathise with him (Mr. Mookerjee: I sympathise with you too). He remarked that the Bill was revolutionary. May I ask him why he is so much afraid of revolution? It is revolution which is giving proper shape to the world. The work that cannot be done in a century by evolution can be done in a much shorter time by means of revolution. Only put the letter "r" before evolution and it becomes revolution. The time has undoubtedly come when we must pass more revolutionary Bills for the interest of the people whose rights have been suppressed by the so-called Zemindars.

This Bill, as sponsored by hon. Maulavi Abdul Aziz, is meant to give some rights to the tenants living in towns and Bazars. I know of an instance, Sir, where for the whims of a Zemindar the tenants of a certain Bazar had to vacate their quarters. Though we resented this, there was no legislation by which we could give the tenants any protection. When the Sylhet Town Land Tenancy Bill was under discussion, I remember Maulavi Abdul Aziz raised the question of a legislation of this nature. But that question could not be considered in connection with that Bill because the aim of that Bill was limited to a particular town. So, he has brought forward this Bill (Mr. Mookerjee:—Question). I heartily support the motion moved by Maulavi Abdur Rahman. The Hon'ble Revenue Minister has said that there are some defects in the Bill; but those defects can be removed by the Select Committee which, I think, will be presided over by him.

With these few words, Sir, I oppose Mr. Whittaker's motion and support the motion of my hon. friend Maulavi Abdur Rahman.

Maulavi ABDUL AZIZ: Mr. Speaker, Sir, I am really sorry to note the attitude of the Hon'ble Revenue Minister with regard to my Bill. He said that he could not accept the Bill and he tried to justify his position by taking recourse to the Bengal legislation. He tried to argue that the conditions in Bengal were different from those in Assam, but I must tell him that the legislation which I have introduced does not relate to Assam; it relates to a district of Assam whose conditions are quite identical with the conditions prevailing in Bengal districts. This district of Assam once formed part of Bengal, but was subsequently tacked to this province. The land system prevailing in Sylhet is the same as the land system prevailing in Bengal. The Hon'ble Finance Minister said that this was a revolutionary Bill or a new Bill. But I should like to tell him that this is not a revolutionary Bill, but only an evolutionary Bill by which I want to give the most important section of our people a creative right which they have not for so long a time. The agricultural people have their right; they can sell their land and there is a law regulating the payment of their rent; whereas the people living in the towns and doing business there, have no right to sell their land—the land on which they have spent thousands of money to raise *pucca* buildings and structures. Sir, I am speaking for these people, who are the intelligentsia of our society, but whose rights in the matter of their dwellings are nowhere.

The Hon'ble Revenue Minister says that there is no demand from the people of Sylhet. But I should like to tell him that we are the representatives of the people and I would ask him what more demands does he require from the people? The Revenue Minister said that they had to delete a similar proviso from the Sylhet Town Land Tenancy Bill. But I

should like to tell him that that Bill was for a particular town and so the proviso was redundant and the Select Committee did right to delete it.

Sir, much has been said by Mr. Mookerjee of the 12th date. But I say, Sir, trouble or no trouble, it is the duty of the Government to legislate where legislation is wanted and where justice and equity demand legislation. In the case of this unfortunate class of people, for whom I have brought in this Bill, they are denied justice and equity and, whether there is a demand or not, they should get the benefit of legislation.

With these words, Sir, I support the motion of Master Abdul Rahman for reference of the Bill to a Select Committee. For the information of Mr. Whittaker I would like to tell him that the Sylhet Town Land Tenancy Bill was circulated for opinion and the majority of opinion was in favour of legislation. Even apart from all this, justice, equity and common-sense demand that there should be a legislation in order to create a status to these tenants. I, therefore, hope that this Hon'ble House will give their due consideration to these facts.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I do not understand how the hon. member says that by merely bringing forward such a Bill he is giving vent to the demand of the people. I expected to hear from him specific instances wherein the landlords have been oppressing the non-agricultural tenants in the district of Sylhet. But he has thrown no light on that point. Nor have I, during the course of these four years, heard of any such specific allegations made in this House. The position is this, Sir, that we are being asked to legislate without knowing the actual relationship between the landlords and the non-agricultural tenants of the Sylhet district.

Secondly, my hon. friend said that Sylhet is a district in which the conditions are identical with those of Bengal. But may I point out that this Bill has gone far beyond the scope of the Bengal Bill itself? The hon. Mr. Whittaker has already drawn the pointed attention of this House to the fact that there is a provision here for conferring occupancy rights on the non-agricultural tenants, which is a measure quite foreign to the tenancy legislations hitherto adopted in India. This Sylhet Town Land Tenancy Bill was supposed to have been drafted on similar lines to the Madras Act III of 1922. Now, there is an Act to give protection to certain classes of tenants in the city of Madras. I went through the provisions of that Act, but failed to find any provision there for giving occupancy right to the tenants. Similarly in the Bengal Bills that were sponsored by private members before the Legislature there was no such provision by which occupancy rights were given to non-agricultural tenants. So, I say, Sir, that this legislative measure that has been brought forward is much too premature, the principles of which cannot be approved by the House at this stage.

The Hon'ble the SPEAKER: Order, order. The question is:

"That the Sylhet Non-agricultural Tenancy Bill, 1941 be circulated for eliciting public opinion thereon by the 31st August 1941."

'The Assembly divided.

Ayes—35.

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|---|---|
| 1. The Hon'ble Maulavi Saiyid ur Muhammad Saadulla. | 16. Khan Bahadur Maulavi Mah- mud Ali. |
| 2. The Hon'ble Srijut Rohini Ku- mar Chaudhuri. | 17. Khan Bahadur Maulavi Mufi- zur Rahman. |
| 3. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 18. Mr. F. W. Blennerhassett. |
| 4. The Hon'ble Khan Sahib Mau- lavi Mudabbir Hussain Chau- dhuri. | 19. Mr. N. Dawson. |
| 5. The Hon'ble Dr. Mahendra Nath Saikia. | 20. Mr. W. R. Faull. |
| 6. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 21. Mr. P. Trinkle. |
| 7. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 22. Mr. C. W. Morley. |
| 8. The Hon'ble Miss Mavis Dunn. | 23. Mr. D. B. H. Moore. |
| 9. The Hon'ble Srijut Rupnath Brahma. | 24. Mr. A. Whittaker. |
| 10. Mr. Baidyanath Mookerjee. | 25. Mr. Benjamin Ch. Monu. |
| 11. Srijut Joges Chandra Gohain. | 26. Srijut Bhairab Chandra Das. |
| 12. Babu Kamini Kumar Sen. | 27. Srijut Bideshi Pan Tanti. |
| 13. Mr. Naba Kumar Dutta. | 28. Srijut Binode Kumar J. Sar- wan. |
| 14. Maulavi Syed Abdur Rouf. | 29. Rev. L. Gatphoh. |
| 15. Maulavi Badaruddin Ahmed. | 30. Mr. C. Goldsmith. |
| | 31. Mr. Jobang D. Marak. |
| | 32. Rev. J. J. M. Nichols-Roy. |
| | 33. Srijut Karka Dalay Miri. |
| | 34. Srijut Khorsing Terang. |
| | 35. Babu Sanat Kumar Ahir. |

Noes—14

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| 1. Babu Akshay Kumar Das. | 8. Maulana Abdul Hamid Khan. |
| 2. Babu Bipin Behari Das. | 9. Maulavi Abdur Rahman. |
| 3. Srijut Jogendra Narayan Man- dal. | 10. Maulavi Md. Abdus Salam. |
| 4. Babu Kalachand Roy. | 11. Maulavi Muhammad Amjad Ali. |
| 5. Srijut Ram Nath Das. | 12. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 6. Maulavi Abdul Aziz. | 13. Maulavi Naziruddin Ahmed. |
| 7. Maulavi Abdul Bari Chaudhu- ry. | 14. Srijut Rabi Chandra Kachari. |

The motion was adopted.

The Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941 By Maulavi Abdul Aziz

Maulavi ABDUL AZIZ: Sir, I beg to move the motion for the consideration of the Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941.

The Hon'ble the SPEAKER: Motion moved.

"That leave be granted to introduce the Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941."

(After a pause)

The motion was put and adopted.

(The Secretary then read the title of the Bill.)

Maulavi ABDUL AZIZ: Sir, I move that the Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941 be taken into consideration.

Sir, I need not make a long speech on this Bill. It has been needed only to give benefit to those unfortunate persons who are against whom ejectment decrees have been passed but who are innocent. It is only to benefit those people that this Bill has been necessitated.

Sir, as the Hon'ble Revenue Minister has already said that a similar Bill has been passed in Bengal where ejectments have been postponed for three years, our Government may pass a similar Bill to protect dwellers in towns and Bazaars at least for three years. This temporary Bill has been, as already stated, necessitated by the fact I have already introduced will naturally require some time before the law. In the meantime, suits of ejectment may be brought against them and they may be deprived of their valuable dwellings and residences. It is to protect them against wilful ejectment by landlords during the next three years that the present proposal that a decree of ejectment should be stayed, i.e., should not be put into execution, has been brought.

I need not make a long speech. This has been discussed by hon. members. The present Bill is necessary pending the time the other Bill is passed into law. I commend therefore my motion to the House. There is only one clause, Sir, which is important. It is clause 3, which reads as follows:—

"Notwithstanding anything contained in any other Law for the time being in force, all proceedings in any Court for delivery of possession in execution of a decree for ejectment of a non-agricultural tenant shall be stayed after the thirtieth day of March 1941, and for the period during which this Act continues in force:

Provided that the provisions of this section shall not apply to any proceeding for delivery of possession in execution of a decree for ejectment of such tenant on account of—

(a) non-payment of rent by such tenant, or

(b) the breach by such tenant of any condition specified in any agreement in which the breach of such condition is specified as rendering such tenant liable to ejectment."

This is the only important clause whereby I propose to keep a decree of ejectment stayed for three years from the 30th day of March 1941. To make a legislation on non-agricultural tenancy complete in its scope, I bring in this Bill. I hope the Hon'ble House will accept my motion and lend their support to it.

The Hon'ble the SPEAKER: Motion moved:

"That the Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941 be taken into consideration."

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I am again compelled by circumstances to oppose the consideration of this Bill. Now, in the Bill, it is said that it shall extend to all areas in the district of Sylhet which have been or may hereafter be constituted a Municipality under the provisions of the Assam Municipal Act. It is stated by the hon. mover who has brought forward this Bill that in order to maintain the *status quo* this has been brought. Had he brought the measure only with reference to the town of Sylhet, of course, this measure could have been considered. But this measure is supposed to extend to all the towns of the Sylhet district.

Now, I beg to submit, Sir, that the circumstances which led to the enactment of that temporary provision in Bengal, do not exist here. I have already read out to this Hon'ble House the Statement of Objects and Reasons by the Minister-in-charge of the Government Bill in Bengal.

Maulavi ABDUL AZIZ: On a point of information, Sir. Has the Bengal Act been a general Act or is it for a particular town?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The hon. member has not followed my argument.

It is stated in the Statement of Objects and Reasons of the Bengal Ordinance that it had been brought to the notice that steps were being taken by certain landlords to evict non-agricultural tenants from their holdings with the object of preventing them from obtaining the benefit of any legislation which Government has decided to introduce after the receipt of the recommendation of the Committee.

Here there is no representation to Government and there is no such legislation contemplated by this Government or even by the Legislature and secondly had we received any such allegations in the representations that the landlords in the district of Sylhet were going to evict non-agricultural tenants from their holdings with the object of thwarting the effect of any legislation, certainly we would have considered the matter. So in the absence of such circumstances, Sir, the analogy of Bengal will not apply here and for these reasons I oppose this motion.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, may I know if there are Municipalities in the district of Sylhet.

(Voices—Yes, there are five Municipalities in the Sylhet district.)

Mr. JOBANG D. MARAK: Sir, in that case I am willing to support the motion; because I do not see any reason why the other Municipalities should be excluded in this matter.

The Hon'ble the SPEAKER: The hon. mover may reply.

Maulavi ABDUL AZIZ: Sir, the Hon'ble Revenue Minister says that there was a demand made to the Bengal Minister for making law to remove such grievance whereas there is no such demand here. He also says that there are no such circumstances here justifying such a Bill in the district of Sylhet, but as I have already said, I have just introduced a permanent Bill on non-agricultural tenancy and the present Bill is only a temporary measure for three years. The object of this Bill is to give an opportunity to every man to derive benefits from that Bill if it is passed into law. The aim of my present Bill is to give *status quo* to every dweller. This Bill will be a beneficial one. So the question of circumstances justifying the present Bill does not arise. Circumstances are already there and for the enlightenment of the Hon'ble Minister, I may inform him that there have already been several ejectment suits in the towns of the district and most of them have, by this time, passed into decrees and are awaiting execution. My

idea is, Sir, that when we have introduced a legislation on non-agricultural tenancy, we should make the scope of the Bill wider and for this I move that a temporary provision should be made so that status quo should not be disturbed in the meantime. So I do not see there is any harm in accepting my present motion. With these few words I occupy my seat.

The Hon'ble the SPEAKER: Has the Hon'ble Minister got to say anything?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I have nothing to add more, but I can say as far as I can that this is a matter on which the members of the House must decide. I mean the supporters of Government, may vote as they like.

The Hon'ble the SPEAKER: The question is—

"That the Sylhet Non-Agricultural Tenancy (Temporary Provisions) Bill, 1941, be taken into consideration."

The motion was negatived.

Resolution to abolish the newly-created branch of the Assam Education Service described as class III and to place the present staff of Assistant Lecturers in class II of the same.

The Hon'ble the Speaker: The next item of business is private members' resolutions. Hon. Babu Kamini Kumar Sen may move his resolution.

Babu KAMINI KUMAR SEN: Sir, I do not like to move my resolution as I find that my hon. friend Mr. Mookerjee has also got the same resolution standing separately in his name and that resolution has got the second place in the ballot.

The Hon'ble the SPEAKER: Then I call upon Mr. Mookerjee to move his resolution.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg to move, "That this Assembly is of opinion that Government do take immediate steps to abolish the newly-created branch of the Assam Education Service described as class III and to transfer the present staff of Assistant Lecturers in both the Colleges of the province who are now in class III of the service to class II of the same."

Sir, I will not take much time of the House. I shall simply state that after the creation of a new class III of the Assam Education Service with the incorporation into it of 18 highly qualified young people, they have been placed in a position of great difficulty. Sir, their scales of pay at present is from Rs.100 to Rs.225. The members of class I, II and III of the Assam Education Service are drawn from the same Indian society, possess same academic qualification, execute same kind of work and bear same responsibility and live in the same standard of life; but the pay, prospect and status of the three grades are in an extent unknown in any branch of public services similarly circumstanced. Sir, the initial pay of Rs.100 is hardly enough for bare subsistence not to speak of maintaining the status and the standard of a college teacher. Nowhere in India in the Provincial Educational Services, are the college teachers so poorly paid as the Assistant Lecturers in class III of the Assam Education Service. Sir, the difficulty is still greater in case of these unfortunate lecturers who have been posted at Sylhet. Sir, some of the Lecturers, at present posted at Sylhet, come from other places. They are not the inhabitants of the town of Sylhet and so they have to hire houses and I hope most of the hon members of this House are in the know that it is rather costly

to hire a house in towns like Syihet and Gauhati. Moreover they are to go to the College after covering a distance of about three miles.

Sir, it is curious enough that some people of no superior qualifications are appointed as Lecturers whereas others are taken in as Assistant Lecturers, and in some cases with better qualifications. At the same time the difference of pay, if you compare, will be found most unfavourable. The Lecturer's scale is from Rs.175 to Rs.450 whereas the scale of the Assistant Lecturer is from Rs.100 to Rs.225. Sir, there being not many posts in the higher grade of the educational service as it is in other provinces, say Bengal and there being no provision for automatic promotion from class III to class II, naturally the young people who enter the service are very much disappointed. Sir, I understand that the Assistant Lecturers have submitted a memorial to our Government and there they have suggested some alternative proposals—one is exactly like my resolution and the other is if the Government intend to retain the class III of the Assam Education Service a revision of the scale of pay is requested on the lines suggested below. Sir, now I am quoting from their memorial:—"Assistant Lecturer of the Assam Education Service from Rs.150—10—425. Secondly members of class III of the Assam Education Service be in no case superseded by one in the Assam School Service or by a new recruit. Thirdly the authorities be pleased to select Superintendents of the College Hostels from among the poorly paid Assistant Lecturers of the Assam Education Service and lastly in the matter of travelling allowance, members of class III of the Assam Education Service may enjoy the same privileges as the members of class II service."

Sir, I also understand that these Lecturers approached the Hon'ble Premier and the Hon'ble Education Minister and they are surely in the know of the facts, so I do not like to deal with the subject any further. I also naturally expect that the Hon'ble Ministers are also sympathetic to these Assistant Lecturers. So without taking much time of the House I resume my seat with the hope that my resolution will be accepted or the Government will accept the alternative as prayed for in their memorial by the Assistant Lecturers.

The Hon'ble the SPEAKER: Resolution moved:

"That this Assembly is of opinion that Government do take immediate steps to abolish the newly-created branch of the Assam Education Service described as Class III and to transfer the present staff of Assistant Lecturers in both the Colleges of the Province who are now in Class III of the service to Class II of the same."

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, I should like to take it up on the next day.

The Hon'ble the SPEAKER: Any other hon. member wishing to speak?

Mr. NABA KUMAR DUTTA: Mr. Speaker, Sir, in a society where a man's prestige, position and ability to maintain efficiency depend on money, it is not fair to victimise a particular section of the public servants, I should say a very important section of the public servants who play an important part in the educational sphere, by allowing them a low scale of pay. Sir, I see no reason as to why these teachers should be allowed a scale of pay much lower than that of the members of the Subordinate Civil Service of the province. These Assistant Lecturers are undoubtedly the brilliant products of the University and we expect that their activities should not be confined within the four walls of the Colleges, but they should make valuable contributions to the culture and learning of the people of the

country. But, Sir, who can expect them to make any real contributions for the good of the people when their mind is so completely engaged in the thought for their daily bread? In other countries, especially in other parts of India, no Lecturer is paid very high, but he is paid a good very low. The minimum standard is rigidly maintained. Moreover, no man can live on mere prestige and prestige alone can never be maintained without money in our society in which it is individualism and not socialism that prevails. As a matter of fact, owing to this low salary scale, very few educated men go for these posts and I should think that is for this reason these Assistant Lecturers appeared in a large number in the last Civil Service examination. I hope, Government will give due consideration to improve the lot of these Assistant Lecturers and to remove the inequities which now exist.

Adjournment

The Assembly was then adjourned till 11 a.m. on Tuesday, the 11th March, 1941.

SHILLONG.

The 25th April, 1941.

A. K. DABLA,

Secretary, Legislative Assembly, Assam.

ASSAM LEGISLATIVE ASSEMBLY
GOVERNMENT OF ASSAM

GOVERNOR OF ASSAM

His Excellency Sir ROBERT NIEL REID, K.C.S.I., K.C.I.E., I.C.S.

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