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Dear Sir,  
I have the honor to acknowledge the receipt of your letter of the 5th inst. in relation to the above matter.

I am sorry to hear that you are having trouble with the machine. I will try to get you a new one as soon as possible.

I am sure you will be satisfied with the new one. I will let you know when it is ready for you.

I am very sorry to hear of your trouble and hope to hear from you again soon.

I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]

Very truly yours,  
J. H. [Name]

Enclosed find [unclear]

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

The Assembly met in the Assembly Chamber, Shillong, at 11 a.m., on Monday, the 3rd April, 1939.

## QUESTIONS AND ANSWERS

### STARRED QUESTIONS

(to which oral answers were given)

#### Appointments in Wards' Estates

Maulavi GHYASUDDIN AHMED asked† :

\*226. Will Government be pleased to state—

- (a) the number of officers including clerks in the Bijni and Mechpara Wards' Estates who have put in 30 years service ?
- (b) How many of them are above 55 years ?
- (c) Do Government propose to apply the same principle to the Wards' Estate officers as is done in the case of the Government officers in respect of their retirements ?

\*227. (a) Will Government be pleased to state the reasons which were given by the Manager, Mechpara Ward's Estate when the post of the Superintendent was created there ?

(b) How many applications were received by him when the post was advertised and who was appointed ?

\*228. Will Government be pleased to state—

- (a) The name of the present additional Superintendent of the Bijni Ward's Estate ?
- (b) Whether the post was advertised ?
- (c) If not, why not ?
- (d) Is it a fact that the gentleman appointed in the post is in the service of the Estate for more than 35 years ?
- (e) Will Government be pleased to state whether they propose to retain the services of those people who have already put in more than 30 years' service ?
- (f) Are Government aware that the tenants of the Estate have been demanding the appointment of local people in the Estate services ?
- (g) If so, do Government propose to consider the claims of the local people over that post ?

† Starred questions Nos. 226-228 were taken up after starred question No. 231 as the Finance Minister was not present at that time.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

226. (a)—Bijni	...	...	...	...	17
Mechpara	...	...	...	...	Nil
(b)—Bijni	...	...	...	...	11
Mechpara	...	...	...	...	1

(A retired Forest Ranger of the Government of Assam).

(c)—No. A relaxation in case of Wards' Estate employees is to the interest of the estates concerned.

**Maulavi GHYASUDDIN AHMED** : May I know, Sir, who is that officer ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : I am not in a position to give the name of that officer.

**Maulavi GHYASUDDIN AHMED** : I want to know the designation of that officer ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : Sir, as the information was not required in the question, I am not in a position to give either the name or the designation of the officer.

**Maulavi MUHAMMAD AMJAD ALI** : May I know what class of officer he is ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : He is an officer of the Estate.

**Maulavi JAHANUDDIN AHMED** : On a point of order, Sir. When the members of this side were in Government side, a point of order was raised by my hon. friend Mr. Fakhruddin Ali Ahmed and you were pleased to give a ruling that the Hon'ble Ministers ought to come prepared or ready with all the answers and informations concerning the questions but Sir, now I find that Hon'ble Minister who raised the point of order has not come prepared with necessary information and is giving us evasive reply.

(No reply was given)

**Maulavi GHYASUDDIN AHMED** : May I know whether that officer is a retired Forest Ranger of the Government of Assam ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : It may be so. If the hon. member knows the information, I do not see any reason why he is pressing Government for such information.

**Maulavi GHYASUDDIN AHMED** : What is the age of that particular officer ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : If the hon. member was so anxious to know the ages of the officers concerned, he ought to have framed his question specifically, and then we could have given the exact dates.

**Maulavi GHYASUDDIN AHMED** : I think my question No. 226(b) covers the whole matter.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The reply is there, that in Bijni 11 and Mechpara 1.

**Maulavi GHYASUDDIN AHMED:** With regard to (c), the answer is "A relaxation in case of Wards' Estate employees is to the interest of the estates concerned". If the Government find that the retention of any such officer is not to the interest of the Estate, rather it is harmful to the Estate, are Government prepared to remove that officer?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** That is a hypothetical question.

**Maulavi JAHANUDDIN AHMED:** May I know what is the opinion of the Government about the acuteness of unemployed youths?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The principle which the Government follow has been stated in reply to question 226(c).

**Maulavi JAHANUDDIN AHMED:** Is it the principle of the Government to extend the services of a Government officer beyond 55 years, or on case of those officers who have put in 30 years' service or more?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** It all depends in what particular capacity the services of that particular officer are required. If it is the question of Government service, Government are of opinion "No"; if it is the case of Court of Wards service, Government think "Yes".

**Maulavi MUHAMMAD AMJAD ALI:** May I know on what principle this relaxation is made in the case of Wards' Estates, which are also managed by Government?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** In the light of experience it has been found that retired officers are more suitable for Court of Wards.

**Maulavi MUHAMMAD AMJAD ALI:** Born in 1857 still going strong?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** That may be so.

**The Hon'ble the SPEAKER:** Here in this House there are many gentlemen who were born in or about 1857 (*laughter*).

**Maulavi MUHAMMAD AMJAD ALI:** So also is Becks Beer, Sir, born in 1857 and still going strong. (*laughter*).

**Maulavi JAHANUDDIN AHMED:** I want to know what is the opinion of Government regarding unemployment problem among the younger generation.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** That does not arise.

**Maulavi JAHANUDDIN AHMED:** It does arise Sir. While the unemployed youths of the Estate are suffering, Government are giving employment to the retired officers from other districts. Whenever we put questions, or bring cut motions Government say that they are giving employment on provincial basis. Even in our own district retired foreigners are imported and services of foreigners extended for employment while our youths are suffering from very acute unemployment.

**The Hon'ble the SPEAKER:** Next question.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied:

227. (a)—No post with the designation mentioned has actually been created. But as there was a heavy accumulation of pending files in connection with the re-settlement of Estate purchased holdings which were being

squatted upon, the services of an officer were considered indispensable for the disposal of these cases in addition to supervision of collection of rents. Instead of appointing a whole time officer for the purpose, the Jama Sheristadar of the Estate has been placed on this special duty.

(b)—Does not arise, in view of the reply given to question 227(a).

**Maulavi GHYASUDDIN AHMED:** Are Government aware that the Manager, Mechpara Ward's Estate, wanted this post to be created on the ground that he had no confidence on his subordinates?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Government have no such information.

**Maulavi GHYASUDDIN AHMED:** Will Government enquire as to the truth or falsity of my statement?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** If it is found necessary.

**Maulavi JAHANUDDIN AHMED:** Is it not necessary while the hon. member has pointed out to the Hon'ble Minister that such is the case?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The representation made by the hon. member will be taken into consideration.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied:

228. (a)—The name of the present Additional Superintendent of the Bijni Raj Ward's Estate is Babu Durga Kumar Mukerjee.

(b)—No.

(c)—The officer was departmentally promoted to the post.

(d)—Yes.

(e)—Government see no objection to retaining the services of officers with more than 30 years' service provided they continue to be efficient.

(f)—Yes.

(g)—Does not arise so long the post is held by the present incumbent. When the vacancy will occur the claims of all suitable persons will be considered and the most suitable man will be appointed.

**Maulavi GHYASUDDIN AHMED:** Is it not a fact that there was no such post as Additional Superintendent in this Estate before the creation of this post?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am not aware of that.

**Maulavi GHYASUDDIN AHMED:** Will the Hon'ble Minister take it from me that there was no such post?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** What is the purpose of giving such information to Government?

**Maulavi GHYASUDDIN AHMED:** Because the reply is that the officer was departmentally promoted to that post. If there was no such post how could he be promoted to a superior post?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** There must have been a post.

**Maulavi GHYASUDDIN AHMED:** Will he take it from me that there was no such post, and so the question of promotion does not arise?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Supposing one is created what is the harm.

**Maulavi GHYASUDDIN AHMED:** Will the Hon'ble Minister give me a hypothetical answer, Sir? There is no question of supposition. I want to know whether it is a fact or not.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Such appointment was made because there was necessity for it.

**Maulavi JAHANUDDIN AHMED:** May I inform the Hon'ble Minister that when Maulavi A. Rahman was the Manager of this Estate, a post of Superintendent was created, and this man was declared unfit for holding that post?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The hon. member is more aware of the secrets of the administration than I am.

**Maulavi JAHANUDDIN AHMED:** Will the Hon'ble Minister take my statement and act accordingly?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** When the hon. member is more aware of the secrets of administration what is the necessity of seeking information like this.

**Maulavi MUHAMMAD AMJAD ALI:** May I enquire what Babu Durga Kumar Muketjee was doing before he was appointed Additional Superintendent of the Bijni Raj Ward's Estate?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am not aware of his activities before he was appointed to this office.

**Maulavi MUHAMMAD AMJAD ALI:** No question of activities. Is this the way of answering questions, Sir? I have good respect for the Hon'ble Minister's English learning, and his metaphorical way of answering questions. But let him come straight to the question. May I know from the Hon'ble Minister, whether he is aware that there were as many as four experienced graduates working as Dihi officers in different Tahsils, and one of them could have been given that appointment.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I have not been able to follow the purpose for which these questions are pursued. I might tell the hon. members that this appointment was not made by me.

**The Hon'ble the SPEAKER:** I think the Hon'ble Minister means that the appointment was not made by this Government.

**Maulavi MUHAMMAD AMJAD ALI:** It was done by the District Magistrate.

**The Hon'ble the SPEAKER:** What is the use of knowing what was the man doing before he was appointed? The Government which made the appointment is not in office.

**Maulavi MUHAMMAD AMJAD ALI:** It is the District Officer that makes these appointments, Sir.

**The Hon'ble the SPEAKER:** And I think they require approval of the Government.

**Maulavi MUHAMMAD AMJAD ALI:** My intention is to know whether they are going to pursue the same policy.

**The Hon'ble the SPEAKER:** That does not appear from the question.

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, from the intention of the questioner it is clear that there is some amount of unemployment and that children of the district and coming from within the zamindari—I mean local graduates—and unemployed people must be given preference. This gentleman has served for over 55 years. He is above 75 years now, and how is it that he is still going strong and efficient; whereas there are four experienced graduates working as Dihi Naibs of the Estates, any one of whom would have served better. I do not know with what intention this gentleman has been retained.

**The Hon'ble the SPEAKER:** The Hon'ble Minister has given the answer that if a man is found to be going strong and is quite capable, he is retained in service.

**Maulavi MUHAMMAD AMJAD ALI:** May I know whether he was examined, after he attained the age limit of 55 years, that he was able efficiently to run his outdoor duties then ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, the reply given by the Government is very clear in this matter. They have admitted that there is a demand from the locality that local people should be given Preference. The Government have also replied that, when there is a future vacancy, such demands will be taken into consideration. The hon. member has not been able to convince me, either by representation or on the floor of the House that there is any case for demanding that the services of this man should be dispensed with.

**Maulavi MUHAMMAD AMJAD ALI:** Am I to understand that as he has reached the age limit, Government are going to make him retire ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I do not know if he can be made to retire.

**Maulavi MUHAMMAD AMJAD ALI:** What are the conditions or terms under which he was appointed ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I wish the hon. member had wanted such information in his question.

**The Hon'ble the SPEAKER:** The Hon'ble Minister says that he is not prepared to answer this question in view of the fact that the hon. member did not want this information in his question.

**Maulavi MUHAMMAD AMJAD ALI:** Has he not used the word 'term' ? May I know the terms under which he was appointed.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** He must have been appointed under certain conditions and Government cannot dispense with the services of the officer unless and until some specific allegations can be made against him and the hon. member takes responsibility for doing so.

**Maulavi GHYASUDDIN AHMED:** In reply to (e) it has been stated that Government see no objection to retaining the services of officers with more than 30 years' service provided they continue to be efficient. Are Government prepared to follow the principle with regard to the officers under the Government of Assam ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** For the Government servants there are prescribed rules and Government have not yet decided whether these rules are to be changed.

**Maulavi GHYASUDDIN AHMED:** Government servants are guided by Fundamental Rules. There are no such rules as far as management of the Courts of Wards are concerned. May I know whether Government are going to follow such rules in their case ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** There are no such rules in the case of Court of Wards' officers.

**Maulavi JAHANUDDIN AHMED:** May I know how the Government are going to solve the unemployment problem ?

**The Hon'ble the SPEAKER:** This is a big question.

**Maulavi MUHAMMAD AMJAD ALI:** Will the Government deny that Babu Durga Kumar Mukerjee was not appointed under any conditions or terms nor for any fixed period ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am prepared to enquire.

## Holidays, etc., in the Assam Government Press

Maulavi JAHANUDDIN AHMED asked:

\*229. (a) Is it a fact that on Friday, the Muslim employees of the Assam Government Press are allowed only one and a half-hour as is the practice in other Government offices for "Jumma Prayer"?

(b) If so, will Government be pleased to state the reason why this particular class of employees are deprived of availing the usual half an hour break-time on Friday?

\*230. (a) Are Government aware that one and half-hour time is hardly sufficient for performing the "Jumma Prayer" and the Muslim employees get no time to take their refreshment on Friday after the "Jumma Prayer"?

(b) Do Government propose to allow two hours (from 12-30 to 2-30 p.m.) including usual half an hour break-time on Friday, in the case of Muslim employees in the Government Press?

(c) If not, why not?

\*231. (a) Is it a fact that the Sectional Muhammadan holidays have since been converted into general holidays?

(b) If so, why such holidays are treated as sectional holidays in the Government Press on the occasions of Id-ul-Fitr, Id-uz-Zaha and Muharram?

(c) Do Government propose to issue necessary orders in this direction allowing such holidays as general holidays in the Government Press in future?

The Hon'ble Babu KAMINI KUMAR SEN replied:

229 (a)—Yes. 12-30 to 2 p. m.

(b)—The break-time 1 to 1-30 p. m., comes in the middle of the time for the Friday prayer. Government have not deprived anybody of his break-time, and there has been no complaint to this effect.

Maulavi JAHANUDDIN AHMED: May I know, Sir, what is the time granted for "Jumma Prayers" in all other offices?

The Hon'ble Babu KAMINI KUMAR SEN: In the Secretariat, Sir, it is from 12 to 2 p.m.

Maulavi JAHANUDDIN AHMED: Is it not reducing the half-hour break time of the Press employees, for 1½ hours is given to them as compared with the two hours given in other offices?

The Hon'ble Babu KAMINI KUMAR SEN: I will give the reply to that under question No.230.

Maulavi JAHANUDDIN AHMED: May I have the reply to my question, Sir?

The Hon'ble Babu KAMINI KUMAR SEN: It is not exactly reducing half an hour, Sir. In the Shillong Secretariat the time allowed for "Jumma prayer" is from 12 to 2 p.m. and in other offices it is from 12-30 to 2 p.m. In reply to the next question I have tried to answer the question.

The Hon'ble the SPEAKER: I would ask the hon. member to call out the next question.

Maulavi JAHANUDDIN AHMED: In that case I shall have difficulty in following the answers, Sir?

The Hon'ble the SPEAKER: Very well, but I think these supplementaries arise more properly under the next question.

Maulavi JAHANUDDIN AHMED: May I know the reason why break-time is allowed to employees of the Press every day?



**The Hon'ble Babu KAMINI KUMAR SEN:** Break-time is given for recreation and refreshment.

**Maulavi JAHANUDDIN AHMED:** Is it allowed in all other offices also?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** Is not break-time allowed to the Press employees under the Factory Laws?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, it may be.

**Maulavi MUHAMMAD AMJAD ALI:** So, does it not follow that in the case of the Press employees here this break-time is not allowed?

**The Hon'ble Babu KAMINI KUMAR SEN:** It is allowed, Sir. But that time comes in the middle of the time for Friday prayer.

**Maulavi JAHANUDDIN AHMED:** As the Hon'ble Minister has replied, may I know whether the "Jumma Prayer" time is considered to be for recreation?

**The Hon'ble Babu KAMINI KUMAR SEN:** No, Sir.

**The Hon'ble Babu KAMINI KUMAR SEN** replied:

230. (a), (b) and (c)—Government will consider the proposal.

**Maulavi JAHANUDDIN AHMED:** With reference to the reply given to Mr. Amjad Ali's question, may I know, Sir, whether the "Jumma Prayer" time that is allowed to the Press employees is considered to be for the purpose of recreation also?

**The Hon'ble Babu KAMINI KUMAR SEN:** The position is this, Sir. The usual time allowed for "Jumma Prayer" is from 12-30 to 2 p.m. But owing to the small number of mosques and their distance from the Secretariat, the Secretariat employees were allowed half an hour more for the purpose that is from 12 a.m. to 2 p.m. In all other places the time is still from 12-30 to 2 p.m. This extension of time to the Secretariat employees was granted in 1936. As regards the Press employees we have received no complaint, but as the hon. member has drawn the attention of the Government in this matter, Government will consider the proposal.

**Maulavi JAHANUDDIN AHMED:** My question, Sir, is whether the time that is allowed for "Jumma Prayer" is regarded as recreation time given to the Muhammadan employees?

**The Hon'ble Babu KAMINI KUMAR SEN:** No question of recreation arises. In all other places the usual recreation period falls within the time allowed for the "Jumma Prayer".

**Maulavi JAHANUDDIN AHMED:** Am I to understand that the time for the "Jumma" is not considered as recreation?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already answered that question, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** The timing for the "Jumma Prayer" allowed to clerks of the Secretariat is 2 hours, but in the case of the Press employees it is only one hour and a half. May I know why half an hour has been cut down?

**The Hon'ble Babu KAMINI KUMAR SEN:** The usual time allowed everywhere else is 12-30 to 2 p.m. That was also the practice with regard to the Secretariat employees. But on a representation from the Secretariat employees the time was extended by half an hour about three years ago.

**Maulavi MUHAMMAD AMJAD ALI:** Is the Hon'ble Minister convinced that two hours are actually required for saying "Jumma Prayers"?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already said that Government will consider the matter.

**Maulavi JAHANUDDIN AHMED:** Am I to take it, Sir, that the Press employees will get two hours ?

**The Hon'ble the SPEAKER:** I think no further question need be put.

**Maulavi MUHAMMAD AMJAD ALI:** In place of two hours it should be two and a half hours, because half an hour is required for refreshment and other things. That is allowed by the Factory laws.

**The Hon'ble Babu KAMINI KUMAR SEN:** All that Government can do is to make the time exactly similar to that which has been granted to the Secretariat employees. It will not be possible to extend the time beyond two hours.

**Maulavi JAHANUDDIN AHMED:** Is it a fact that according to Factory Law the employees are entitled to half an hour break-time after every four hours ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I am not aware of it, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** Would not the Hon'ble Minister consider the desirability of granting half an hour more for refreshment in addition to two hours for " Jumma Prayer " ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I don't think Sir, that will be possible. I may however, consider the question.

**The Hon'ble Babu KAMINI KUMAR SEN** replied :

231. (a)—Yes.

(b)—In the Press only the holidays declared under the Negotiable Instruments Act are sanctioned as closed holidays ; the rest are non-closed of which 6 communal holidays are granted to every Press employee. Additional holidays are granted provided the state of work permits. The religion of the employees has always been considered when granting these, and Muslims have never been refused their own communal holidays.

(c)—Does not arise.

**Maulavi JAHANUDDIN AHMED:** May I know what does the Hon'ble Minister mean by non-closed holidays ?

**The Hon'ble Babu KAMINI KUMAR SEN:** The holidays that have been declared as holidays under the Negotiable Instruments Act are known as closed holidays and the rest of the holidays are termed as non-closed holidays. As I have replied, if the work permits, they may absent themselves for the whole day but if the work does not permit then they cannot do so.

**Maulavi JAHANUDDIN AHMED:** Then are we to understand that these holidays are not at all holidays ?

**The Hon'ble Babu KAMINI KUMAR SEN:** Non-closed holidays are not holidays for all purposes.

**Maulavi JAHANUDDIN AHMED:** May we know the total number of such non-closed holidays ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I cannot exactly tell the number of such holidays.

**Maulavi JAHANUDDIN AHMED:** Then Sir, as I understand there are six sectional holidays and it has been declared by this Government that these sectional holidays will be observed as general holidays. May I understand from the Hon'ble Minister whether these sectional holidays will also be granted as general holidays to the Press employees?

**The Hon'ble Babu KAMINI KUMAR SEN:** As I have said, Sir, the Press employees can absent themselves during those sectional holidays if they have no work. Government will certainly grant them permission.

**Maulavi JAHANUDDIN AHMED:** Then Sir, am I to understand that the six sectional holidays which have been declared as general holidays will also be availed by the Press employees?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir. If the Muhammadan employees wish to absent themselves on those days then Government will give them permission.

**Maulavi JAHANUDDIN AHMED:** Only the Muhammadans will get it?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir, because other sections may chose to absent themselves on some other occasions.

**Maulavi JAHANUDDIN AHMED:** May I know, Sir, for which community these holidays have been reserved?

**The Hon'ble Babu KAMINI KUMAR SEN:** These holidays are meant for all communities.

**Maulavi JAHANUDDIN AHMED:** May I know, how many of them are for Muhammadans and how many of them for other communities?

**The Hon'ble Babu KAMINI KUMAR SEN:** The holidays are for every community but Muhammadans as well Hindus, can enjoy full six days each *plus* such other holidays that may be permitted by the volume and nature of work at the Press.

**Maulavi MUHAMMAD AMJAD ALI:** Then, I understand there are 12 holidays in aggregate.

**The Hon'ble Babu KAMINI KUMAR SEN:** No, Sir, the Muhammadans may not prefer to absent themselves on the holidays which are holidays for Hindu festivals. They may prefer their own sectional holidays as the Hindus may also chose their own holidays. Of the non-closed holidays the employees of all communities are entitled to enjoy six days but preference is generally given to the community to whom the festival concerns.

**Maulavi MUHAMMAD AMJAD ALI:** Then, may I know how many days' holidays it would be in aggregate?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already replied, Sir, that the holidays that are declared under the Negotiable Instruments Act are known as closed holidays and the rest are non-closed holidays.

**Maulavi JAHANUDDIN AHMED:** Sir, some of the sectional holidays has been declared as general holidays. May I know which of them has been declared as general holidays?

**The Hon'ble Babu KAMINI KUMAR SEN:** I do not exactly remember which of them has been turned into general holidays.

**Maulavi JAHANUDDIN AHMED:** May I know, Sir, whether the six sectional holidays which were converted into general holidays were allowed to the Press employees specially on the occasions of *Idul Fitr* and *Idus joha* and *Muharram*?

**The Hon'ble Babu KAMINI KUMAR SEN:** My information is that these holidays are also granted to the Press employees who ask for them but if the hon. member can give any specific instance where such prayer has been refused then I will inquire.

**Maulavi JAHANUDDIN AHMED:** May I inform the Hon'ble Minister that the six sectional holidays which were converted into general holidays were not allowed to the Press employees by the Superintendent of the Press?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already replied Sir, that if the hon. member can give any specific instance, then I will inquire.

**Kukurmara Timber Company, Limited and Messrs. Himatsingka  
Timber, Limited**

**Maulavi GHYASUDDIN AHMED** asked:

\*232. (a) Is it a fact that one Mr. Himatsingka was ordered by the previous Government to remove buildings erected by him on a plot of land belonging to the Forest Department in the Kukurmara Forest Depot in the district of Kamrup?

(b) If so, will Government be pleased to state if the said order has been carried out?

(c) Will Government be pleased to state if Mr. Prabhudayal Himatsingka of 51 Gariahata Road, Calcutta, has any interest in those buildings?

(d) Is it a fact that a Company styled "Kukurmara Timber Company, Limited" has been started by indigenous people to carry on timber business in Kukurmara and other depôts within the district of Kamrup?

(e) Is it a fact that some of the share-holders of the said Company were served with a notice by the Deputy Conservator of Forests, Kamrup, threatening black-listing and eviction from forest depôts on account of their rivalry with Himatsingka Timber business?

(f) Is it a fact that at the instance of an employee of Mr. Himatsingka some of the leading gentlemen of the locality who are also share-holders of the Company have been proceeded against under section 107 of the Criminal Procedure Code?

(g) If so, will Government be pleased to state the names of the second party and the result of the proceedings?

(h) Is it a fact that on some allegations, the Deputy Commissioner, Kamrup, has also issued warning notice in this connection against two respectable Mauzadars of the locality?

(i) If so, will Government be pleased to state the contents of that notice?

(j) Is it a fact that Mr. Prabhudayal Himatsingka of Calcutta is one of the proprietors of the Timber business carried on in the name of Himatsingka and Company and also one of the proprietors of the Jorhat Electricity, Limited?

**The Hon'ble Srijut RUPNATH BRAHMA** replied:

232. (a)—Yes.

(b)—No. An appeal for cancellation of that order is under the consideration of Government.

(c)—Yes, as a share-holder and director of Messrs. Himatsingka Timber Limited.

(d)—Yes.

(e)—No, this is not a fact. The Divisional Forest Officer, Kamrup, issued a general warning to all contractors using the depôt at Kukurmara, including Messrs. Himatsingka Timber, Limited, that any party interfering with any other party's work by picketing or other unfair methods would be black-listed. Since the issue of the notice there has been no trouble. The warning was issued prior to the formation of the Kukurmara Company.

(f)—Yes.

(g)—The names of the second party are given in a statement laid on the table.

The first party did not appear on 10th February, 1939 fixed for his evidence and the proceedings were dropped on that date by the Magistrate on the ground that there was probably no likelihood of breach of peace.

STATEMENT PLACED ON THE TABLE IN REPLY TO STARRED QUESTION No. 232 (g) ASKED BY MAULAVI GHYASUDDIN AHMED, M. L. A.

1. Srijut Gajendra Ch. Bora.
2. Srijut Anandiram Kalita.
3. Srijut Radhi Mahajan.
4. Srijut Gongadhar Dalai.
5. Srijut Muktaram Mali.
6. Srijut Kaliram Mahajan.
7. Srijut Arabinda Das.
8. Srijut Baliram Kalita.

(h) and (i)—No. A copy of the letter that was issued is placed on the Library table.

(j)—Mr. Prabhudayal Himatsingka of Calcutta is a share-holder and director of both Messrs. Himatsingka Timber, Limited and the Jorhat Electricity, Limited. There is no such firm as Himatsingka and Company.

**Maulavi GHYASUDDIN AHMED:** May I know when the appeal was filed and how long it will take to dispose of the matter?

**The Hon'ble the SPEAKER:** I think this matter was discussed on a cut motion the other day.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know on what date the previous Government ordered Mr. Himatsingka to remove his buildings?

**The Hon'ble Srijut RUPNATH BRAHMA:** I want notice of that question.

**Khan Bahadur Maulavi KERAMAT ALI:** How long before the present Ministry assumed office was that order of removal passed?

**The Hon'ble the SPEAKER:** This is practically the same question.

**Khan Bahadur Maulavi KERAMAT ALI:** Were the buildings removed?

**The Hon'ble Srijut RUPNATH BRAHMA:** I think not.

**Khan Bahadur Maulavi KERAMAT ALI:** Was any action taken by the present Government to have the buildings removed as ordered by the previous Government?

**The Hon'ble Srijut RUPNATH BRAHMA:** The reply is there. Since the receipt of the appeal we thought it proper to stay the order till further order after local enquiry.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know the date on which this petition of appeal was received by this Government?

**The Hon'ble Srijut RUPNATH BRAHMA:** I have replied to that also. It was some months ago.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know the date on which this appeal was received by this Government?

**The Hon'ble the SPEAKER:** Sometime ago. He cannot give the exact date.

**Khan Bahadur Maulavi KERAMAT ALI:** Can he give an approximate date?

**The Hon'ble Srijut RUPNATH BRAHMA:** It was some months ago.

**Khan Bahadur Maulavi KERAMAT ALI:** Will it be about six months?

**The Hon'ble Srijut RUPNATH BRAHMA:** Less than that. It may be some 2 or 3 months.

**Khan Bahadur Maulavi KERAMAT ALI:** Was any date fixed for the hearing of the appeal?

**The Hon'ble Srijut RUPNATH BRAHMA:** No, Sir.

**Khan Bahadur Maulavi KERAMAT ALI:** What was the reason for not fixing a date?

**The Hon'ble Srijut RUPNATH BRAHMA:** I thought it proper to go personally to the place for an enquiry.

**Maulavi MUHAMMAD AMJAD ALI:** Did the Hon'ble Minister have an opportunity of passing that way on his way back from the district of Goalpara?

**The Hon'ble Srijut RUPNATH BRAHMA:** When I had passed that way I did not receive this appeal.

**Khan Bahadur Maulavi KERAMAT ALI:** Did the Hon'ble Minister think it proper to inspect the buildings on receipt of the appeal petition?

**The Hon'ble Srijut RUPNATH BRAHMA:** Yes, but I had no time.

**The Hon'ble the SPEAKER:** All the supplementary questions put up to now give the impression that the Hon'ble Minister is being subjected to cross examination, I cannot allow it.

**Maulavi MUHAMMAD AMJAD ALI:** We take pity on the Hon'ble Minister, but he must give a correct reply.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There is no cross examination, ir. We simply want to point out that although this petition of appeal was filed and the Hon'ble Minister passed by that road he did not see the buildings, and the buildings are just on the road.

**The Hon'ble the SPEAKER:** I think, that has been sufficiently made out.

**(Several voices):** No, no.

**The Hon'ble Srijut RUPNATH BRAHMA:** I can definitely say that I did not pass that way after the receipt of this appeal.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** May I know when the Hon'ble Minister passed that way?

**The Hon'ble Srijut RUPNATH BRAHMA:** On my return from tour in Goalpara I came by that way.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** What month was that?

**The Hon'ble Srijut RUPNATH BRAHMA:** During my first tour.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I do not know when that was.

**The Hon'ble Srijut RUPNATH BRAHMA:** It may be in October last.

**Mr. KEDARMAL BRAHMIN:** Is there any other house in the neighbourhood of that building?

**(Several voices):** No.

**Mr. KEDARMAL BRAHMIN:** May I know if a petition was filed by some interested persons and it was in connection with that petition that the previous Government ordered the removal of the building?

**Khan Bahadur Maulavi KERAMAT ALI:** Can it not be presumed that the orders must have been passed on the petition of some interested person? *(Laughter).*

*(No reply).*

## UNSTARRED QUESTIONS

*(to which answers were laid on the table)*

**Visits paid by the Hon'ble Ministers to different places**

**Maulavi ASHRAFUDDIN MD. CHAUDHURY** asked:

265. Will Government be pleased to state—

- (a) The number of visits paid by each of the Hon'ble Ministers in each of the districts of the Province of Assam during the last 3 months?
- (b) The travelling allowance drawn by each of the Hon'ble Ministers in the course of the last 3 months?
- (c) Is it a fact that two of the Hon'ble Ministers of Assam attended the Jute Restriction Conference held at Calcutta during the said period?
- (d) Is it a fact that from Bihar, only the Minister-in-charge of Agriculture attended the said Conference?
- (e) Is it a fact that the Hon'ble Minister-in-charge of Medical travelled to the Presidency of Madras during the said period?

(f) Is it a fact that he travelled in 2nd class and had drawn travelling allowance of 1st class?

266. (a) Is it a fact that Mr. Desai, I. C. S., accompanied the Hon'ble Revenue Minister to Sylhet in connection with the proposed legislation of Sylhet Tenancy Act?

(b) Is it a fact that Mr. Desai, I. C. S., visited Sylhet some months ago for the same mission?

267. (a) Is it a fact that the Hon'ble Revenue Minister visited the Surma Valley Districts and subdivisions 3 times during last 3 months?

(b) Is it a fact that he does not understand the vernacular language of the Province?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied:

265. (a) and (b) —A statement is laid on the table—

Hon'ble Ministers	Districts	No. of visits paid by the Hon'ble Ministers during last 3 months	Amount drawn as travelling allowance
1	2	3	4
			Rs. a. p.
Hon'ble Prime Minister ...	Kamrup ...	2	663 8 0
	Sibsagar ...	2	
	Nowgong ...	1	
	Lakhimpur ...	1	
	Naga Hills ...	1	
	Garo Hills ...	1	
Hon'ble Minister of Excise and Agriculture.	Sylhet ...	1	651 14 0
	Cachar ...	1	
	Nowgong ...	1	
	Sibsagar ...	2	
	Lakhimpur ...	1	
	Darrang ...	1	
Hon'ble Minister of Industries.	Nowgong ...	1	484 7 0
	Sibsagar ...	1	
	Sylhet ...	2	
Hon'ble Minister of Forests	Nowgong ...	1	573 12 0
	Sibsagar ...	2	
	Lakhimpur ...	1	
	Kamrup ...	1	
	Darrang ...	1	
Hon'ble Minister, Finance and Revenue.	Sylhet ...	1	499 5 0
	Cachar ...	1	
	Kamrup ...	2	
	Goalpara ...	1	
Hon'ble Minister, Medical	Nowgong ...	1	264 8 0
	Sibsagar ...	1	
	Lakhimpur ...	1	
	Kamrup ...	1	

(c)—No.

(d) Yes.



(e)—Yes.

(f)—No. He travelled first class and drew travelling allowance accordingly.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** May I know.....

**The Hon'ble the SPEAKER:** I appeal to this House that as this question has been already before the House several times it will be against ordinary decorum and the dignity of the House to go over this matter again.

**Maulavi ABDUL MATIN CHAUDHURI\*:** I just want to point out, Sir, that I took upon myself to challenge that the statement was incorrect, while it has been put down in the reply as correct.

**The Hon'ble the SPEAKER:** If the Hon'ble Minister does not wish to take up the challenge I cannot compel him to do so.

**Maulavi BADARUDDIN AHMED\*:** I wish to ask the Hon'ble Minister-in-charge some questions.

**The Hon'ble the SPEAKER:** The Hon'ble Minister has gone out, but he can put the question to the Hon'ble the Premier.

**Maulavi MUHAMMAD AMJAD ALI\*:** How is it that each time this question is asked the Hon'ble Minister goes out?

**Mr. BAIDYANATH MOOKERJEE\*:** Is it not a fact that on another day he replied to all these questions?

**The Hon'ble the SPEAKER:** Yes, he did.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied:

266. (a)—It is a fact that Mr. Desai accompanied me to Sylhet in connection with a Conference of landlords and tenants called in order to find out as extensive a basis as possible for the proposed amendment of Sylhet Tenancy Act.

(b)—It is a fact that he visited Sylhet in April last at the instance of the previous Government for a similar purpose.

**Maulavi BADARUDDIN AHMED\*:** May I know from the Hon'ble Forest Minister what places he visited during his last tour?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED\*:** I think, Sir, in reply to a question asked by the hon. member Srijut Rohini Kumar Chaudhuri, and I would refer the hon. member to the list attached to the reply.

**Maulavi BADARUDDIN AHMED\*:** What was the nature of the work?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED\*:** That was also mentioned.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied:

267. (a)—No.

(b)—No.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** May I ask the Hon'ble Revenue Minister whether he paid a visit to Sunamganj Subdivision during his last tour?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED\*:** Yes, Sir, I did so.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** May I ask him whether he addressed any meetings there?

\* Speech not corrected.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED\*** : Yes, Sir.  
**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : May I know in what language he addressed the meetings ?

**The Hon'ble the SPEAKER** : It has already been stated that he spoke in Hindustani and that for those people who did not understand Hindustani his speech was translated into Bengali.

### Improvement of Agricultural holdings

**Babu RABINDRA NATH ADITYA** asked :

268. (a) Is the Hon'ble Minister of Agriculture aware that the problem of improving holdings by small drainage and embankment schemes, is more acute than any other agricultural problem in Assam ?

(b) Do Government propose to make a survey and plan for taking up this project ?

**The Hon'ble Babu AKSHAY KUMAR DAS** replied :

268. (a)—Yes.

(b)—The question of improving agricultural holdings is already engaging the attention of Government.

### Travelling allowance of Gazetted Officers

**Maulavi ASHRAFUDDIN MD. CHAUDHURY** asked :

269. Will Government be pleased to state the amount of travelling allowance the Government had to pay to the Gazetted officers for their transfers during the course of last 3 months ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

269.—The total amount of travelling allowance drawn by Gazetted Officers for their transfers during the three months ending February, 1939 is Rs.4,485-10-0. It may however be possible that all bills relating to transfers during this period have not yet been paid and some having been paid in March, 1939 have not yet come to the notice of the Comptroller, Assam.

**Khan Bahadur Maulavi KERAMAT ALI** : May I know how many officers were involved in these transfers ?

**The Hon'ble Srijut GOPINATH BARDOLAI** : I am not in a position to give the number but if the Khan Bahadur is anxious to get the information I will give it to him later.

### Re Samrick Singha, a Havildar of Silchar

**Maulavi ASHRAFUDDIN MD. CHAUDHURY** asked :

270. (a) Are Government aware that one Samrick Singha, a Havildar of Silchar has been posted at Silchar for the last 18 years ?

(b) If not, will Government be pleased to state the posting places of the Traffic Havildar during the last 18 years ?

(c) For how long he has been serving at Silchar ?

(d) Is it a fact that he accompanies the Superintendent of Police wherever he goes on tour ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

270. (a), (b) and (c)—He has been at Silchar as a Traffic duty head constable for the last 16 years including periods of leave and deputation for training to Calcutta. A statement giving the periods of his service at Silchar is placed on the Library table.

(d)—It is not a fact. The Superintendent of Police and the Divisional Inspector do however take him on occasions with them on tour for checking traffic control duties.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY\*** : May I ask the Hon'ble Premier whether there is a contract with the Government that he is not to be transferred from that place ?

**The Hon'ble Srijut GOPINATH BARDOLOI\*** : I take objection to that question. He has been kept there on grounds of public service.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY\*** : Am I to understand that in the whole Department Government has not got any Havildar as efficient as he is ?

**The Hon'ble Srijut GOPINATH BARDOLOI\*** : That is a matter of opinion.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY\*** : May I know the principle in putting this officer in the place for 18 years ?

**The Hon'ble Srijut GOPINATH BARDOLOI\*** : It is 16 years and not 18 years and the number of traffic duty head constables is not many in this province.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY\*** : Am I to understand that there is no other Havildar available in the whole of the province to occupy his place there if he is transferred to some other place ?

**The Hon'ble Srijut GOPINATH BARDOLOI\*** : I do not know that.

**Khan Bahadur Maulavi KERAMAT ALI** : May I ask the Hon'ble Premier to give the benefit of the long experience of this officer in other parts of the province ? (*loud laughter*).

**The Hon'ble Srijut GOPINATH BARDOLOI** : I don't know why the hon. member is so anxious about this particular Havildar.

**Adjournment motion re settlement of Chaulkhowa Toll Bridge with Srijut Bhadra Ram Das superseding the claims of an applicant belonging to domiciled community**

**Maulavi Syed ABDUR ROUF** : Mr. Speaker, Sir. I beg leave of the House to move a motion for the adjournment of the House to discuss a very urgent matter of public importance and which is of a very recent occurrence.

**The Hon'ble the SPEAKER** : The word "recent" does not appear in the motion tabled.

**Maulavi Syed ABDUR ROUF** : The motion is that this House do now adjourn to discuss an urgent matter of public importance, viz.—the situation which has arisen out of the decision of the Government in settling the Chaulkhowa Toll Bridge with one Srijut Bhadraram Das superseding the

claims of a member of the domiciled community—Srijut Chandi Prasad Mahajan who had been the lessee of the last year and had been the highest bidder in this year's auction sale of the said bridge in the subdivision of Barpeta in the District of Kamrup.

Now, Sir, I proceed to show how the matter is of urgent public importance and of recent occurrence.

**The Hon'ble the SPEAKER:** The hon. member is to show what situation has arisen.

**Maulavi Syed ABDUR ROUF:** I proceed to show that. This Chandi Prasad Mahajan gave the highest bid in this year's auction sale on the 8th of March, 1939 and then when the bid was finished he was asked to deposit the *choutha* and the *choutha* was deposited accordingly.

**The Hon'ble the SPEAKER:** What was the date?

**Maulavi Syed ABDUR ROUF:** On the 18th of March the *choutha* was deposited and he managed to run the bridge for the year and has spent so much money in appointing servants and in making other arrangements. Just when he got prepared for running the bridge for the year 1939-40, on the night of 27th March a rumour was heard in the town of Barpeta that the Government from Shillong had cancelled that order. That created so much sensation amongst both the Assamese and domiciled communities that even boys of tender age began shouting "বিনেশীৰ ধংশ হওক"

**The Hon'ble the SPEAKER:** Did all these appear in newspapers?

**Maulavi Syed ABDUR ROUF:** On the 30th morning wires were sent to the Government but to no effect though at least two of the wires were addressed to the Hon'ble Minister in charge. On the 31st March at about 5-30 p.m. Chandi Prasad Mahajan was for the first time informed by the Government that he was not to have the bridge for the year.

Chandi Prasad Mahajan had already spent a heavy amount and yet he did not know that behind his back and behind the curtain the Government had been planning to oust a member of the domiciled community from the interest he had enjoyed for a long time. Chandi Prasad is rightly called the backbone of the domiciled community of Assam. It may not be admitted but it is well-known to the House that the local Assamese people had been trying to oust Chandi Prasad from his field. And this has been done by the Government order of 27th March, 1939 which reads thus: "Government orders settlement of Choukhowa Toll Bridge with Bhadraram Das of Barpeta town for Rs 9,650. Please take immediate action". The contents of this order were communicated to Chandi Prasad Mahajan on the 31st March.

Thus the domiciled community have been compelled to believe that their interests and even their very existence are at stake at the hands of the present Government. During the settlement of excise shops not a single member of that community has been given any shop in the district of Kamrup.

**The Hon'ble the SPEAKER:** All these matters do not arise now.

**Maulavi Syed ABDUR ROUF:** Then again Chandi Prasad Mahajan was the highest bidder of this year and the *choutha* was realised from him and nobody believed that he would be deprived from the right he had acquired. But without giving him a chance to show cause why the settlement should not be cancelled, his settlement has been cancelled on the 27th March and he has been informed on the 31st March. The situation which has arisen out of this order of Government at least to the domiciled community is of great and of grave concern. The domiciled community think that by this order their interest has been jeopardised.

**The Hon'ble the SPEAKER:** I think, this will do.

**Maulavi Syed ABDUR ROUF :** Another thing is this. If the Mar-wari community of Assam and the mighty Press from Calcutta take up this cause, and I am sure they will be quite right in taking up this cause, I think, it will lead to a very serious situation in this province.

**The Hon'ble the SPEAKER :** The hon. member is speaking of a future contingency. I think what the hon. member has said will do. The Hon'ble Minister may say what he has got to say on the matter.

**Maulavi Syed ABDUR ROUF :** Sir, I want only to say that the purpose can be well served if the Government are prepared to move in the matter at an early date and to reinstate Chandī Prasad as the representative of the domiciled community.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, it has been urged that this is a matter of public importance. I think that this House is not sitting here as a Court of Appeal. It is only a matter between two individuals and that is certainly not a matter of public importance.

**Mr. KEDARMAL BRAHMIN :** May I know whether an appeal lies on an order of Government ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** No appeal lies against an order of Government. Then, Sir, for the information of the hon. members I would also like to state here that the facts are not as have been stated or narrated by the mover.

**Khan Bahadur Maulavi SAYIDUR RAHMAN :** May I know, Sir, if the Hon'ble Finance Minister can reply instead of the Hon'ble Minister in charge ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** I think I can do so because the question of the finances of the province is concerned.

**The Hon'ble the SPEAKER :** I think it would be better if the Hon'ble Minister, Public Works Department, replies.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** As the question of the finances is involved I think I may be allowed to reply on behalf of the Government.

**The Hon'ble the SPEAKER :** I shall hear what the Hon'ble Finance Minister has to say first.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Then, Sir, it has been said that the Government have been following the policy of discrimination. I categorically repudiate this allegation. We have not been following any policy of discrimination. If we have given this lease to a particular man, we have done so only on the ground that we have got Rs.100 more than the amount which was offered by the man on whose behalf the motion has been moved.

Secondly, this particular individual was given the lease last year and later on he came forward with an application as a result of which remission of Rs.1,000 was given to him. The amount agreed to be paid by him for the year was Rs.8,750. For these circumstances, the Government have been convinced that if the lease were given again to the same man for Rs.8,750, he would come forward with the request for an increased remission.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** The Hon'ble Minister is going into the merits of the motion.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Because the merits were challenged and it was alleged that we have been discriminating between one person and the other bidder. I have explained the circumstances under which the lease was given to the second person who has also actually given us more money than was offered by the person who has been refused the lease. As I have already said, this is not a matter in which public interest is involved. It is a matter between two individuals, and in view of the circumstances, which I have placed before you, I hope the House will be convinced that in giving this lease we have been wholly guided by no other considerations than that of getting more money.

**Maulavi Saiyid ABDUR ROUF:** Sir, the statement of the Hon'ble Minister is entirely misleading.

**The Hon'ble the SPEAKER:** I want to know if the Hon'ble Minister in charge has got anything to say.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** I have nothing to add (*laughter*).

**The Hon'ble the SPEAKER:** I have heard the hon. member who tabled the motion and also the statement on behalf of the Government. I do not think this matter is a matter of any public importance. This matter relates to an administrative action of Government which concerns one individual and although it has been stated in the notice that it affects the community to which that individual belongs and also that a situation has arisen, I do not think that the hon. member who has given notice of this motion has been able to make out that this has been so. Having regard to all these, I hold that the motion is not in order.

### Newspaper Report *Re* Compensation to be paid to the Commissioner, Surma Valley and Hill Division

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, allow me to interrupt the business of the House on a point of information from the Ministry. There has been a publication in the Press that a certain order has been received from the Secretary of State by this Government that the post of the Commissioner of the Surma Valley has been abolished and certain compensation has also been ordered to be given by this Government to that particular officer. Here is the newspaper report.....

**The Hon'ble the SPEAKER:** The hon. member need not read all that.

**Maulavi MUHAMMAD AMJAD ALI:** I want to know whether the Government are aware of it or not.

**The Hon'ble Srijut GOPINATH BARDOLOI:** This is another instance where we have to say, Sir, that the press is always omniscient. As Government, Sir, we are absolutely unaware about it ; and I think it is not correct. Beyond this I do not want to say anything.

### **Motion for the formation of a Privileges Committee of the Assembly**

**The Hon'ble Srijut GOPINATH BARDOLOI:** I want to interrupt the proceedings of the House over another matter which I want to bring to the notice of the House. The other day when we were discussing the cut motion, a letter was presented before the House which was evidently a letter which was missing and could in legal words be termed "stolen property". Then you were pleased to direct us to make an enquiry into this matter. If this enquiry is to be made, it can be divided definitely into two portions. A portion of the enquiry will relate to certain matters outside this House and probably would relate to certain actions we may have to take against people who are connected with controlling or handling of our files. Another portion of that enquiry falls on a matter which has been before the House. Sir, if the House had taken note of the statement that was made by the hon. Mr. Rohini Kumar Chaudhuri who is unfortunately absent now—it would have been found that he had tabled certain questions on the 1st of March. The questions themselves definitely assume that the letter was in his hands before he put those questions. On the 13th of March the questions themselves were put by my hon. friend Mr. Amjad Ali.

**The Hon'ble the SPEAKER:** It was not the 13th.

**The Hon'ble Srijut GOPINATH BARDOLOI:** It must be before the 20th of March. I suppose it may be the 17th.

Then, Sir, on the floor of the House the question about this letter was put to the hon. Mr. Chaudhuri. He said that he had received this letter by post. The post-mark on that letter reveals that it was posted on the 20th in Shillong and was received on the same date in Shillong. Now, it would seem, Sir, that there must be something wrong either in the statement or about the receipt of the letter. But the point that is of urgent importance so far as this House is concerned is this. Whether a member of this House would be within his dignity as a member of this House or would it be consistent with the privilege of a member of the House to use a document which is known to be stolen from proper custody? This raises really an issue of some importance for the House to consider.

Before bringing up this question before the House I was thinking Sir, whether, it would be desirable to send this enquiry to take the normal course, *viz* to have it done by the police or by the Department. But so far as this Government are concerned, we do not want to bring in other agencies for the purpose of these enquiries, but would prefer to have it done through this House itself. Therefore my proposal before the House is—and I hope that the House will agree with me so far as this portion of the matter is concerned—that the matter should be enquired into by the House itself. The Hon. House and you, Sir, will be kind enough to permit me to place before you the fact that there is already a motion before the House for the formation of a Privileges Committee in to-day's agenda,

which is below two other items of business. And I would respectfully submit before the House that that motion may be allowed to be made and that the committee that would come into existence as the result of that motion might take up this matter for consideration. I respectfully submit to the hon. members of the House that they will permit us to do so.

**Maulavi JAHANUDDIN AHMED:** May I inform the Hon'ble Prime Minister on one point? He has mentioned, Sir, that the hon. Mr. Rohini Kumar Chaudhuri was in possession of the letter before the 20th, from the questions that he has put. But I think, before he could have that letter, he might have known the matter from some other friends.

**The Hon'ble the SPEAKER:** Order, order, all these questions do not arise at this stage. The Hon'ble Premier has raised a point of privilege. His contention is that by the production of the letter and the way in which it has been used on the floor of the House, there has been a breach of the privileges of the House, and he wants that this matter should be enquired into.

**Maulavi JAHANUDDIN AHMED:** I want to speak about one point, Sir.

**The Hon'ble the SPEAKER:** Nothing can be said now. Matters like this always crop up, and I have been feeling, as hon. members know, that there should be a Privileges Committee to deal with such matters. There is already a resolution tabled by Government that such a committee should be formed. When such a committee is going to be formed, in a matter like this, I do not think that I should be at all justified in giving my views on the point raised. The Hon'ble Premier has said that he wants to have that motion moved, so that this matter can be referred to the Privileges Committee, if the House agrees to have such a committee. If the House agrees that this resolution should be taken up first, I should certainly have no objection. The hon. Leader of the Opposition, when he was the Chief Minister also gave the House an assurance, on a statement which I made on the question of privilege, that he would come forward with a resolution like this. Now the present Government have tabled this resolution, and it is for the House to say whether it should be moved at this stage or after they have gone through the other items of business. There is a Bill which is to be taken up now—the Sylhet Town Tenancy Bill—and the discussion of that Bill will take some time. So the House will please consider whether the Hon'ble Premier should be given the right to move the resolution regarding the formation of a Privileges Committee before the Bill is taken up.

Again I may tell the House that, if such a resolution be moved and be accepted by the House, then there would be the necessity of another resolution, *viz.*, that this matter which has been mentioned now, should go to that committee. That also should be decided by this House. Unless there be such a decision, I cannot refer the matter of my own accord to that committee. So hon. members will give me their views as to whether this resolution should be taken up first.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, as you have pointed out, this question of a Privileges Committee is of great importance and such a committee is a concomitant of every Legislature, and we know that there are such committees in other Legislatures. While I was in charge of the administration, Sir, on a reference from you I promised to bring a resolution of this kind and a resolution was drafted. Now I find that my Hon'ble friend, the Prime Minister has done so. The only point that we need consider now is whether item No. 16 should be taken out of its turn to-day. Before that



item, there are four Bills. We are now on item No.12. Then we have got three other items, 13, 14 and 15. I do not know, Sir, how long the debate on that Sylhet Tenancy Bill will take, but I am told that many of the hon. members on this side want to participate in the discussion. As Government have got two more days—the 5th and 6th—can it not be taken up as the first thing on the 5th?

**The Hon'ble the SPEAKER:** The Agricultural Income-tax Bill is coming up and for that the hon. members have agreed to sit on a holiday.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I know that. I do not think this business will take much time.

**The Hon'ble the SPEAKER:** It will take only five minutes.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Then this side of the House has got no objection.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I am thankful to the hon. Leader of the Opposition for allowing me to move this motion. I am sure it will not take long for me to stress the necessity of such a Committee as contemplated in the following motion, which I shall move just now.

I beg to move, Sir—

“That this Assembly is of opinion that, pending any legislative action to be undertaken by this House in respect of protection of its rights and privileges, the Speaker be authorised to constitute a committee of privileges, after such consultation with the leaders of various parties as he may consider necessary, (1) to report on the present position of the rights and privileges of members of the Assembly both individually and collectively, (2) to recommend such other rights and privileges or modifications of the existing rights and privileges as may be deemed necessary for the due discharge of the functions of members, (3) to consider and adjudge the breaches of the rights and privileges and (4) to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges”.

The first step to be taken by the Committee is to report on the present position of the rights and privileges of the members of the Assembly both individually and collectively, and secondly to recommend such other rights and privileges as may be deemed necessary for the due discharge of the functions of the members, thirdly to consider and decide the breach of rights and privileges and fourthly to advise with regard to the course of action that should be taken up to protect and enforce such rights and privileges. Sir, it would be seen from section 71 that legislation in a limited sense is allowed for the protection of the rights and privileges of the members. It must be said, however, that rights and privileges which can be obtained from such a legislation are very limited in comparison to rights and privileges which the legislators in free countries enjoy. For example, the House of Commons have rights which cannot even be contemplated by the provisions which are there in our Act in the matter of enjoyment of the rights and privileges. But Sir, even this kind of legislation will take sometime to enact, and pending such legislation we have thought it necessary that some kind of Committee should be formed in order to take up the question in accordance with the points that have been suggested in the motion. The last Government also took up this question. As a matter of fact, the resolution that I have put now before the House is not very much different from the one that was proposed to be brought before the House by the last Government. It would be seen from the resolution put before the House that the best way for the formation of the Committee would be to

leave it to the Hon'ble Speaker who is for all purposes the custodian of the rights and privileges of this House ; as such, Sir, this Committee has to be constituted by him in consultation with the Leaders of various parties. The duties of this Committee have been described in the resolution itself which are as follows :—The consideration of the present position and the rights and privileges of the members. This Committee will also recommend such other rights and privileges and the modification of the existing rights and privileges as may be deemed necessary for the due discharge of the function of the members. The Committee shall have to consider also the breaches of these rights and privileges and if necessary adjudge on them and lastly the Committee will also advise the course of action that should be taken up for the protection of such rights and privileges. Sir, in the meantime many things have happened in the press gallery and many reports have appeared in the press about which reference was made by the Hon'ble Speaker in his speech during the September Session of last year for which the formation of such a committee is justified. The necessity for protecting the rights and privileges of the members is very important. It is as well important, that questions the like of which I have just now referred in relation to the letter, should be inquired into by such Committee ; and the position of the hon. members in such action must be definitely determined. We are supposed to be a body of persons practically guiding the administration of the whole province of Assam : it is only desirable that we should be acting within the House with a certain degree of dignity and consistent with the privileges which we enjoy as such. Sir, it should also be seen that the rights and privileges which we enjoy inside this House are not attacked by any agency outside this House in a manner where we are unable to protect. So, Sir, the importance of this motion, I suppose, will be well realised by this House and I hope the House will pass this motion without any division. After this, I will make reference about the matter about which I was just now referring for the same being taken up by the Committee.

**The Hon'ble the SPEAKER :** Motion moved :

“That this Assembly is of opinion that, pending any legislative action to be undertaken by this House in respect of the protection of its rights and privileges, the Speaker be authorised to constitute a Committee of privileges, after such consultation with the Leaders of the various parties as he may consider necessary, (1) to report on the present position of the rights and privileges of members of the Assembly both individually and collectively, (2) to recommend such other rights and privileges or modifications of the existing rights and privileges as may be deemed necessary for the due discharge of the functions of members, (3) to consider and adjudge the breaches of the rights and privileges and (4) to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges.”

**Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Mr. Speaker, Sir. On behalf of the Opposition, I whole-heartedly approve of the resolution which has been moved by my hon. friend the Leader of the House. He mentions the necessity for having such a Privilege Committee as there are such Committees wherever there are Legislatures. There is no doubt that this Committee will be very useful but I would like to know from him what will be the total number of members of this Committee. As a matter of fact the resolution has left that to the Hon'ble Speaker, and I would like to know from you Sir, when it would be convenient for you to consult the Leaders of different parties. As soon as the session will be over, most of the Leaders of the different parties will leave Shillong excepting of course, the members of the Government Bench. Just now we are all too busy to take up this question, because there are many important measures for consideration.

during the next few days. So I would like to know the size of the Committee and also when you would like to discuss the Leaders of the different parties.

**The Hon'ble the SPEAKER:** Yes, I was also thinking that the number of the members should be fixed by the House so that I may consult the Leaders as to the names of the members whom I should nominate for the Committee.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir, that is a very important point.

**The Hon'ble the SPEAKER:** Yes, I think, the number should be fixed.

**The Hon'ble Srijat GOPINATH BARDOLOI:** Sir, I personally think that seven members will constitute the proper number excluding the Chair. I hope this suggestion will be acceptable to the hon. Leader of the Opposition.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Seven members excluding the Chair?

**The Hon'ble the SPEAKER:** Yes.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I think the number is quite suitable. But is it proposed to have the Speaker as the permanent Chairman of the Committee? It will be rather difficult to do so, because matters from the Committee will sometimes come to the Speaker for decision. I believe the Hon'ble Premier will take four members from his side, and three from this side.

**The Hon'ble Srijat GOPINATH BARDOLOI:** I want to leave it to the Hon'ble Speaker.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** But some idea from the Government ought to be forthcoming. Government being the majority party, they may take four members from their party, and three from the Opposition. I think that is reasonable, and some such direction may be given to the Hon'ble Speaker.

**The Hon'ble Srijat GOPINATH BARDOLOI:** I thought, Sir, that this was not a Committee which should be run on party lines.

**The Hon'ble the SPEAKER:** But some principle should be followed. I think the number from each party should be proportionate to the strength of each party.

**The Hon'ble Srijat GOPINATH BARDOLOI:** In that case, Sir, we shall have no difficulty in accepting the 4 to 3 ratio.

**The Hon'ble the SPEAKER:** Then this ratio may be accepted as being the sense of the House.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** When will it be convenient for you to consult the Leaders of the House, Sir?

**The Hon'ble the SPEAKER:** During the remaining three days of the session, if I get time.

(After a pause)

① "That this Assembly is of opinion that pending any legislative action to be undertaken by this House in respect of the protection of its rights and privileges, the Speaker be authorised to constitute a Committee of Privileges, after such consultation with the Leaders of the various parties as he may consider necessary, (1) to report on the present position of the rights and privileges of members of the Assembly both individually and collectively, (2) to recommend such other rights and privileges or modifications of the existing rights and privileges as may be deemed necessary for the due discharge of the functions of members, (3) to consider and adjudge the breaches

of the rights and privileges and (4) to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges".

The motion was adopted.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I beg to move that the question of production of this letter (showing the letter produced by Srijut Robini Kumar Chaudhuri in connection with the Karimganj Electric License) be referred to that Committee. This letter was addressed to the Premier by Babu Suresh Chandra Deb of Karimganj, and the relevant circumstances regarding the production of the same before the House may be enquired into by this Committee, in special reference to the privilege of this House.

**The Hon'ble the SPEAKER:** Is it agreed by the House?

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We have no objection.

**The Hon'ble the SPEAKER:** Without formally putting the question, I think it is agreed by the House that the letter produced by Srijut Robini Kumar Chaudhuri in connection with the Karimganj Electric License be referred to the Privileges Committee when formed, for the purpose mentioned by the Hon'ble Premier in the motion moved by him.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As regards quorum I think the number should be 5. As this Committee will deal with the rights and privileges of the members of this House, there should not be a small quorum.

**The Hon'ble the SPEAKER:** The Committee may also fix their quorum.

### The Sylhet Tenancy (Amendment), Bill, 1939

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to introduce the Sylhet Tenancy (Amendment) Bill, 1939. (The Bill was introduced.)

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to move that the Sylhet Tenancy (Amendment) Bill, 1939, be referred to a Select Committee consisting of the following members:—

- (1) Babu Karuna Sindhu Roy,
- (2) Babu Rabindra Nath Aditya,
- (3) Babu Dakshinaranjan Gupta Chaudhuri,
- (4) Mr. Baidyanath Mookerjee,
- (5) Babu Bepin Behari Das,
- (6) Khan Bahadur Dewan Eklmur Roza Chaudhury,
- (7) Khan Sahib Maulavi Mudabbir Hussain Chaudhuri,
- (8) Khan Bahadur Haji Abdul Majid Chaudhury,
- (9) Maulavi Dewan Md. Ahab Chaudhury, and
- (10) The Mover (Revenue Minister).

(Four members to form a quorum).

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** I beg to withdraw my name in favour of Maulavi Maqbul Hussain Choudhury.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The names of this side were suggested by me at the request of the Hon'ble Revenue Minister. On my hon. friend Maulavi Dewan Md. Ahab Chaudhury refusing to sit on the Committee to-day, I have selected Maulavi Maqbul Hussain Choudhury in his place after consulting some members of the party.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I have no objection to that.

In moving this motion I beg to lay before the House the facts with which this Government Bill proposes to deal with. In the first place the definition of "tenant" has been widened to include the service tenants who live outside the proprietor's private land. The landlord's fee and the landlord's transfer fee have been transformed into nominal registration fees; the right of pre-emption has been repealed; usufructuary mortgages have been provided; the maximum has been set to rent payable by under-raiyats; landlords have been allowed to credit payments towards legal recoverable arrears; interest has been reduced to 6½ per cent.; damages have been abolished; the acquisition of land by landlords has made repealed; the right of surrender has been given to under-raiyats; division of tenancies and distribution of land fees have been reduced; suspension of enhancement provisions is embodied; reduction of rent in exceptional cases has been provided, partial deposit of admitted dues has been made; partial procedure of realisation of landlord's dues has been adopted; provision has been made for service tenants acquiring occupancy right, and lastly, Sir, provision has been made to give status to agricultural labourer in respect of the homestead.

Sir, these are the provisions which have been made in this Bill before the House. It will be urged by a number of speakers, both on behalf of landlords as well as of tenants, that the Government have done justice to neither. But, Sir, I can assure the hon. members that in bringing forward this legislation we have been actuated with the sole object and motive of reducing the grievances, which exist, of the tenants against the landlords, and in giving our consideration to this matter we have also not lost sight of the just and equitable demands put before us by the other side. The most important has been the question of reduction of rent, and in this matter we have been confronted with insurmountable difficulties on account of the fact that neither in Goalpara nor in Sylhet there is a record-of-right. Sir, neither the representatives of the landlords, nor the representatives of the tenants have been able to place before us any facts and figures on which we could have reasonably proceeded with the question of the fixation of rent. In view of the absence of the record-of-rights, the Government have no material to go on in order to fix the rent. It was therefore considered that the best way would be to appoint an officer to make investigations into the circumstances of the people in particular localities and also the quality of land and then to fix the rent. For that purpose we have, in the Bill, made provisions in order to take such powers for the investigating officers.

Sir, as has been urged by some hon. members when the Goalpara Tenancy Bill was discussed, I can anticipate that we shall be criticised for not making provision for the adoption to the chapter called Certificate Procedure. I have already given my reasons for not making such provision in the Goalpara Tenancy Bill. The same reasons apply in the case of the Sylhet Tenancy Bill. I think no one will be able to contradict that this procedure can be resorted to, until and unless a record-of-rights is prepared. Therefore, we thought there was no necessity for bringing forward this provision for the deletion of this chapter.

With these words I commend my motion for the acceptance of the House.

**The Hon'ble the SPEAKER:** Motion moved:

"That the Sylhet Tenancy Bill, 1939, be referred to a Select Committee consisting of the following:—

- (1) Babu Karuna Sindhu Roy,
- (2) Babu Rabindra Nath Aditya,
- (3) Babu Dakshinaranjan Gupta Chaudhury,
- (4) Mr. Baidyanath Mookerjee,

- (5) Babu Bepin Behari Das,
  - (6) Khan Bahadur Dewan Eklimur Roja Chaudhury,
  - (7) Khan Sahib Maulavi Mudabbir Hussain Chaudhury,
  - (8) Khan Bahadur Haji Abdul Majid Chaudhury,
  - (9) Maulavi Md. Maqbul Hussain Choudhury; and
  - (10) The Mover (Revenue Minister)
- (Four members to form a quorum")

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, long before the Congress Coalition Ministry came into power, a wide spread agitation was being carried on throughout the district for the revision of land laws prevailing in the district of Sylhet. Myself as well as some other members of this Hon'ble Assembly drafted Bills for amending the Sylhet Tenancy Act, 1936. But these had no chance of discussion on the floor of this House. Amongst these Bills, that of Babu Karuna Sindhu Roy got the widest publicity. It had been extolled in the Congress press and platform and as far as I remember it had also the official backing of the Congress organisations in the district. The enthusiasm on this Bill was worked up to such a pitch that bands of tenant could be dragged down to the lofty hills of Shillong in the wintry days of September to demand the immediate passing of Karuna Sindhu Roy's Bills although every one knew that the same Bill had not the ghost of a chance of being taken up in that session of the Assembly.

Sir, with the assumption of office by the Congress Coalition Ministry, the agitation amongst the tenants in the district of Sylhet was greatly intensified. No rent campaigns were started in selected areas. False hopes were extended by the Congress propagandists that all outstanding dues of the Krishans would be written off, and rate of rent to the tune of annas 8 or less per *Kedar* would be fixed by the Government. All these tended to fire the imagination of the peasants and as a result the general relationship between the tenants and Zemindars greatly deteriorated. The peasants in general were on their tip-toes of expectation that the Congress Coalition Government would come forward with the "Magna Charta" of the peasants.

Just before the present session of the Assembly began, the Hon'ble Revenue Minister undertook an extensive and expensive tour in the district of Sylhet. Evidently he was out to study personally the working of the land laws in the district. But there was a dramatic touch in this hurricane tour. Like a victorious general, he marched from place to place. Two hours in Maulvibazar, three hours in Karimganj, four hours in Sunamganj. Was it sufficient for gathering an expert experience in the problems of the tenants? Hundreds of these unfortunate persons, thanks to the propaganda of the Congress, flocked from far and near and were gratified with his auspicious *Darsan*. This was the prelude to the drafting of the long expected Sylhet Tenancy Amendment Bill.

When the Bill was actually published in the *Assam Gazette*, even the most orthodox Congressites, not to speak of lesser mortals, were rubbing their eyes with wonder. The Hon'ble Revenue Minister had cut a practical joke with the tenants of Sylhet. They did not mean what they said while in Opposition. The Bill of Babu Karuna Sindhu Roy had been thrown into the waste paper basket. No rate of rent had been fixed. An autocratic Revenue Officer had been thrust in upon the shoulders of the peasants. The procedure had been made more complicated. In cases of arrears of rent, the Government had taken upon themselves the responsibility of protecting the Zemindars. Thus after great labour, the mountain produced a mole-hill.

The *Krishans* of Sylhet will be disappointed no doubt. They had believed too much and expected too much. But we rather congratulate the

Ministry. They have not belied our expectations. The Amending Bill has been a true index of the interests and colour that the Cabinet represents.

Concessions there are no doubt. These are concessions which could not possibly be withheld without exposing the most reactionary character of the Cabinet. But the best interests of the tenants have been sacrificed or shelved to placate the Zamindar supporters of the party in power.

At the very outset, I shall try to understand the Statement of Objects and Reasons which in the surface makes a very good reading. We shall presently see whether the proposed legislative enactment will place the relations of the landlord and tenants in a better regulated basis whether it provides greater amount of relief to the tenantry.

The Hon'ble Revenue Minister says that "the Bill seeks to provide relief for all classes of tenants by reducing the rate of interests, abolition of damages in arrears of rent and facilitating the division of tenancies and distribution of rents". I shall examine these items separately and see whether these actually confer any benefit to the peasants of Sylhet.

The rate of interest on arrears of rent has been sought to be reduced from  $9\frac{3}{4}$  per cent. to  $6\frac{1}{4}$  per cent. This is also provided in the other two non-official Bills. Further this rate of interest has been accepted by the non-Congress Government of Bengal. So the hands of the Congress Coalition Government were forced to adopt this amendment. But to all intents and purposes, it affords a very small relief to the tenants.

By clause 20 of the Bill, section 83 of the Sylhet Tenancy Act has been sought to be repealed. I doubt very much whether it will confer any real benefit to the tenants at large. Those who are conversant with the everyday life of the tenants, are well aware how dangerous it is for the tenants to accumulate the annual payment of rent. The repeal of this section will remove all possible check on this evil habit and what is more, it will encourage them to default. The benefit under section 83 of the Act was mutual. If it is to be repealed, new provisions should have been made for deterring the landlords from instituting false cases against the tenants. It would have been better for the tenant as well as for the landlord had the section been amended without being repealed, by reducing the rate of damages to be awarded to the landlord by 50 per cent. As matters stand, the proposed amendment will bring more harm than good to the tenants.

Clause 23 which deals with the question of the division of tenancy and distribution of rent is no improvement on the original sections. Sections 103 and 104 have been amalgamated in this single clause, but the complications in matters of division of tenancy or distribution of rent remain the same. In reality it confers no new benefit upon the tenants.

The Hon'ble Revenue Minister assures us that the spectre of enhancement of rent will, so far as the cultivating classes are concerned, vanish from the scene for a period of ten years. We may assure him in return that this is no spectre at all. The cultivating classes are not in immediate danger of increase of rent even in the absence of such a provision. No landlord unless he has lost all his senses, can ever dream of such an increase at this juncture. They will thank themselves if they are able to realise even 50 per cent. of their current and outstanding dues. So the new clause 116A, provided in the Bill is not only redundant, but it also goes to exemplify the colossal ignorance of the Hon'ble Revenue Minister regarding the condition of the tenants and landlords in the district of Sylhet.

The Hon'ble Revenue Minister says, that relief is made possible in cases where the existing rents are found to be excessive. Sir, this is nothing but a big hoax to the poor and ignorant cultivators. Nowhere in the

body of the Bill do we find such a provision. The vaguely worded new clause 116A provides that the Provincial Government may, *in the interest of public order or local welfare* invest a Revenue officer with the power to reduce rent if in the opinion of the Officer, it is found to be unfair or inequitable. This is worse than nothing. Is it the result of the numerous representations made by the tenants of Sylhet and the promising assurances held out by the Hon'ble Revenue Minister? This is how our Ministers are playing with the sentiments of the poor masses.

Excepting the provisions relating to the landlords' transfer fee and pre-emption by the landlords, no real concession has been made in the Bill in favour of the tenants. There are other clauses which extend vague hopes and really aims at hood-winking the public eye.

But even with these small concessions in favour of the tenants, the Revenue Minister is apprehensive of the attitude of the Zemindar members of his party and hastens to make amends for the supposed concession made. He assumes the role of a Daniel and solemnly states that with the curtailment of the land-lords' privileges it has been considered equitable to provide for special procedure for recovery of their dues, should circumstances arise in which the existing legal remedies fail to achieve the purpose. Clause 29 enunciates this special procedure by which the Government takes upon themselves the responsibility of realising rent on behalf of the Zemindars. Incidentally this is the most objectionable feature of the Bill.

Sir, this is an astounding piece of legislation, not even conceived of in Bengal. We did not think that a Ministry which at least calls itself a popular Ministry were capable of making these provisions. These will mean nothing but torture and harrasment for the tenants. This single clause far outweighs all concessions made in favour of the tenants. This is the most pernicious provision in the whole of the Bill.

Sir, clause 25 of the Bill deserves special scrutiny. It confers no specific benefit upon the tenant. As it is worded, it cannot be invoked by individual tenants. The provisions of section 116B are vague and everything will depend in the interpretation to the terms "interests of public order and local welfare". It is too dangerously elastic to find place in the Statute Book.

What is more, the Revenue Officer, proposed to be set up by this new section, will only reflect the temperament of the party in power and legislative enactment will be utilised to political ends. This section also presumes to usurp the powers so long exercised by the Civil Court. This will neither be beneficial to, nor inspire confidence in the public. Further for lack of proper knowledge and training, the Revenue Officers will be too ill-equipped to deal with the intricacies of the subject. They will mainly be guided by their personal likes and dislikes and whims and caprices in exercising their discretion. Such state of things should not be allowed to find place in a piece of legislation.

Clause 7 of the Bill is a retrograde step against the interest of the tenants. The original section is more wide and liberal.

Sir, no provision has been made to give the tenants the much needed relief regarding the outstanding arrears of rent. The Congress members in their eagerness to placating the Krishaks to the Congress fold held out such hopes in no unmistakable terms. Some went further still and exhorted the tenants not to make any payment towards the arrear of rents and this made them bold to refuse payment. It is much to be regretted that these hopes have not been materialised. As a result of this Amending Bill, the tenants will find themselves at the mercy of their landlords. They will continue to groan under the heavy burden of excessive rents. The Government in power cannot dare alienate the sympathy of their Zemindar supporters.



Sir, the Bill has got few relieving features. It does not aim at easing the present tension between the land-lords and tenants. It does not satisfy the most modest expectation of the tenants.

With these words, I oppose the motion for referring the Bill to the Select Committee.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY:** Mr. Speaker, Sir, I admire the Hon'ble Revenue Minister for the attempt he has made to remove the grievances of the tenants, but I cannot congratulate him as he has recognised the grievances of the tenants in a very miserly way. Sir, I am not a lawyer—I am only a layman.....

**The Hon'ble the SPEAKER:** But the hon. member is a legislator. (Laughter).

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY:** I am only a lay man who has got close touch with the tenants and I think my hon. brothers in the legal profession will do justice to the Bill.

What is the condition of a Raiyat or tenant in our part of the country? According to Dr. Vodekar "a raiyat is too poor to do anything unaided". Linlithgow Commission observed, "To a very great extent the cultivator..... labours not for profit, nor for a net return but for subsistence". What is the reason of all these? According to Mr. Bhargarb, "the foremost reason is the Zamindari system which reduced the raiyats to the status of serfs under the Zamindars". According to the author of the "Land Revenue Policy of the Indian Government"..... "..... far from being generously treated by the Zamindars the cultivator was rack rented, impoverished and oppressed". The Zamindars hold large tracts of lands and utilize the income not for the well being of the raiyat, but in unnecessary and unproductive uses. Besides rent a large sum is realised from the raiyats every year in a most illegal and objectionable way, though such realisations are prohibited by legislation.

The Tenancy Act of 1936 has extended large measures of protection to the raiyats, but the difference between a raiyat and a Zaminder remains startling. Zamindar is a man of position, has means to approach the highest authority and knows how to fight his case. He has money, power, strength and what not. It is inconceivable that a raiyat who has to live under the Zamindars of such power, influence and eminence, can afford to raise his finger against the 'Zulums' of the Zamindar. The raiyat is disunited, weak, impoverished, debt-ridden, un-influential, un-educated and is left at the mercy of the Zamindar. There are Tenancy Laws to protect the raiyat to a certain extent, but these Laws are absolutely inoperative in the "manners" of some of the Zamindars. Almost everywhere raiyats are cheated like anything by the officers of the Zamindars. These officers are poorly paid "Karmacharis" who mainly depend on blood-sucking of the raiyats. Last year an influential Zaminder of Sunamganj advertised in some Calcutta paper most shamelessly that he wanted a Naib on a pay of Rs. 8 per mensem but he will have an ample scope of "Upri" income and these "Upri" (which means in villages "cholera") is nothing but illegal exactions of money from the poor raiyats. In Hindu and Muhammadan India, the raiyat was to be provided in exchange of revenue with free justice, free police protection, free medical aid and free education, but to-day, under the benign British Government we find that a raiyat pays rent for the whimsical squandering by the parasitic Zamindars. The Government receive only a small fraction of what is paid to the Zamindar by the raiyat while the balance goes to fatten the idle and un-earning Zamindar to the detriment directly of the interests of both the Government and raiyat.

The present Bill aims to do some good to the tenants. It proposes to do away with pre-emption, compensation and ejection. But in this connection one factor should not be lost sight of. In Bengal, the right of pre-emption for the co-sharer tenant is retained. Here the co-sharer tenant also loses his right of pre-emption along with the Zamindar. Whether he should get the right is a matter that deserves careful consideration. From our experience of village life we find that no tenant transfers his holdings unless he is in difficulties and under such circumstances, it is the transferee who dictates terms. In the absence of such right for a co-sharer, I think the value of holdings will go down. I beg to draw the attention of the House to this question.

The present Bill proposes to reduce the landlord's transfer fee to a nominal mutation fee of rupee one. But the procedure through which a Zemindar would get his fee is nothing but cumbrous. Many will very gladly sacrifice their dues owing to the method prescribed by the Bill. So my humble submission is that this fee should be totally abolished.

The Hon'ble Minister proposes to postpone the enhancement of rent for a period of 10 years. To my mind this period is too short. It should be 20 years.

In reply to a letter received from the Hon'ble Minister, Revenue, while in sick bed, I suggested that a section in the proposed Bill should be incorporated by the strength of which Government could reduce the rate of rent where necessary. I am glad that the Hon'ble Revenue Minister has kindly incorporated a section to this effect, but the method prescribed is not at all happy. It is proposed that a Revenue Officer will be invested with power to effect reduction in the rate of rent. It is a dangerous process.

**The Hon'ble the SPEAKER:** The hon. member will conclude his speech after lunch. The House stands adjourned to 2 p. m.

#### Adjournment

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

After lunch

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY:** Sir, I am speaking from my experience that whenever any dispute between landlord and tenant arose and any officer went to hold an enquiry, the officer always sided with the all powerful Zemindars. Of course, I do not admit that there are Zemindars worth the name in the district of Sylhet. The gentlemen who are known as Zemindars in that district were nothing but peasant proprietors, to be better expressed as Talukdars. Zemindar is a term by courtesy so far as they are concerned. I can cite instances when the revenue or executive officers did not espouse the cause of tenants. Affairs of Bhanubil in the Zemindari of the Hon'ble Maulavi Muhammad Ali Haidar Khan attracted even the attention of Miss Allen Wilkinson M. P., who visited the place with Mr. Krishna Menon, Secretary India League, London, and saw how the poor tenants were being oppressed. Houses were levelled to the ground with the help of the officers. In vain the tenants cried with tears in eyes; in vain they drew the attention of Government; but no officer took pity on them. Last year one Zemindar of Sunamganj was oppressing his tenants. I brought the fact to the notice of the then Government and an officer was deputed to enquire into the matters. But what did the officer do? He went direct to the *Kachari* of the Zemindar and the poor tenants did not get any benefit from him. Babu Karuna Sindhu Roy will bear me out in this matter.

What I mean to say is this, that whoever will be able to exercise his influence upon the officer, will get the benefit, be he a Zemindar or a tenant. It is well known that the tenants are poor, helpless and uneducated; and so they will never be able to exercise any influence upon the officer. I, therefore, beg to propose that the procedure proposed in the Bill should be so changed that proper justice can be done.

It is proposed in the Bill under discussion that when a tenant disputes a rent suit, he would be required to deposit an amount to court not exceeding half the amount claimed. I see no reason why the Hon'ble Minister should recognise the hardship of the tenants by only 50 per cent.

Section 82 of the Act gives the right to the landlord to realize interest on arrears. I want to draw the attention of the Hon'ble House to one factor of the question. On low lying areas cultivators harvest their crops generally by the end of April after 30th *Chaitra* and pay the rent some times in the month of May or June, the general custom being to pay the rent after harvesting the crops. But in those cases also, some Zemindars realise interests from the tenants. This point should be clarified to the relief of the tenants.

As for schools established by the tenants, my humble submission is that not only the Zamindar should make a gift of land free of rent, but they should also be compelled by law to make adequate contribution towards the maintenance of the schools.

Rates of rent vary in different parts of the district of Sylhet. In some places of Habiganj and South Sylhet subdivisions the rate varies from Re. 1 to Rs. 4 and in some places of Karimganj the rate has gone up to Rs. 8 per *keyer* of land per annum. A principle should be fixed by which such vagaries can be removed.

I now turn to the plight of tenants, which is well described in a petition submitted by the tenants of Atgaon Parganah, Sunamganj, to Government on the 7th November 1937. Sir, with your permission, I will read only two paragraphs.

"That formerly when the lands were fertile and the normal productivity of the soil was great, a *keyer* of land used to yield as much as 10 or 12 maunds of paddy and 2 or 3 maunds of mustard and the prices were high and profitable, the annual rental payable by your petitioner per *keyer* for such lands including the homestead lands was 4 annas or two annas respectively, and so rent could be paid to the Zemindars at that rate after keeping a good margin for the sustenance of their families; but now while their lands have considerably deteriorated and the productivity of the soil diminished and the yield also has come down to half its former quantity and the prices of all agricultural products have gone low to an unprofitable rate, the landlords have found in your petitioners helpless economic condition an opportunity to increase their rate of rent from 2 to 4 annas to Re. 1-8-0 per *keyer* to add to their already heavy burden of misery; and they are freely resorting to various undesirable tactics to gain their ends and enforce their unjustifiable demand and that even the new form of rent receipt brought into use by the new Sylhet Tenancy Act has been utilised by the landlords to fix the tenants to this newly-demanded high rate of rent by inserting untrue particulars in it without their (tenants) slightest knowledge and actually taking the thumb impressions and in some instances signatures on it to the detriment of their very vital interests.

That formerly the standard measurement current in the parganah and locality was a *nal* 7½ cubits long (one cubit is equal to 22 inches) and 16 by 8 *nals* used to make a *keyer* but now the landlords have reduced the measurements of this standard *nal* to serve their ends and thus by this

reduced *nal* they have fictitiously increased the quantity of the cultivated lands of your humble petitioners to enhance the *jama* (total rental) by a very clever and novel device."

I think no comment is necessary on this matter.

We always raise our voice for the depressed classes. To my mind the tenants of so-called Zamindars in the district of Sylhet are the depressed of all depressed. Their claims have always been and are being suppressed, and in addition to that they are oppressed.

The Bill as presented is not up to the mark and is disappointing. It should be so improved that it helps in ameliorating the condition of the poverty-stricken raiyats, and the amelioration of their condition is nothing but an onward march of a considerably large section of human beings towards advancement. I want that the tenants will only pay their rents and in all other matters they will be made complete masters of the soil as well as equal in status with the Zamindars. This is nothing but an ordinary privilege for a human being. I conclude with the memorable lines of Rabindranath:—

“যারে তুমি নীচে ফেল,  
সে তোমারে টানিবে যে নীচে।  
পশ্চাতে রেখেছ যারে,  
সে তোমারে পশ্চাতে টানিছে।”

**Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY\*:** Mr. Speaker, Sir, কংগ্রেস বনাম কোয়ালিশন গভর্ণমেন্টের পক্ষ হতে মদ্য শ্রীহট্ট টেননসী বিল উত্থাপন করা হইয়াছে ইহা দখিয়া আমরা ক হামিতে হইবে কি কাদিতে হইবে তাহাই ভাবিয়া পাইতেছি না কেননা কোয়ালিশন গভর্ণমেন্টের ভিতর প্রজা আছেন জমিদার আছেন, মহাজন আছেন, খাতক আছেন অর্থাৎ খাদ্য পাদক সম্পর্কিত উভয় সম্প্রদায়ের লোকই এই কোয়ালিশন গভর্ণমেন্টের মধ্যে একত্রে বিরাজ করিতেছেন সুতরাং যদি কাণীর মন রক্ষা করিতে হয় তাহা হইলে পাঠার কুল ধ্বংস করিয়া ফেলিতে হইবে আর যদি পাঠার বংশ রক্ষা করিতে হয় তাহা হইলে কাণীর মুখ আরো বোরতর কাল বর্ণ ধারণ করিবে সুতরাং আমার মনে হয় বর্তমান বিল উই কুল রক্ষা করিতে গিয়া এইবার মজারূপ কোয়ালিশন গভর্ণমেন্ট এই বিশেষ মহান উদ্দেশ্যই বিনাশ করিয়া ফেলিয়াছেন সুতরাং এই বিল দ্বারা জমিদার সম্প্রদায়ের বা প্রজাবৃন্দের কাচারও মঙ্গলজনক কোন কিছুই হইবে না সুতরাং বর্তমান আকারে এই বিল রচনা করা সম্পূর্ণ পণ্ডশ্রম হইয়া গিয়াছে মনেই নাই। আমার একটা বিশেষ বাতীক আছে যে কোয়ালিশনের নাম শুনিলেই আমার হৃৎকম্প উপস্থিত হয় এবং আমার একটা দৃঢ় বিশ্বাস জন্মিয়া গিয়াছে যে কোয়ালিশন করিয়া কোন কিছুই ভাল কাজ হইতে পারে না, কেননা আমি একদিন খাইতে বসিয়া ভাল তরকারী ভাত, রুটি মাংস ও তৎসহ দধি, দুগ্ধ দিয়তাং আর ভূষ্যতাং করিলে আমার জটনৈক বন্ধু বলিলেন—ভাই করিতেছ কি? এই সমস্ত বিভিন্ন জাতীর বস্তু পেটে গিয়া যে ভয়ঙ্কর গোলমাল আরম্ভ করিয়া দিবে অর্থাৎ তুমি যেরূপ বিপরীত ভোজন করিতেছ

ইহার ফল কখনও তোমার পেটের পক্ষে শোভনীয় হইবে না। আমি বলিলাম ভয় নাই, কিছুই হইবে না কারণ এই সমস্ত জব্বা সমূহ পেটের ভিতরে যাইয়া একটা কোয়ালিশন করিয়া কোন রকম কাজ সমাধা করিয়া ফেলিবে সুতরাং ইহাতে বিশেষ চিন্তিত হওয়ার কোন কারণ দেখিতেছি না। কিন্তু কিছুক্ষণ পরেই দেখিলাম আমার সম্পূর্ণ ভুল হইয়া গিয়াছে অর্থাৎ বাস্তবিকই এই সমস্ত জব্বা পেটে ভিতর কোয়ালিশন করিতে যাইয়া ভগ্নানক quarrel আরম্ভ করিয়া দিয়াছে সুতরাং আমি আমার পেটের যত্নস্বয় শাস্তিতে তিষ্ঠিতে পারিতেছি না। অপিচ ইহাতে অতিষ্ঠ হইয়া বন্ধুকে বলিলাম তাই তোমার কথাই সত্য ছিল—আমারই ভুল হইয়া গিয়াছে অতএব ইহার একটা বিহাত ব্যবস্থা করিয়া দিয়া আমাকে রক্ষা কর। বন্ধু শুনিয়া কিছু জ্বলাপের বস্তু আনিয়া আমাকে ভক্ষণ করাইয়া আমার পেটের কোয়ালিশন ভাঙ্গিয়া দিলেন এবং আমিও সুস্থির নিশ্বাস ছাড়িয়া বাচিলাম। সেই দিনাবধি আমি কোয়ালিশনের নাম শুনিগেই অংকাইয়া উঠি এবং আমি বিশ্বাস করিতে পারি না যে কোয়ালিশন দ্বারা কোনো ভাল কাজ হইতে পারে।

**The Hon'ble the SPEAKER:** এখানে কোয়ালিশনের প্রশ্ন হইছে না। এই বিলের পাণ্ডুলিপির ভিতরের যে বিষয়টির সম্বন্ধে আপনি আলোচনা করতে চান সেই বিষয়ে বলুন।

**Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY\*:** আমাকে বাইরের সকলে কিছু বলবার জন্ত আলাতন করিতেছে এটি আমায় এসব বলিতেছি।

**The Hon'ble the SPEAKER:** তাঁরা সকলেই একটু অমোদ করবার জন্ত আপনাকে এরূপ বলেছেন। (*Laughter*) কিন্তু আপনি বিষয় বস্তুর বাহিরের বিষয় অবতারণা করবেন, এমন হইতে পারে না।

**Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY\*:** মধ্যে মধ্যে একটু অমোদ প্রমোদ না করলে বড়ই dull হইয়া যায়। আপনাকেও বোধ হয় কেহ কেহ বলেছেন যে একটু প্রমোদ অমোদ না হলে চলে না এবং আনন্দও হয় না।

**The Hon'ble the SPEAKER:** এই খানে বসে এই সব আমি মোটেই আনন্দ পাই না। আমার দৃষ্টি সর্বদাই বিষয় বস্তুর দিগে থাকবে। এবং সেই জন্ত অমোদ প্রমোদের জন্ত সময় দেওয়া আমার কর্তব্যের বাহিরে।

**Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY\*:** প্রীহট্ট টেনেনসি বা প্রজাস্বয় বিল সম্পর্কে যতদূর আমি অল্পধাবন করিয়াছি ইহাতে আমার মনে মনে এই ধারণা বন্ধমূল হইয়াছে এতদ্বারা প্রজাপক্ষ বা জমিদার পক্ষ কাহারও কোন মঙ্গলজনক কাজ সমাধা হইবে না। ইহার কারণ এই যে যদি কোন ব্যক্তির এই আসাম প্রদেশ বিশেষতঃ সুরমা ভেলীর সহিত পরিচয় না থাকে এমন কি যদি তাহার পিতৃভূমির বা পিতৃপুরুষের সহিত পরিচয় অল্পই থাকে এবং শুধু চাকুরীর বা স্বার্থের খাতিরে

সেই ব্যক্তি উড়িয়া আসিয়া এই প্রদেশে জুড়িয়া বসেন এবং এইরূপ এই অনভিজ্ঞ লোকের কর্তৃত্বাধিনেই শ্রীহট্ট প্রজাসভা বিল রচিত হইয়া থাকে তাহা হইলে এই বিল পুঙ্খানুপুঙ্খরূপে বিচার না করিয়াও বলা যাইতে পারে যে এই বিল প্রজা বা জমিদার কাহারও জন্ত শোভনীয় হইবে না বা হইতে পারে না। সুতরাং কোন সর্ক্যাচিন ব্যক্তি কর্তৃক রচিত অর্থাৎ বাহার এই দেশের দরিদ্র কৃষকের সহিত পরিচয় নাই বলিলেই চলে এইরূপ লোকদ্বারা প্রজাসভা বিল যদি রচিত হয় তাহা হইলে জমিদার পক্ষ কেন কোন প্রজাবন্ধ ব্যক্তিও ইহার সমর্থন করিবেন কি না সন্দেহ।

**The Hon'ble the SPEAKER :** আপনার বক্তৃতার এই অংশে কোন সঙ্গিত দিতে ছেন বলিয়া মনে হইতেছে। আপনি ব্যক্তিগত আক্রমণ করিতেছেন—এমন ধারণা হয়।

**Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY\* :** আমি ব্যক্তিগত আক্রমণ করিতেছি না। আচ্ছা আমি এই টুকু ছাড়িয়া দিব। সুতরাং আমি এই বিলকে সমর্থন করি না তবে যদি বাস্তবিকই এমন একটা নূতন বিল বা এই বিলই সংশোধিত আকারে এই হাউসে উপস্থিত করা হয় যাহাতে প্রজাপুঞ্জ প্রকৃত উপকৃত হওয়ার ব্যবস্থা থাকে তাহা হইলে অন্ত কোন জমিদার এই নূতন বা পরিবর্তিত বিল সমর্থন করুন অথবা না করুন আমি কিন্তু ইহা সমর্থন করিতে সম্পূর্ণ প্রস্তুত। আমি নির্দেশ দিতেছি যে আমার প্রস্তাবিত নূতন বিলে ভূমি সত্ত্ব সম্পর্কিত সমস্ত অধিকার প্রজাপুঞ্জের হস্তে অর্পণ করা হইবে এবং তাহারাই মুখ শাস্তিতে স্বাধীনভাবে সমস্ত জমির উপস্বত্ব অক্রেমে ভোগদখল করিবে এবং জমিদারগণ শুধু নাযা খাজানা আদায় ব্যতিরিক্ত প্রজার উপর অন্ত কোন অধিকার বিস্তার করিতে পারিবেন না কিম্বা উর্দ্ধকরে ১০০ হাল জমি বাতিল অন্ত কোন জমি নিজ খামারভুক্ত করিতে পারিবেন না এবং কোন জমির উপরই তাহাণা ইচ্ছামত উচ্চহারে কর নির্দিষ্ট করিতে পারিবেন না বা যে সমস্ত জমির কর পূর্বেই অনুপোষোগী ও উচ্চহারে নিদ্ধারিত হইয়াছে (যাহা প্রজাপুঞ্জ বহন করিতে অক্ষম) এইরূপ কর কমাইয়া দেওয়ার ব্যবস্থাও এই বিলে থাকিতে হইবে অপিচ আমার প্রধানতঃ উল্লেখিত প্রস্তাব অবলম্বন কারিয়া যদি একটি নূতন বিল বা পরিবর্তিত বিল এই হাউসে আনা হয় (যাহাতে প্রজাবর্গের মঙ্গল সাধিত হইতে পারে) তাহা হইলে আমার মনে হয় প্রত্যেক বিচক্ষণ ব্যক্তিই উক্ত বিল সমর্থন করিবেন এবং জমিদারগণও ইহাতে নিরাপত্তিতে গ্রহণ করিবেন। কেননা এখন জগতের সহিত চলিতে হইলে যুগোপযোগী হইতে হইবে এবং কতক স্বার্থ প্রজাপুঞ্জের অনুযোগ ত্যাগ করিতেই হইবে নতুবা জমিদারগণের পতন অনিবার্য ইহা বলাই বাহুল্য। সুতরাং জমিদারগণের খাজনা নিকরদ্রবে ও বিনা লিঙ্গেশনে আদায় হওয়ার ব্যবস্থা রাখিয়া এবং অবশিষ্ট যাবতীয় সত্ত্ব বা অধিকার প্রজাকে দিয়া যদি একটি নূতন বা সংশোধিত বিল এই হাউসে আনা হয় তাহা হইলে আমি সেই বিলকে সর্বাস্তুরূপে সমর্থন করার জন্ত প্রস্তুত রহিলাম।

**Khan Bahadur Hazi ABDUL MAJID CHAUDHURY :** Mr. Speaker, Sir, I beg to present a Petition under Assembly rule 109 signed by the following gentlemen :—

1. Babu Ritendra Mohan Das.
2. " Arun Chandra Swami.
3. " Bhuban Chandra Chowdhury.
4. " Manish Chandra Deb.
5. " Debendra Chandra De Chowdhury.
6. " Sudhangshu Ranjan Chowdhury.
7. Khan Bahadur Tajammul Ali.
8. " " Gousuddin Ahmed Chowdhury, M.L.C.
9. Maulavi Main Uddin Ahmed Chaudhury.
10. Khan Bahadur Golam Mustafa Chowdhury, M.L.C.

(The hon. member then handed over the Petition to the Hon'ble Speaker).

**The Hon'ble the SPEAKER :** Order, order, the hon. member has presented a Petition under rule 109 of the Assam Legislative Assembly Rule. The procedure relating to such Petition is that it shall be referred to the Petition Committee, and the hon. members know that there is a Petition Committee of the House which came into existence just on the very first day of this session. This Petition will, therefore, be forwarded to the Petition Committee which will examine it and report about it. If the report be that this Petition should be circulated then it will form a part of the papers relating to the Bill and if they do not report like that then it will be within the powers of the Chair to order that the Petition be circulated as a paper relating to the Bill. So, this is the only thing which we can do at this stage.

**The Hon'ble Srijut GOPINATH BARDOLOI :** On a point of order, Sir. Is not the House entitled to know what the Petition is ?

**The Hon'ble the SPEAKER :** Rule does not say that the Petition should be read out before the House at this stage. The Petition Committee will go into the Petition and then they will report the matter to the House.

**Maulavi ABDUR RAHMAN :** Sir, may I know what will be the deliberations of the Committee ?

**The Hon'ble the SPEAKER :** The deliberation of the Committee will be in terms of Rule 114 of the Assembly Rules. If the Petition Committee reports that it will form a part of the papers relating to the Bill, then the Select Committee may take the Petition into consideration when deliberating on the clause of the Bill.

**Maulavi MUHAMMAD AMJAD ALI :** Will the members of this House have the privilege to know about it ?

**The Hon'ble the SPEAKER :** They will know through the Select Committee.

**Maulavi MUHAMMAD AMJAD ALI :** May we know the prayers mentioned in the petition ?

**The Hon'ble the SPEAKER :** When the Committee will report, the hon. members will know about it.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY :** Does the rule say that ?

**The Hon'ble the SPEAKER :** The hon. member will please read the rule. There is a form prescribed in Schedule 1 which says that "accordingly your petitioners pray that the Bill be not proceeded with and your petitioners, as in duty bound, shall ever pray". Of course, we cannot take any notice of it at this stage. It will be considered after the Select Committee has reported.

**Maulavi MUHAMMAD AMJAD ALI :** Then we understand that the ruling of the Chair is that the Petition will take its own course, and we go on discussing the Bill.

**The Hon'ble the SPEAKER :** Yes.

**Maulana ABDUL HAMID KHAN :** Mr. Speaker, Sir, সিলেট প্রজাসাধারণ দীর্ঘকাল যাবত জমিতে সম্পূর্ণ স্বাধীনতা লাভ করিবার জন্য গভর্নমেন্টের দৃষ্টি আকর্ষণ করা সত্ত্বেও গভর্নমেন্ট জমির প্রকৃত মালিক যে প্রজা ইহা স্বীকার করিতে পারেন নাই। বর্তমানে বঙ্গীয় গভর্নমেন্টের দপ্তরে বা মন্ত্রীমণ্ডলীতে প্রায় পোনে ২ গণ্ডা বিখ্যাত জমিদার থাকা সত্ত্বেও বাংলার প্রজাকুলকে জমি সম্পূর্ণ স্বাধীনভাবে হস্তান্তরিত করিবার অধিকার দেওয়া হইয়াছে। প্রজা তাহার জমিতে নিজে চাষবাস করিয়া নিজে ফসল জন্মায়ে অথবা আবশ্যক হইলে নিজের জমি হস্তান্তরিত করিয়া জীবিকা নির্বাহ করিবে তাহার জন্য জমিদারকে যে নজর দিবার ব্যবস্থা করা হইয়াছে তাহা সম্পূর্ণ অত্যাচার। ইহার দ্বারা প্রকারান্তরে স্বীকার করা হইয়াছে যে জমিদারই জমির মালিক—জমিতে প্রজার কোনই অধিকার নাই। প্রজাকে সম্পূর্ণ স্বাধীনভাবে ভোগ দখল করিবার অধিকার দেওয়া সম্পূর্ণ দরকার। তারপর ফসলের মূল্য হ্রাসের অনুপাতে জমির খাজানা কমাইবার কোন ব্যবস্থাই এই বিলে করা হয় নাই। সিলেটের settlement বা জরিপ কার্য সমাধান না হওয়া পর্যন্ত খাজনার হার কমিতে পার না এই উক্তির যুক্তি দৃষ্ট কোনই কারণ নাই। জমি বৃদ্ধি হইল না কম হইল তাহাই settlement এর দ্বারা স্থির করা সম্ভব কিন্তু জমির ফসলের দাম কমিল বা বাড়িল তাহা গভর্নমেন্ট নিজেই স্থির করিতে পারেন এবং সেই অনুপাতে খাজনার হার স্থির করিতে পারেন। ইহার জন্য settlement এর দরকার হয় না। গত ১৫ বৎসর পূর্বে ধান পাট ইত্যাদী ফসলের মূল্য যেভাবে ছিল বর্তমানে উহার একে কেরও কম হইয়াছে। এমতাবস্থায় প্রজা টাকা প্রতি আট আনা হারে খাজনা কম পাইতে পারে। তৎপ্রতি গভর্নমেন্টের দৃষ্টি দেওয়া উচিত। গভর্নমেন্ট খাস মহলের প্রজার দুর্দশার কথা স্বীকার করিয়াছেন এবং এই বিষয় লক্ষ্য করিয়াই গভর্নমেন্ট টাকা প্রতি ১/০ আনা হারে খাজনা কমাইয়া দিয়াছেন। সিলেটের দুর্দশাগ্রস্ত প্রজার প্রতি গভর্নমেন্টের সেই অনুপাতে খাজনা কম করা উচিত। বর্তমানে যে আইন আছে তাহাতে গভর্নমেন্টের খাজনা মাফ দিবার অধিকার আছে কি না সেই বিষয়ে আমি সন্দিহান এবং বর্তমান বিলেও খাজনা হ্রাস করিবার কোন ব্যবস্থা করা হয় নাই। জমিতে উৎপন্ন খাদ্য শস্যের মূল্য বৃদ্ধি হইলে জমিদার খাজনা বৃদ্ধি করিতে পারে কিন্তু ঐ খাদ্য শস্যের মূল্য কমিয়া গেলে প্রজার খাজনা কেন কমিতে পারিবে না তাহার কোন কারণ বর্তমানে বিলে দেওয়া হয় নাই। তৎপর সিলেটের প্রজাকুল দীর্ঘকাল যাবৎ আন্দোলন করিয়া আসিতেছে যে তাহাদের চাকরান জমিতে রায়তি সত্ত্বে দেওয়া হউক। ক্রতদাসরূপে তাহারা থাকিতে বাধ্য নয় এবং দখল সত্ত্বে জমিতে



৬ বৎসরের অধিক কাল বাহাতে না হয় তৎপ্রতি গভর্ণমেন্টের দৃষ্টি আকর্ষণ করা সম্বন্ধে গভর্ণমেন্ট কিছুই করেন নাই। তারপর জমির খাজানা জমিদার গভর্ণমেন্টকে যে হারে দিয়া থাকে তাহার কত গুণ বেশী প্রজার নিকট হইতে জমিদার আদায় করিবে তাহার নির্ধারণ এই বিলে করা হয় নাই। আমি আশা করি জমিদার গভর্ণমেন্টকে যে হারে খাজানা দিয়া থাকে তাহার ৫ গুণের অধিক খাজানা যেন জমিদার প্রজার নিকট হইতে কোন কারনেই আদায় করিতে না পারে তাহার ব্যবস্থা এই বিলে করা হইবে। তারপর বাংলা গভর্ণমেন্ট কোর্ফী রায়তনের উচ্ছেদের অবোধ্য বলিয়া স্বীকার করিয়াছেন। সিলেটেও চাকরান এবং কোর্ফী রায়ত রহিয়াছে—তাহাদের উচ্ছেদ বাহাতে জমিদারেরা না করিতে পারে তাহার ব্যবস্থা এই বিলে করা উচিত। তারপর জমিদারেরা যে দীর্ঘকাল যাবৎ প্রজার নিকট হইতে আবোধ্য এবং নানাপ্রকার অতিরিক্ত কর আদায় করিতেছেন সেই সম্বন্ধে আমি গভর্ণমেন্টের বিশেষ দৃষ্টি আকর্ষণ করিতেছি এবং গভর্ণমেন্টও তাহা অবগত আছেন। কিছুদিন পূর্বে সিলেটের শত সহস্র গরিব প্রজা তাহাদের অভাব অভিযোগ সম্বন্ধে গভর্ণমেন্টের দৃষ্টি আকর্ষণ করিবার জন্ত এই শিলং সহর পর্য্যন্ত আসিয়াছিল এবং গভর্ণমেন্টকে তাহাদের প্রতি লক্ষ করিবার জন্ত পুনঃ পুনঃ বিশেষ আদায় করিয়াছে। Permanent Settlement বা চিৎস্থায়ী ব্যবস্থা থাকার প্রজার অবস্থা দৈনন্দিন খারাপ হইতেছে কাজেই এই জমিদার প্রথা বাহাতে বাঞ্ছনীয় করিয়া উচ্ছেদ করা হয় তাহার প্রতি গভর্ণমেন্টের দৃষ্টি আকর্ষণ করিতেছি এবং গভর্ণমেন্টও এই সমস্ত বিষয় অবগত আছেন। এমতাবস্থায় জমিদারা প্রথা উচ্ছেদ করা দূরে থাকুক গভর্ণমেন্ট এমনকি জমিদারকে নজর দেওয়ার প্রথাও উচ্ছেদ করিবার চেষ্টা করেন নাই। বিশেষ করিয়াও বাংলা দেশে কংগ্রেসী গভর্ণমেন্ট বা প্রজাবন্ধু গভর্ণমেন্ট না তাহা সকলেই স্বীকার করিয়া থাকেন তথাপি সেই প্রদেশের গভর্ণমেন্ট প্রজাকে যে সুবিধা দিয়াছেন তাহার অনুরূপ সুবিধার ব্যবস্থা এই বিলে করা উচিত। জলকরের জন্ত সিলেটের জমিদার অধিকাংশ প্রজার চাষের জমি অধিকার করিয়া প্রজার জমি দৈনন্দিন হ্রাস করিতেছে এমতাবস্থায় সিলেটের প্রজার জলকর জমাভুক্ত জমিতে তাহাদের ফিসারী রাইট জমাইয়া দিবার জন্ত গভর্ণমেন্টের দৃষ্টি দেওয়া উচিত তারপর প্রজার জমিতে হাট বাজার বা যে কোন প্রকার উন্নতি হউক না কেন প্রজা বাহাতে স্বাধীন ভাবে তাহার লাভ ভোগ করিতে পারে তাহার প্রতি গভর্ণমেন্টের বিশেষ দৃষ্টি দেওয়া উচিত। এই বিলে এইসব সুবিধা প্রজাকে দিবার কোনই ব্যবস্থা করা হয় নাই। আমি দেখিতেছি যে সমুদয় অধিকার জমিদারকেই দেওয়া হইয়াছে। বিক্রয় ক্রয় প্রথা যদিও লোপ করা হইয়াছে কিন্তু আংশিক সন্নিহিত যাহারা তাহারা ঐরূপ জমি ক্রয় বিক্রয় করিলে জমিদারের পূর্বে যে অধিকার ছিল সেই অধিকার এই আংশিক ঋণিকদের দেওয়া উচিত ছিল কিন্তু এই বিলে তাহা করা হয় নাই। তৎপর ঋণের হার। বর্তমানে প্রজাকুলের যে অবস্থা

তাহাতে সুদ দেওয়াত দূরের কথা আসল খাজনা দেওয়াই তাহাদের পক্ষে সম্ভবপর না। বকেয়া খাজনা মাফ করিবার জন্ত বলা হইয়াছে কিন্তু বর্তমান বিলে ৬০ হিসাবে যে সুদের ব্যবস্থা করা হইয়াছে তাহা প্রজার পক্ষে দেওয়া সম্পূর্ণ অসম্ভব। এই সুদ একেবারেই রহিত করিয়া দেওয়া উচিত। প্রজার দশ বৎসরের জন্ত যে খাজনার হার বর্দ্ধিত হইবে না বলিয়া ব্যবস্থা করা হইয়াছে তাহার কারণ বর্তমান প্রজার যে অবস্থা তাগতে তাহার বর্দ্ধিত হারে—খাজনা দিতে অসমর্থ। যদিও বাংলা গভর্ণমেন্টকে দেখিয়া এই বর্তমান বিল লিপিবদ্ধ করা হইয়াছে ইহাতে সিলেটের প্রজাদের কোন সুবিধা হইবে বলিয়া আমার মনে হয় না। কম পক্ষও বিশ বৎসরের জন্তও যাহাতে জমিদার খাজনা বৃদ্ধি করিতে না পারে তাহার ব্যবস্থা বিলে করা উচিত। প্রজার শ্রাসসঙ্গত দাবী বুঝাইয়া দিতে জমিদার প্রতাবান্বিত বর্তমান গভর্ণমেন্ট কোন প্রকার ক্রটি না করিয়া প্রজাকে রক্ষা করিবার ব্যবস্থা করা উচিত এবং খাজনার হার হ্রাস করা উচিত। খাজনা হ্রাস না হইলে অতি দ্রুতই প্রজার জমি জমিদারের বা মহাঙ্গনের হাতে চলিয়া যাইবে। এই কয়েকটা কথা বলিয়া আমি এই বিল oppose করিতেছি।

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I wish I should express my humble views on the subject before the House now. This is a very serious matter which deserves our most careful and thoughtful consideration. This is a matter which involves the prosperity and relationship of two main sections of the people of the Sylhet district. A regular tug of war is going on between the landlords and the tenants of the district for the last one decade over the question of amendments to the Sylhet Tenancy Act. The old legislation had to be repealed on certain extraordinary circumstances. Let me now enumerate the conditions under which the existing Sylhet Tenancy Act of 1936 came into existence. The economic depression of the raiyats, stagnancy in payment of rent to landlords, the helplessness of tenants in enjoying full benefits in the land they occupy, and some other uncivic customs led to the repeal of the old tenancy legislation. It was so old that many find it difficult to trace its age. By appointing many special officers from time to time at enormous cost the then irresponsible Government—I mean the pre-autonomous Government—enacted the present Sylhet Tenancy legislation in 1936. But to our utter disappointment, the present legislation has in many respects created a cumbrous position among the tenants and landlords of the district. The Sylhet Tenancy Act of 1936 could not remove many of the grievances of the tenants. As the present Bill which has been presented to the House does not seek to remove all the grievances of tenants, as well as the motion which the Hon'ble Finance Minister has made for reference of the Bill to a Select Committee, cannot therefore get my support.

Now, I shall try to state before the House the demands of the raiyats which are being placed before the Government for the last few years. It is not unknown to the hon. members of this House that the raiyats of the district of Sylhet are holding meetings after meetings and they are representing their demands to the authorities concerned.

It is also a known fact that there are several Tenants' Associations, the principal among them is the Sylhet District Krishak Proja Samity through which the real grievances of the raiyats were represented to the present autonomous Government since it came into power. Now, Sir, I shall try to explain the actual grievances which the tenants of Sylhet want to be redressed. The first grievance is the question of reduction of existing rate of rent in some places where it is exorbitant. Another grievance for which the people are crying hoarse is to get an exemption from paying the arrear rent. They have approached the Government with the prayer that if it is considered just, they should get some sort of relief by wiping out the huge amount of outstanding arrears. Then the other demand is regarding service tenure. In the present civilised age of the country, people do not like that they should live under certain section of the people who want to dominate over them. There are other instances, which, if I enumerate, will take much time of the House and about which the present Bill has made an attempt to remove. Later, I shall compare the present Bill and try to explain before the House whether the Bill has been able to remove the demands of the people of my district. While I advocate the cause of the tenants, I for a moment do not forget that Mirashdars should be subject to all kinds of illegal sufferings. I say that Mirashdars should be given such opportunity and rights by which they can realise their due rents and live in prosperity. By curtailing the rights of Zemindars, I do not propose that facilities should remain only with the raiyats. I do not propose that Zemindars' right should be fully taken away and the tenants only should have the right to enjoy. My intention, Sir, is that there should be such legislation which may bring a cordial relationship between landlords and tenants. For some time past, I noticed that the feelings between Zemindars and tenants are not as they should be. There is one section of the people who are provoking the tenants against Zemindars. This kind of provocation or any kind of illegal hopes should not be given to tenants. They should not be given opportunity to revolt against Zemindars. Unless the Zemindari system is abolished from the district, they should bring such legislation which alone can bring forward cordial relationship between these two classes.

Let us come to the main Bill which has been proposed before the House to see whether it is sufficient to bring a harmonious relationship between the landlord and the tenant. Perhaps it is known to the hon. members of this House that I also tried to introduce an amending Bill to the existing Sylhet Tenancy Act. This I introduced first in December, 1937. Of course, then, I could not secure the necessary sanction of His Excellency the Governor, but subsequently sanction was obtained and it actually came before the House for discussion in December last. After I moved my Bill, the present Hon'ble Minister-in-charge requested me to withdraw my Bill and he gave out hopes that he would prepare such a Bill in consultation and with the opinion of all sections of the people and the House. And as a matter of fact my Bill was rejected by the House. Then, Sir, what happened? The present Hon'ble Minister-in-charge paid visits to several parts of the district and it was published in the papers that the Hon'ble Minister was going to those places to secure the views of the public on the proposed tenancy legislation, but the duration of visits which the Hon'ble Minister paid in each of the meetings would not convince me that he was able to learn the real situation which is prevailing in the district now. So far as my knowledge goes, he had to attend 5 or 6 meetings daily and nowhere he could spend more than 2 to

3 hours. As a result of this tour the present Bill has been prepared and placed before the House. This Bill is not complete in itself and so I do not think that it can get my support. The chief amendment that has been made in this Bill is the abolition of the landlord's fee. This is the only main feature which can be said to be to the advantage of the raiyats. The provision for service tenure, in this Bill, does not seem to be at all sound.

There is another serious measure which has been attempted in the present Bill, that is, to give a weapon to the hands of the Mirashdars by introducing the certificate system. The clause added in the proposed Bill to secure realisation of rent of the landlords on application to the Deputy Commissioner or the Collector is a dangerous one. Collectors will have ample powers to realise rents. But this certificate system, which is a hateful system, is one which has been very seriously denounced in Bengal. In our district, save and except those estates which are under the management of the Court of Wards, this certificate system is not prevalent. If this power be given to the Zemindars a serious injustice will be done to the raiyats. The present procedure under which Mirashdars realise their rent through civil court is a bit lengthy one. But this gives the raiyats sufficient time for payment, but in the certificate system an application is sent and the Collector sends in a peon for the realisation of the arrear rent. These people go to the tenant's house and all on a sudden they attach all moveable properties of these poor raiyats and these are sold in auction. I have seen this in the case of Court of Wards estates. There is another serious matter which deserves our attention. If anybody reasonably objects to the payment, the Court's peons will go back and send reports to the officer concerned stating that they have been prevented in the execution of Court's order and on this ground the poor raiyats are prosecuted and they are severely punished. In such cases the Courts do not care to weigh the evidence thoroughly. If there is the evidence of only the peon and a chaukidar, the Court will come to the finding that the case has been proved, and those people are very severely punished. So, I totally disapprove of this kind of legislation, and it is not only the opinion of my humble self but this system has been very severely condemned by the Bengal Legislature.

Then I come to another aspect of the question. In the existing Act, section 25(2), there is a provision like this—"Every person holding land as an occupancy raiyat *in a village* under a landlord shall have rights of occupancy in all land for the time being held by him as a raiyat in that village under the same landlord". Now, Sir, I say why should there be this restriction? Suppose one lives in a village and holds some land there as an occupancy tenant under a Mirashdar and he holds some land in a neighbouring village under the same Mirashdar also then under the proposed law he shall be debarred from having an occupancy tenant's right in the neighbouring village even though it be under the same landlord. Why should he be deprived of buying land in another village. I do not consider this to be a sound law.

Then I would refer the Hon'ble Minister-in-charge to some other sections also. Section 38 of present Act (liability for arrears of rent on transfer) provides—"when an occupancy raiyat transfers his holding or a share or portion thereof, the transferor and the transferee shall be *jointly* and severally liable to the landlord for arrears of rent due at the time of the transfer". Here, Sir, both the transferor and the transferee are jointly liable. Why, Sir? Suppose I purchase only 2 *keyers* of land from a big holding, which is in arrears of rent for the last four years, the moment I purchase this 2 *keyers* I become liable for the whole arrears. Is it justifiable? I again ask whether it is at all justifiable, because I have only purchased these two *keyers*, the rent of which can only be Rs.2, or Rs.3, or Rs.4, but if

the arrear amounts to Rs.200, I shall be liable for the whole of it the moment I get my document registered. I have not enjoyed the entire holding, but I am made liable for the arrears of rent. Here, also, I raise strong objection because no attempt has been made to rectify this anomaly.

Then, I go back to section 33 of the existing law—right of pre-emption. This has been abolished in the present Bill, but I do hold that the co-sharer must have the right of pre-emption. Because it is well-known that if there are two or three co-sharers, and one of them has a quarrel with the other two, he can easily go and sell his share to a third man, and thereby create trouble. But if there is the right of pre-emption such things cannot occur and the tenancy cannot be divided into many parts. Suppose there is an old tenant and he has five sons, and these 5 sons live separately. If one of the sons sells his portion to a third party, the other brothers will be put to trouble. So, I think, there should be a right of pre-emption given to the co-sharers.

Then, Sir, there is another thing—the most important thing. I refer to section 43 (obligation to pay rent) “An occupancy raiyat shall pay rent for his holding at fair and equitable rates”, and that has been governed by section 46—“the rent for the time being payable by an occupancy raiyat shall be presumed to be fair and equitable until the contrary is proved”. At present the rate prevailing is Rs.5 to Rs.7 per *keyer* in some places, but will it be a news to the hon. members of the House and to the Hon'ble Minister if I say that the present productive power of the land is not more than 8 maunds, and even the best land cannot produce more than 8 maunds, and the price of paddy is at most Rs.10 or Rs.12 at the present rate? And if out of this the tenant pays the Mirashdar Rs.5 or Rs.6, or Rs.7, what remains out of it for his maintenance after paying for the expenses for ploughing and the cost of growing the paddy, and paying lawyers, doctors and others. In this connection there is a controversy—and many had argued with me about it—whether we can touch the contracted rent with the Mirasdar. It was argued that we are not competent to amend the Act by altering the rate of rent and that the Provincial Legislature have no authority to alter or do anything to the existing laws of the permanently-settled areas. But, Sir, when we are going to amend the Tenancy Act by disturbing the rights of permanent settlement, I think we can also enter into the question of rent. Where it is found to be Rs.2 or below, we need not do anything, but where it is found to be exorbitant or too high, why should there not be some intervention by the Government? If the Legislature can entertain the idea of amending the existing Act governing the permanently-settled estates, should we not be entitled to enter into the question of the rates of rent. My proposal is that section 43 should be amended in this way:—“An occupancy raiyat shall pay rent for his holding at fair and equitable rates but in no case it shall exceed Rs.2 per *keyer* per annum”. By adding this portion what do we do? The rate below Rs.2 will not be affected, but only in cases where exorbitant rate is prevalent, where the rate is more than Rs.2—those places will be forced to come under the operation of this Act. Of course this higher rate, as far as my knowledge goes, is not prevalent in all the places of the district. Only in some places and particularly in some places of Habiganj subdivision the rate is too high and I have been told that in the Karimganj subdivision and in certain other places it is also too high. Even in some villages the rate is Rs.14 per *keyer* per annum.

**Mr. BAIDYANATH MOOKERJEE:** Is this *patta* land?

**Maulavi ABDUR RAHMAN:** Most of these lands are for the purpose of growing *pan*. Sir, I was arguing on this point that if we find that we are competent to enter into the question of right of pre-emption, etc., why should

we not attempt to reduce the rent where it is too exorbitant? It will not affect the general class of Zemindars, it will only affect certain areas and that will also be a very small area. So far as I know about my subdivision, it is only in Tarap Pargana and in certain other places the rate is too high. Sir, I consulted many of the Zemindars and they also agreed that it would not be unwise if it be Rs.2.

In this connection the Hon'ble Minister-in-charge may say that some sort of provision has been made in his Bill. But what is that provision? Is it at all happy, is it at all free from litigation? By this he has authorised the Revenue Officer with certain powers, i.e., power to settle rents, power to reduce rents if in the opinion of the officer, the maintenance of existing rents would on any ground, whether specified in the said Act or not, be unfair or inequitable. Sir, I have thought over this provision, i.e., section 116B, sub-section (1). The provision, I submit, is too unhappy. I should like to say that this will lead to serious litigation. Supposing the Revenue Officer sends a Sub-Deputy Collector to go and enquire into certain areas, what he will do? He will not first go to the raiyats on whose invitation he is sent there. Naturally he will approach the bigger people and not the commoners, and he will submit his report to his immediate superior accordingly. Again will the Mirashdars rest satisfied with the decision of the Revenue Officer if it goes against their interests? They will go to the Civil Court and they will go even to the High Court. Then what the raiyats will do? They will ultimately stop in the way. They cannot proceed with the litigation against big Mirashdars. So, I draw the attention of the Hon'ble Minister whether he sees the reasonableness of my point to make it binding that the rate should not be more than Rs.2 per *keyer* per annum.

Then another matter of vital importance is the division of tenancy, a provided in sections 103 and 104 of the present Act. Here in the presents Bill section 104 has been deleted, and has given a long list how division of tenancy can be given effect to. Here if the whole things are carefully considered, I may say that it is also not free from litigation. The provision will have to be amended again. In practical field there will be trouble and Government and legislators of this House will be forced to bring an amendment again. So, before taking any hasty action in this very important matter, my submission is that we may consider it very carefully and see that it should not be such as to create litigation.

Then as to the service tenure. In the present Bill, in clause 33, sub-clause (3) it has been said "A tenant wishing to commute his service into rent shall, within three years of the commencement of this Act, apply to the Revenue Court for such commutation together with a notice in the prescribed form to be served on the landlord and etc., etc. ...." Why there should be a time limit, why should it be within three years? I should say "at once or any time". There should not be any time-limit. If anybody does not like to commute his service into rent within three years, then does he not become barred by this legislation? If one generation does not like to do that now, in that case the future generations are barred by this provision. So, I say there should not be any limitation?

I should again like to draw the attention of the Hon'ble Minister in charge to section 172. Here it is proposed that.....

**The Hon'ble the SPEAKER:** How long the hon. member will take to finish?

**Maulavi ABDUR RAHMAN:** I will take only five minutes more. Regarding section 172, I will give only the substance. The existing law is that in a rent suit if anybody intends to file a defence and if he admit certain amount to be due from him, he is to deposit the whole amount.

Without giving that amount he cannot enter into a defence. In the present Bill it is suggested that the amount shall not exceed half the amount if any admitted to be due to plaintiff. My point is that it should be like this: If the defendant furnishes a security to the satisfaction of the Court, he should be allowed to enter into a defence and file his defence. Here I draw the attention of the Hon'ble Minister that this much latitude should be given to the tenants that if he wants to enter into a defence, he should be given such latitude as to file a defence by furnishing a security only, of course, the security should be to the satisfaction of the Court concerned. Then, if I may be allowed to sum up, I want from the Hon'ble Minister that instead of delaying the matter, he should finish it in this session. Our people are so harassed and the feeling between the landlords and tenants is so serious that it requires immediate removal and the people should get immediate relief. My submission to him, therefore, is that he should see that the Bill be accepted by the House as early as possible. We have given a promise to our constituency that when we return from Shillong, we shall bring these two pieces of legislation, the Sylhet Tenancy legislation and the Money Lenders legislation. If we disappoint them, they will certainly belabour us (*laughter*). The activities of the socialists are so troublesome that unless we have it done, we shall be surely belaboured. I would say to the Hon. Minister that this legislation should be adopted within one hour if possible (*laughter*). But that is obviously impossible and so I request that this should be passed even within two or three days. He ought to give his earnest consideration to the points I have raised. These are the demands of the tenants of the district and if they are not removed, I may tell the Hon'ble Minister that the next time when he will go to my subdivision, he will not get any ovation from them. On the other hand, he will have any number of black flag demonstrations in his honour.

**Maulavi Dewan MUHAMMAD ABHAB CHAUDHURY:** Mr. Speaker, Sir, I rise to endorse the views expressed by my predecessors, my hon. friend Maulavi Abdul Bari Chaudhury and also the hon. Abdur Rahman who have clearly criticised the legal aspects of the Bill. So I need not enter into the details of the Bill. Sir, I only want to say this. Sir, Japan should be an eye opener to us all here. The Samurai aristocratic class surrendered their rights to the people of their own accord. If we want real freedom for India, the landholders or the aristocratic class of India also should follow the example of Japan by giving rights of freedom to their tenants. The landholder of Sylhet, nay of the whole of India, should march with the democratic spirit of the age. His Excellency Lord Linlithgow also sounded a note of warning to the aristocratic classes of India and asked them to be liberal and democratic-minded. If they want that the history of Russia should not be repeated, if they want that they should save their lives from annihilation, they should follow the democratic spirit of the age and make a friendly relation with their neighbours who are their best friends. Police and the big guns of Government cannot protect them. It is the good will of their neighbours that will protect them from outside invasion.

With these few words, I resume my seat.

**The Hon'ble the SPEAKER:** Is the hon. member opposing or supporting the motion?

**Maulavi Dewan MUHAMMAD ABHAB CHAUDHURY:** I am supporting the views expressed by my hon. friends.

**The Hon'ble the SPEAKER:** I am asking about the motion.

**Maulavi Dewan MUHAMMAD ABHAB CHAUDHURY:** I am opposing it.

**Babu KARUNA SINDHU ROY:** Mr. Speaker, Sir, the change in the existing tenancy legislation is absolutely necessary to remove certain disadvantages under which the great majority of the population of the district of Sylhet labour. The present Government Bill is an attempt to redeem the pledges to a very small extent which we, as Congressmen, gave to the tenantry for the amelioration of the condition and to translate into action the pledges which the Indian National Congress declared on behalf of the whole country in its famous Karachi resolution.

Sir, India is a country of Agriculturists, the majority of whom are tenants. The district of Sylhet is no exception. The country as a whole during the British Administration has been impoverished, the brunt of poverty being borne by the peasantry. The policy pursued by early British administrators in the sphere of land legislation for the safety and stabilisation of their newly-acquired dominions is one of the causes responsible for this. It is a well known fact that with the import of British imperialism when the social structure of self-contained Indian villages was being rapidly destroyed, and now by the introduction of Permanent Settlement in 1793 by Lord Cornwallis in the land system of Bengal of which the district of Sylhet was an integral part till 1874, a revolution was effected by a stroke of pen. This resulted in the ultimate ruin of about one third rent farmers existing at the time of the introduction of permanent settlement and brought the tenantry under the full control of the new settlement holders. Their grip over the tenantry was tightened by subsequent legislations and the last vestige of customary rights which the tenantry enjoyed during the pre-British days were altogether obliterated, till at last the imperialistic friends of the Indian landlords were forced to take the measures for giving some security to the tillers of the soil.

Sir, tenants, nay the general population of the world in every country have been subject to exploitation, always by upper ten of society, whether they be Kings, Lords, Amirs, Rajas, Government officials, Zemindars or Talukdars. Culture, comfort and honours belonged to a class of the fortunate minority who enjoyed life and the fruits of civilisation at the cost of the illiterate, uncultured, disorganised and teeming millions who were made to believe that they were predestined to live a life of starvation, amidst plenty, that they were to eke out their existence for the pleasure of the privileged minority, that they were granted some amenities, some rights and opportunities out of sheer kindness and humanitarian sense. India along with the other countries of the world fell in with the same line with the breaking up of the village communities and growth of feudalism, and Indian peasantry were brought under the full control of the upper classes. Permanent settlement introduced by the British imperialists shattered to pieces the very small security which the tenantry had against the all powerful landlords in pre-British days. But the last vestige of any kind of security to tenants was taken away by Regulation VII of 1799.

Can you imagine, Sir, that if my landlord demanded of me as his tenant Rs.100 as an enhanced amount of rent for a holding for which I have been paying Rs.10 for many generations and I refused to pay him the enhanced amount of his demand, he is not required to go to a court but he may take the law in his own hands, arrest me, restrain any property alleging the same to be mine in any of the houses of my co-villagers, get them sold at whatever price he likes without the help of any court and have his demand satisfied? Can you further imagine, Sir, if I, being oppressed by the hardship, bring a criminal case against him and fail to establish the charge, I shall either be fined or sent to prison for the very audacity of bringing an allegation against him. If I am to cite all the specific cases of



tenants not getting justice in the law courts, I am sorry I shall have to take much of the time of the House. I shall place one instance as a model before the Hon'ble House.

One Bacharam, a scheduled class tenant of Gauripur estate, complained against one Rasiklal Chakravarty, a Naib of the aforesaid estate, and his peons residing in Saktiarkhola under police station Sunamganj, for intimidation and torture in the Sunamganj Criminal Court. I personally enquired and was thoroughly convinced that matters took place as described below:—

The aforesaid Rasiklal Chakravarty became angry with the Barman voters of Durgapur who voted for the Congress nominee in the last Assembly election instead of voting for the nominee of their landlord and singled out Bacharam, the headman of the village, to pay the penalty.

**The Hon'ble the SPEAKER:** How is all this relevant to the discussion of the rights of the tenantry? If the hon. member has got to say anything about the principles of the Bill, he can do so.

**Babu KARUNA SINDHU ROY:** Sir, we have to take the tenant and we have to take the Zemindar and judge individually. Compare their mode of living and the difference comes out in sharp relief. The position of a zamindar even in a distressing condition is thousand times more advantageous than that of a fortunate peasant, whatever relief you may give to him. However secure you may make his position, a tenant can never approach a Zemindar because of his inherent place in the constitution of society; leisure, comforts, amenities of life, art, culture and fruits of civilization, are sealed books to him. The disparity of their respective positions will remain as great as ever only with a slight change in favour of the tenants, if this amendment Bill be passed.

Sir, some accuse us that the Bill which has been submitted by Government brings a resolution and is of a confiscatory character. The self-same cry was raised whenever an attempt was made to curb to a very moderate extent, the unrestricted powers of landlords which the notorious Regulation VII of 1799 conferred upon them. The same cry was raised in Bengal after the district of Sylhet was ceded from it during the passing of Act VIII of 1885. The whole country witnessed the same thing repeated during the passage of the Bengal Tenancy Act in the Bengal Legislative Council which received the assent of the Bengal Governor only a few days back. The amending Bill has many provisions common with the Bengal Act. Is it a Bill of a confiscatory character? It abolished transfer fee and provides for a registration fee in the sherista of landlord. It takes away the right of pre-emption, adopts the principle of fixing equitable and fair rent, it confers tenantry right upon, though in a modified form, Etmanders, Bhandaris and Nonkers. Do these provisions militate against the proprietary rights of landlords which they got by permanent settlement? I presume these are items of confiscation. To come to a solution of the question, even historically, we are to consider who is the owner of the land. If we look to the past history of the country, we find that the village communities with their component cultivators were the owners of the lands, the ruling chief having only a right to collect revenue, the distribution of land and the collection crop being left undisturbed with the villages concerned. With the growth of feudalism, the sovereign authority at the centre assumed more powers, the village communities began to be broken, the ruling chiefs became rent collectors and the newly acquired territories with no ruling chiefs were given in charge of revenue collectors.

The raisers of the cry of confiscation may say—"we are not concerned with pre-British days since 1793. With the introduction of permanent settlement we have been declared proprietors of the soil which means we have got every right to do anything we like with our property barring the terms of contract by which we have the liberty to oust any person at our pleasure from our property".

**The Hon'ble the SPEAKER:** Order, order. The hon. member is requested to finish his speech soon !

**Babu KARUNA SINDHU ROY:** Yes, Sir.

"This is the full implication of proprietor-ship. Any provision fettering our freedom regarding our property is confiscation". But was there no obligation imposed upon them by Lord Cornwallis ? Have they carried out these obligations ? No, Sir, they have not. They did not tender *pattas* which they were bound to do, did not presume the standard of measurement in the collectorate and did not keep accounts as were required of them. Breakers of terms of obligation of a contract cannot cry for enforcement of the terms of rights conferred by it. The landholders of Bengal, nay of Sylhet did not play their part of the game, and it does not lie in their mouth to raise the cry of confiscation of their rights and privileges now.

But is the tenantry bound by the permanent settlement of the three parties connected with the land system ? They were studiously excluded from the arrangement, which on behalf of the Board of Directors, the virtual sovereign power of the then Bengal, Lord Cornwallis made with the landlords, the rent collectors. If the tenantry being conscious of their rights make an attempt to assert themselves and the arrangement of the permanent settlement is thereby affected, you cannot name the attempt as an act of confiscation. Granting for argument's sake that the Bill is of a confiscatory nature, in so far as it takes away many privileges which are the natural outcome of the principle of permanent settlement, I declare from the house-tops, Sir, that a people's Government have every right to adopt any measure it likes for the welfare of its people. A prior Parliament has no right to bind down the course of action of a subsequent Parliament. If after the attainment of *Purna Swaraj*, the representatives of the *Swaraj* Government do find the existing laws to be detrimental to the best interests of the country, it will be within their rights, nay their incumbent duty to abolish them even against long-standing usage and custom. They say, 'we have got Provincial Autonomy, that is a limited sovereign authority so far as provincial matters are concerned, subject to the supervising control of provincial Governors.' So, even this legislature, Sir, with the approval of the Governor, can do away with the permanent settlement, if requirements of the province demand it. There will be nothing unparliamentary, unconstitutional or immoral in such a measure. But practically the Bill does not aim at affecting the fixed payment of revenue, the main principle of permanent settlement. It is not revolutionary, but reformatory, not confiscatory but something of a compromise between the two extreme views the absolute ownership of land of the permanent settlement-holders and their representatives in interest, and the nationalisation of land by the State.

**Babu RABINDRA NATH ADITYA:** Mr. Speaker, Sir, during the last general election, as has been said by some hon. members previously, the ballot box sprang a surprise by the message it delivered. It was perhaps due to the fact that the Congress election manifesto regarding agrarian question served as an important factor in determining the results of the last election. And, therefore, it has been quite in the fitness of things that the Congress Coalition Ministry, soon after it assumed office, has tabled this amending Bill to the Sylhet Tenancy Act with a view to remove some of the grievances of the tenantry.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir. Will the hon. member who is just now speaking take into consideration the Bill sponsored by the Congress Party then? Will he compare it with the present Bill?

**Babu RABINDRA NATH ADITYA:** Now, Sir, that this Bill has been mercilessly criticised by some hon. members of the Opposition, I at once looked to the Bills which some of them had the privilege to submit for introduction in this Session of the Assembly. One was submitted by Maulavi Abdul Bari Chaudhury and another by my hon. friend, Mr. Abdur Rahman. When we compare these two Bills with the Bill under discussion, I can definitely say—and say without fear of contradiction that the provisions of the present Bill is far in advance of the those of their Bills (*A voice*: question.). This Bill is also more progressive in its provisions than the other Bill previously tabled by the then Revenue Minister, the Hon'ble Mr. Rohini Kumar Chaudhuri, and that Bill had the support tacit or express of the members now adorning the Opposition Benches. So we can say the Bill that this Government has sponsored is certainly a distinct improvement upon all the Bills which the Opposition members tabled either as a Government Bill or private member's Bill.

We fully realise that this Bill will not be able to satisfy the demands of the tenantry in all respects.

It has got its drawbacks and I agree that this Bill has not made any provision with regard to arrears of rents, and whether that contingency may be met by making certain amendments to the existing tenancy Act is the question that can be considered in this connection. But, Sir, the provisions of this Bill though far below the demands of the tenants have been sufficient to unnerve many of our landlord friends. They must realise that a discontented tenantry is a potential source of danger both for the State and for the Zemindars. Sir, now I will discuss some of the provisions of the new Bill. This Bill mainly provides for the abolition of transfer fee of the landlords and right of pre-emption and some other matters. As regards the transfer fee, I cannot see what justification there can be for the landlords to claim it. Transfer fee is practically a penalty that a tenant has to pay either for his poverty or for his necessity of selling the land. If a tenant is well off then he has no necessity to sell his land. It may so happen that throughout the life-time of one tenant, the landlord may have no occasion to get any transfer fee whereas another tenant on account of his poverty has got to take recourse to the sale of his land and so he has to pay every time certain amount of money by way of premium to the landlords. So, this penalty for being poor must be abolished and so in the fitness of things, this provision has been made. The question is also linked with the question of pre-emption. The question of pre-emption comes in when there is a difference between the landlords and the tenants. If the landlord wants to purchase the land from the tenant on the same terms as are offered by the other intending purchasers then of course, the tenant can have no objection if there is good relation between the parties. But the difficulty arises when there is some misunderstanding between the landlord and the tenant. Since the transfer fee has been abolished and if there be some misunderstanding between the landlords and tenants, then the tenants can easily frustrate the object of pre-emption by putting on the sale deed some fancy or imaginary price for the lands. So, when the provision with regard to transfer fee has been abolished, it is also right that rule of pre-emption should also be abolished, because this matter must be left entirely to the free discretion of the tenants and landlords. Sir, sometimes it is urged that the

tenancy legislation will not raise the tenants in any way economically. I do admit, Sir, that a tenancy legislation or a tenancy reform cannot improve the economic condition of the tenant, but I must say that it certainly helps a great deal in improving the economic relation between the landlords and the tenants. Sir, by any improvement upon the Tenancy Act, we cannot increase the productivity of the lands. But at the same time the fact remains that there is a tension going on between the landlords and the tenants and that tension must be relieved at any cost and so this amendment aims at relieving that tension which is now prevailing in the district of Sylhet. This Act aims at a fair adjustment of rights between the landlords and the tenants. A tenant must know where he stands and a landlord also must know his legal rights. The whole question is now in the melting pot and the difficulty is being experienced both by the land lords and the tenants. So, the sooner the Bill is passed into law the better it will be for the tenants and the landlords. Sir, it has been urged by the landlords of Sylhet that most of the landlords are peasant proprietors and that Sylhet district has got about 50,000 estates of which 35,000 pay less than one rupee as revenue. I quite feel the difficulty in which the landlords are now and we also know fully well that we cannot disregard the interest of the middle class people. In all our struggles for freedom it is the middle class people who have contributed most and their quota of suffering and sacrifice we also expect even in our future struggle against imperialism. At the same time the middle class people should also realise that if they are to depend solely on their income from rents, they cannot go on long in this way. The system of landlordism which had its usefulness in the past has practically outlived its utility. The very fact that most of the Zemindars of the Sylhet district cannot make their two ends meet solely from the income of lands even in the years of normal collection, will substantiate my assertion. If they seek the help of the State to solve the problem of their bread and butter in their walks of life along with the problem of unemployment among the educated youths, then it will certainly be the lookout of the Government to give the question their most sympathetic consideration. But if instead, they cling to a decadent system entirely for their livelihood, they would be shocked to find that it cannot help them in solving the problems of their life.

There is another question, Sir, with regard to the reduction of rent. Government have been vested with powers under the provisions of this Bill for effecting a fair settlement of rent between the landlords and the tenants. I understand, this has been the cause of some anxiety to our landlord friends. Sir, there is already a provision in our existing Sylhet Tenancy Act to this effect and the State has nowhere tolerated free competition in the distribution of lands and in fixing rents. Section 43 of the present Sylhet Tenancy Act lays down that every occupancy right shall pay a fair and equitable rent. So, Sir, we find that the tenants' claim for paying fair and equitable rent has already been recognised by the Zemindars and the State. If a tenant has to get his redress with regard to the rate of rent from the Civil Court then every body knows that the cost of litigation and the law's proverbial delay will take away the substance of the right given to the raiyat under the present Act. This is why the provisions of the new Bill equip the Government with authority for effecting a speedy and summary settlement of fair and equitable rent between the landlord and the tenant. In Bihar also similar provisions have been adopted in their new Tenancy Act. In section 112 of the Bihar Tenancy Act there is provision for settlement of equitable rent. There are several provisions for reduction of rent in that Act. The Bihar Act provides for "(i) the cancellation of all enhancements between January 1911 and December, 1936 ;

(ii) the reduction of all rents commuted between January, 1911 and December, 1936 in the same proportion in which the prices have gone down ;

(iii) total or partial remission of rent in cases where the soil has deteriorated by deposit of sand or submersion under water or by another specific cause or where the landlord has neglected the irrigation arrangements which he is bound to maintain ;

(iv) reduction of rent where there has been a fall in the average local prices of staple food crops (not due to temporary cause) during the currency of the present rent ; and

(v) settlement of fair rent in other suitable cases ; ”

These are the provisions for reduction of rent in the Bihar Tenancy Act, which was passed with the consent of both the landlords and the tenants. Now for giving effect to these provisions of the Act, the Bihar Government adopted measures like these : In cases, “where the cash rents of occupancy raiyats were commuted, enhanced or settled at very high rents by private contract the tenants have to file a petition duly stamped for each holding. A proclamation is to be published at each village fixing the date by which petitions are to be filed. The Assistant Settlement Officer fixes a date on which he proposes to settle the rent for any particular village and serves a general notice in the village informing the date fixed as required by the statutory rule on the subject. Arrangement has been made for receiving the applications and for their disposal by the Assistant Settlement Officers at different centres in the interior”. So this is not a novel provision embodied in this Act, it has already been adopted in some other provinces and we are sure if the Bill is soon passed into Act, it will be possible for Government to give some relief to the poor tenants and that without having recourse to labyrinthian and lengthy process of law. Sir, these are some of the important provisions. As regards other provisions and about service tenantry, some hon. members have discussed them and so I need not repeat them. All that we can say is that though the Bill has some shortcomings, though it has fallen short of the expectations of the tenants, it is undoubtedly a move in the right direction, and in the Select Committee there may be scope for further improvements if all sides of the House give their unanimous support to this motion. With these few words, I support the motion of the Hon'ble Revenue Minister.

**Khan Bahadur HAJI ABDUL MAJID CHAUDHURY:** শ্রীহট্ট প্রজা-

সত্ত্ব আইন সংশোধন করার যে বিল উপস্থিত করা হইয়াছে তাহা আমি সমর্থন করি। যে হেতু ১৯৩৬ সালে শ্রীহট্ট প্রজাসত্ত্ব আইন গঠিত হইয়া ১৯৩৭ ইংরাজী হইতে কার্যকর হইয়াছে। মাত্র দুই বৎসর পূর্ণ না হইতেই আবার সংশোধন করার কি প্রয়োজন তাহা বুঝিতেছি না।

একদল সমাজতন্ত্রবাদীলোক প্রজাবন্ধু সাজিয়া তাহাদের নিজের স্বার্থের জন্ত ভূম্যাধিকারী ও প্রজাদের মধ্যে অকারণ বিরোধের সৃষ্টি করিতেছে।

বঙ্গালা দেশের ও গোয়ালপাড়া জেলার লক্ষ লক্ষাধিক ভূম্যাধিকারীদের প্রকার অনুকরণে শ্রীহট্ট জেলায় অথবা আন্দোলন করিয়াছে। শ্রীহট্ট জেলায় ক্ষুদ্র ক্ষুদ্র ভূম্যাধিকারীর সংখ্যা শতকরা ৯৯ জনের কম নহে। অর্থাৎ ১০০।২০০ টাকার আয়ের ভূম্যাধিকারীর সংখ্যাই অধিক ইহাই এ অঞ্চলের মধ্যবিত্ত শ্রেণী। শ্রীহট্ট জেলার ক্ষুদ্র ক্ষুদ্র ভূম্যাধিকারী অপেক্ষা অত্যন্ত প্রদেশের প্রজারা অধিকতর সঙ্গতি সম্পন্ন; ইহাদিগকে ধ্বংস করিলে

শ্রীহট্ট জেলার হিন্দু, মুসলমান সমাজের মব্যবিত্ত শ্রেণী ধ্বংস হইবেক তাহাতে কোন সন্দেহ নাই।

প্রজাদের হীন দশার কারণ খাজানার নিরিখ কি খাজানা দেওয়া নহে! নিরিখ কনাইলেই যে প্রজার ভাত কাপড়ের সচ্ছলতা হইবে না।

প্রজাদের উন্নতির জন্ত তাহাদের কৃষি ও শিল্পের উন্নতির ও ধনাগমের পথ করিতে হইবেক। সকল দেশেই ইহা গবর্ণমেন্টের কর্তব্য। আমি আসাম গবর্ণমেন্টকে তজ্জন্ত অনুরোধ করিতেছি।

শ্রীহট্ট জেলায় লোকসংখ্যা অনুপাতে চাষি জমির পরিমাণ কম থাকায় প্রজারা সেই পরিমাণ জমি জোতপাত করিতে পারেনা। তদুপরি কোন কোন বৎসর জলপ্রাবন হইয়া দাত্ত ফসল নষ্ট করিয়া ফেলে এবং প্রতি বৎসরই কচুরি পানায় অধিকাংশ ফসল নষ্ট করিয়া দেয়; ইহাই প্রজাদের ও ক্ষুদ্র ক্ষুদ্র মিরাসদারদের দুর্গতির কারণ। সেই অভাব দূর করার জন্ত বর্তমান গবর্ণমেন্টের সর্বাত্মে ব্যবস্থা করা প্রয়োজন।

কৃষি বিভাগে নানা প্রকারে অনেকগুলি টাকা অপব্যয় করা হইতেছে। সেই সব টাকা দ্বারা আবশ্যকীয় স্থানে স্থানে খাল নালা কাটাইয়া নিচু পতিত জমিগুলি ভরট করার ব্যবস্থা করিলে এবং কোন কোন নদীর পারে বাধ দেওয়াইলে অনেক স্থানের ফসল রক্ষা হইবেক এবং কচুরি পান্যগুলি শ্রীহট্ট জেলা হইতে সম্পূর্ণ নষ্ট করিলে প্রজাদের কৃষির উন্নতি হইবেক এবং পতিত জমি ভরট হইলে তাহাদের লোকসংখ্যা অনুপাতে জমি পাইলেই তাহাদের আর কোন অভাব থাকিবেকনা। এই সব বিষয় গবর্ণমেন্টের মোটেই দৃষ্টিপাত হয় নাই।

করিমগঞ্জ সবডিভিসনের কালীগঞ্জ অঞ্চলের লঙ্গাই ভেলীতে রেলওয়ে লাইন নির্মাণ হওয়ার পর হইতেই রেলওয়ে সড়কের পুল গুলী ছাট ছোট খানায় বৃষ্টি হওয়া মাত্রই ধাত্ত-গুলি ডালের নিচে পড়িয়া যায়। সড়কের পশ্চিম ধার অপেক্ষা পূর্বধারে ৩৪ হাত জল বেশী থাকে তজ্জন্ত প্রতি বৎসরই সেই অঞ্চলের ধাত্ত ফসল নষ্ট হইয়া যায় তাহা ভূতপূর্ব এগ্রি-কালচার মিনিষ্টার অনারেবল্ মৌলবী মহম্মদ আলি হায়দর খাঁ সাহেব দয়া পরবশ হইয়া নিজে দেখিয়া আসিয়াছিলেন কিন্তু দুঃখের বিষয় তিনি শিলং পৌচা মাত্রই মিনিষ্ট্রী রি-সাকল্ হওয়ার আর তাহার কোন ব্যবস্থা হয় নাই। তৎপর কৃষি বিভাগের মিনিষ্টার অনারেবল্ মৌলবী আব্দুল মতিন চৌধুরী সাহেব করিমগঞ্জ সবডিভিসনে পদার্পন করিয়া তিনি এই বিষয় এবং আরও অনেক গুলী খাল নালায় ব্যবস্থা করিবেন বলিয়া জনসাধারণকে আশ্বাস দিয়াছিলেন কিন্তু হঠাৎ মিনিষ্ট্রী ভাঙ্গিয়া যাওয়ার তাহার কিছুই হয় নাই। দুঃখ ও পরি-তাপের বিষয় বর্তমান কৃষি বিভাগের মিনিষ্টার আজ পর্যন্ত করিমগঞ্জ গিয়া এই সব অভাব অভিযোগ দেখিয়া আসেন নাই। সিলেট, কাছার ট্রাঙ্ক রোড হইতে বিয়ারাইন পর্যন্ত সুরমা নদীর পার সামান্ত মাটি দ্বারা বান্ধাইয়া দিলে, চাপঘাট ও ইচ্ছামতি প্রভৃতি কয়েকটি পরগণার ধান্য ফসল মোটেই জলে নষ্ট হইতনা। করিমগঞ্জ সবডিভিসনের আবশ্যকীয়

কয়েকটি স্থানে খাল, নালা কাটাওয়া দিলে ও কোন কোন স্থানে বাধ বসাইয়া জলের বেগ নষ্ট করিলে ও কচুরিপানা গুলি সমূলে নষ্ট হইলেই আর প্রজাদের কোন অভাব থাকিবেক না।

বর্তমান গবর্ণমেন্ট তাহার প্রতি লক্ষ্য না করিয়া এখন আইন সংশোধন করার জন্য ব্যতিবাস্ত হইয়া পড়িয়াছেন।

১৯৩৬ সালের প্রজ্ঞাসম্বন্ধ আইনে খাজানা আদায় না করিলে প্রজার জোত উচ্ছেদ প্রধা রহিত করার প্রজ্ঞার খাজানা আদায়ের ভয় সরিয়া যাওয়ার সেই সময় হইতেই খাজানা বাকী পড়িতেছে। এবং তাহাতে মিরাসদার ও জমিদারগণের ভগ্নতির কারণ দাঁড়াইয়াছে।

এখন আবার সংশোধন হইতেছে প্রজার জমির জোতসম্বন্ধ বিক্রি হইলে জমিদার টেন্সফার দিজে পাইবেন। জোতসম্বন্ধ বিক্রি করিলে টেন্সফার দিজে পাওয়া জমিদারগণের ন্যায্য দাবী বলিয়া আমি মনে করি যেহেতু কোন মিরাসদার বা জমিদারের বাম্বিক ১ টাকা খাজানায় এক কেদার জমি এত প্রকার জোত আছে; প্রজা তাহা হইতে আংশিক ভাবে এক পোয়া জমির জোতসম্বন্ধ অন্যের নিকট বিক্রি করিলে যে খরিদ করিল তাহার খাজানা বার্ষিক ১০ আনা হইল সে ইচ্ছা করিয়া এই খাজানা ৪ বৎসর আদায় না করিল জমিদার ৪ বৎসরের খাজানা ২ টাকার জন্য আদালত আশ্রয় নিলে তাহাকে আরও ৬ টাকার ন্যায় মোকদ্দমার খরচ দিলে আইন খরচ সহ ৩০ আনার অধিক ডিক্রি পাইবেন। ডিক্রি করাইয়াও প্রজা যদি দয়া করিয়া না দিলে ডিক্রিচারি দিয়া আদায় করিতে কমপক্ষে আরও ৩ টাকার ন্যায় খরচ দিতে হইবেক। এমতাবস্থায় জমিদার ২ টাকার জন্য নিজের ঘর হইতে ১০ টাকা খরচ দিতে যাইবেক না সুতরাং তাহার এই জমির কোন মূল্য রহিলনা অথচ এই অবস্থায় জমিদার তাহার ম্যাদিক সম্বন্ধ কাহারও নিকট বিক্রি দিবেও পারিবেনা। তজ্জপরি জমিদারের আরও দণ্ড রহিল সদর খাজানা ও লোকেগরেট তাহাদের জন্য জমিদারই সম্পূর্ণ দায়ী রহিলেন। সামান্য ১০ আনার অধিক রাজস্ব বাসী থাকিলেই সেই মহাদাবী নিলাম হইয়া তাহার ঘর বাড়ী হইতে উৎসন্ন হইতে হইবেক। এইসব অবস্থায় টেন্সফার কি কোন মতেই লোপ হইতে পারেনা। বর্তমান বিলে টেন্সফার কির পরিবর্তে রেজিষ্ট্রেশন কি ১ টাকা দেওয়ার ব্যবস্থা করিয়াছেন। এই ১ টাকা কালেক্টরী হইতে বাহির করিয়া আনিতে কমপক্ষে ৩ টাকার ন্যায় ব্যয় দিতে হইবেক সুতরাং ব্যবস্থা নষ্ট হয়না।

আরও সংশোধন করা বিলে জমিদার বা মিরাসদারগণের অগ্রক্রয়ের ক্ষমতা রহিত করার ব্যবস্থা হইয়াছে।

জমিদার বা মিরাসদার কি অপরাধ করিল তাহার নিজের জমি প্রজাকে উচিত মূল্য দিয়া ওষে নিতে পারিবেকনা; ইহা বড়ই অন্যায্য ব্যবস্থা বলিয়া বোধ হয়। কারণ অগ্রক্রয়ের ক্ষমতা না থাকিলে প্রজার জোত বিক্রীর দিলে উচিত মূল্য না লিখাইয়া অতি অল্প অর্থের নামমাত্র মূল্য নিয়াইবেক। অগ্রক্রয়ের ক্ষমতা থাকিলে দিলে উচিত মূল্যই লিখা হইবেক তাহাতে সন্দেহ নাই। কোন কোন মিরাসদার তাহার বসত বাড়ীর লগ্ন জমি

প্রজার জোতে দিয়াছেন। অগ্রক্রয়ের ক্ষমতা লোপ পাইলে মিরশদারের শক্রর নিকট জোত  
সহ বিক্রী করিয়া ফেলিলে মিরশদার তাহার বসত বাড়ীতেই থাকা কষ্ট সাধ্য হইবেক।

সুতরাং অগ্রক্রয়ের ক্ষমতা সর্বাঙ্গীয় থাকা উচিত।

বিলে প্রজাখাজানা আদায় না করিলে মিরশদার নালিস করিলে কোন ক্ষতিপূরণ  
পাইবেনা। প্রজার খাজানা ১০ টাকা বাকী থাকিলে মোকদ্দমার খরছ কম পক্ষে ৬  
টাকার কম হইবেনা ডিক্রি পাইতে আইন খরছ মাত্র ২ টাকার অধিক ডিক্রি পাইবেনা।  
এমতাবস্থায় ক্ষতিপূরণ উঠাইয়া দেওয়া কোন অবস্থায়ই মুক্তিসঙ্গত হইবেনা।

সমাজতন্ত্রবাদীরা প্রজাদেশের বর্ষান্তে যে যে জমিদার বা মিরশদার তাহাদের রক্ত  
শোধন করিতেছে, তাহাদিগকে কিছুই দিতেছেন; কিন্তু একথাটি একেবারে ভিত্তিহীন।  
মিরশদারগণ প্রজা হইতে খাজানা না পাইয়া ও অতিকষ্টে প্রতি বৎসর গবর্ণমেন্টের রেভিনিউ  
নিউ ও লোকাল রেইট আদায় করিয়া থাকেন।

তাহাদের দেওয়া লোকাল রেইটের টাকা দ্বারা লোকাল বোর্ড হইতে রাস্তা, ঘাট, স্কুল,  
মন্ডর, কলেজ, মাদ্রাসা, পুকুর, হাসপাতাল ইত্যাদি পরিচালিত হইয়া থাকে। সেই টাকা  
ভূম্যাধিকারীগণ বহুকাল হইতে যোগাইতেছেন; সেই সব স্কুল ও কলেজ পড়িয়া ধনী নিধনী  
জাতিবর্ণ নির্বিশেষে সমস্ত ছাত্রেরা পড়িয়া মানুষ হইতেছে।

সমাজতন্ত্রবাদীরা গ্রামে গ্রামে ভ্রমণ করিয়া প্রজাদিগকে বুঝাইতেছে যে খাজানা দেওয়া  
একেবারে বন্ধ কর, বন্ধ না করিলে মাফ পাইবেকনা। এই সব চিন্তাকার দিয়া খাজানা  
আদায় অনেক স্থানে বন্ধ রাখাইয়াছে। প্রজাদের অবস্থা ভাল থাকিলেও, তাহাদের বাড়ীতে  
টীনের ঘর প্রস্তুত করা, পুস্করিনী কাটানী, ছেলের বিবাহ হননা প্রকার আমোদ প্রমোদে  
যথেষ্ট টাকা ব্যয় করিতে পারিতেছে; কিন্তু খাজানা দেওয়া সেই সব কুমন্ত্রনায় পড়িয়া বন্ধ  
করিয়া দেওয়ার ক্ষুদ্র ক্ষুদ্র মিরশদারগণ কাহারও নিকট কোন মূণোই তাহাদের জমি  
বাড়ী বিক্রি করিতে না পারিয়া নিরুপায় হইয়া অতি কষ্টে কাল যাপন করিতেছে।  
মিরশদারী তাহাদের গলগ্রহ স্বরূপ হইয়া দাঁড়াইয়াছে। এই সব অবস্থায় পার্টিফিকেন্ট  
দ্বারা খাজানা আদায় করার অধিকার মিরশদারগণকে দেওয়া উচিত।

খাজানা কমাঁইবার অধিকার রেভিনিউ অফিসারের হাতে না দিয়া মুনসেফের হাতে  
এই অধিকারটি দিলে সুবিচার পাওয়া যাইবেক বলিয়া মনে করি। এই সকল কারণে  
আমি কোন অবস্থায়ই এই বিল সমর্থন করিনা।

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir,  
as the time at my disposal is very short, I shall not take long in replying to  
the speeches which have been made by the hon. members from the Opposition  
side in connection with this motion. Sir, I would mainly deal with the  
speeches of the hon. Maulavi Abdul Bari Chaudhury and Maulavi Abdur  
Rahman who had also given notices of private members' Bills in this con-  
nection.

Sir, there is very little in common between the Bills of which notices  
have been given by these two hon. gentlemen and the arguments advanced  
by them on the floor of the House. Maulavi Abdul Bari Chaudhury would  
exclude from the definition of land, "rent in kind" and "chukti" tenant



from the definition of tenants; the "*chukti*" tenants are those who pay fixed quantities of produce as rent. He further wants to abolish landlord's fee, landlord's transfer fee. He wants for notice being sent to landlord except in the case of the transfers which are dealt with under section 32. He would limit the enhancement of rent on occupancy raiyats to 2/16th. He would reduce damages, but not abolish them.

As regards abandonment, more objection on the part of a tenant is provided for as being sufficient, lastly he would provide security instead of deposit of admitted dues to a third person in a suit or in an application to set aside a decree and would abolish sections 164 and 160.

Excepting on the last mentioned point, Maulavi Abdur Rahman proceeds on different lines. He suggests a minor amendment under section 7 and major amendment in section 25, whereby a person who has acquired an occupancy right under any landlord will have same right in all lands acquired by him anywhere under any landlord. His amendments as regards abolition of landlords' transfer fees are however more complete than those of Maulavi Abdul Bari. Maulavi Abdur Rahman would like the landlord's right of pre-emption abolition and extend it to co-sharer tenants who seem to have had it under custom which is still unaffected by the Sylhet Tenancy Act.

These are matters which the Select Committee could go into and take their decision. He would moreover abolish joint liability of the transferer and the transferee for dues before the date of transfer. He would limit the maximum rent in the case of occupancy right to Rs.2 per *keyer* and would repeal section 46 dealing with the pre-emption of the existing rents being fair and equitable. As regards division of tenancy and distribution of land, he would dispense with the landlord's consent.

It is clear from what is stated above that the suggestions given by these gentlemen are sketchy and partly on the same lines and partly on different lines. Some of the suggestions made therein, such as the attempt to narrow down the definition of "tenant" and of "rent" are not consistent with the spirit of the terms. I would repeat that the motion, which I have made to-day, should be accepted by this House, as the Government Bill is a wider and more complete measure than either of the private member's Bills.

**The Hon'ble the SPEAKER:** The question is that the Sylhet Tenancy (Amendment) Bill, 1939, be referred to a Select Committee consisting of the following members:—

- (1) Babu Karuna Sindhu Roy,
- (2) Babu Rabindra Nath Aditya,
- (3) Babu Dakshinaranjan Gupta Chaudhuri,
- (4) Mr. Baidyanath Mookerjee,
- (5) Babu Bipin Behari Das,
- (6) Khan Bahadur Dewan Eklimur Roza Chaudhury,
- (7) Khan Sahib Maulavi Mudbbir Hussain Chaudhuri,
- (8) Khan Bahadur Haji Abdul Majid Chaudhury,
- (9) Maulavi Md. Maqbul Hussain Choudhury, and
- (10) The Mover (Revenue Minister).

(Four members to form a quorum)

The motion was adopted.

### CONDOLENCE ON THE DEATH OF LORD BRABOURNE

**The Hon'ble the SPEAKER:** Before we disperse, I am to announce to the hon. members of the House the reply we have got from the Secretary

to His Excellency the Governor of Bengal in reply to the condolence message we sent on the death of Lord Brabourne. The letter which has been addressed to the Secretary is as follows:—

“The Lady Brabourne has asked me to write and convey through you to the Hon’ble Speaker and the members of the Assam Legislative Assembly her grateful thanks for their expression of sympathy and condolence on the death of Lord Brabourne.”

**Re: Amendments to the Assam Agricultural Income-Tax Bill, 1939**

**Mr. F. W. HOCKENHULL:** Mr. Speaker, Sir, I rise on a point of order. I will not detain the House very long; but with reference to the amendments, which have been placed on members’ tables, I have to complain, that they are not a faithful reproduction of those which Mr. Clayton and I have tabled. There have been modifications and alterations from the original. My point in raising this point of order now is to seek the protection of the Chair, so that on the proper occasion, we may be allowed to move the amendments in the form in which they were presented to the office.

**The Hon’ble the SPEAKER:** In what way they are not faithful reproduction?

**Mr. F. W. HOCKENHULL:** In certain cases, words have been added, and in others there are omissions. Often there are alternative amendments, but this is not clear to members owing to the form in which they have been cyclostyled, and this is important because when one is accepted, the other need not be moved.

**Mr. J. R. CLAYTON:** May I add to what has been said by Mr. Hockenull? In some cases if our prior amendments are not accepted by the House according to the printed form, there are at least five amendments that we will not be able to move. We prefer the original amendments. Words used there are not our words at all, and in another case a whole line has been left out.

**The Hon’ble the SPEAKER:** Are all these changes taken exception to on the ground that the intention of the member who has tabled these amendments has been changed?

**Mr. J. R. CLAYTON:** It is in many cases.

**The Hon’ble the SPEAKER:** Very well. I am glad that hon. members have made mention of these facts. I shall look into the matter and if on this ground if there be any objection with regard to certain amendments, I shall take this into consideration and decide what form these amendments should take. It is sufficient that hon. members have made mention of the fact to-day. And so the hon. members have got notice of the fact that there have been certain alterations in the original amendments in the arrangement that have been made by the office. If I see that there have been substantial changes, I shall allow the original amendments to be moved.

**Khan Bahadur Maulavi KERAMAT ALI:** If the printed copies of the original amendments are not distributed among the hon. members in time, it will not be possible for members to come prepared either to support or oppose them.

**Mr. F. W. HOCKENHULL:** Might I enquire if it is proposed to print these amendments before the debate on Wednesday?

**The Hon'ble the SPEAKER:** The hon. members have got the amendments cyclostyled, but from what Mr. Hockenull says, I now direct my office to print those amendments and to distribute them by to-morrow evening.

### Adjournment

The Assembly was then adjourned till 11 a.m., on Tuesday, the 4th April, 1939.

SHILLONG :

*The 22nd June, 1939.*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*

**ASSAM LEGISLATIVE ASSEMBLY**

**GOVERNMENT OF ASSAM**

**GOVERNOR OF ASSAM**

His Excellency Mr. H. J. TWYNAM, C.S.I., C.I.E., I.C.S.

**MEMBERS OF THE COUNCIL OF MINISTERS**

1. The Hon'ble Srijut GOPINATH BARDOLAI, M.A., B.L., in charge of Home and Education Departments.
2. The Hon'ble Mr. FAKHRUDDIN ALI AHMED, Barrister-at-Law, in charge of Finance and Revenue Departments.
3. The Hon'ble Babu KAMINI KUMAR SEN, B.L., in charge of Local Self-Government, Legislative, Judicial and General Departments.
4. The Hon'ble Srijut RAMNATH DAS, B.L., in charge of Medical, Public Health, Welfare of Labour, Boilers, Factories and Electricity Departments.
5. The Hon'ble Babu AKSHAY KUMAR DAS, B.L., in charge of Excise and Agriculture Departments.
6. The Hon'ble Maulavi MD. ALI HAIDAR KHAN in charge of Public Works Department.
7. The Hon'ble Srijut RUPNATH BRAHMA, B.L., in charge of Forests and Registration Departments.
8. The Hon'ble Khan Bahadur Maulavi MAHMUD ALI in charge of Co-operative Societies and Industries Departments.