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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 2 p.m., on
Friday, the 17th March, 1939.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Adulteration in ghee

Mr. KEDARMAL BRAHMIN asked :

*110.(a) Is the Hon'ble Minister-in-charge of Public Health aware that the vegetable ghee imported in Assam is mainly used for adulterating the pure ghee ?

(b) Are Government aware that the adulterated ghee is very injurious for health ?

(c) If so, what steps have been taken by Government to stop the import of the vegetable ghee and to check the adulteration in ghee ?

The Hon'ble Srijut RAMNATH DAS replied :

110.(a)—Government have no information.

(b)—Adulterated ghee need not necessarily be injurious to health. The adulterants used (like vegetable ghee) may have the same food value as ghee.

(c)—To check adulteration, the provisions of the Assam Pure Food Act are applied.

Maulavi MABARAK ALI: May we know whether the opinion of the Hon'ble Minister is that the adulterated ghee may have the same food value as the pure ghee ?

The Hon'ble Srijut RAMNATH DAS: It is the opinion of the Director of Public Health that adulterated ghee need not be injurious to health. The adulterants used like vegetable ghee may have the same food value as ghee.

Maulavi MUHAMMAD AMJAD ALI: We want to know what is the opinion of the Hon'ble Minister.

The Hon'ble the SPEAKER: The answer is given there.

Maulavi MUHAMMAD AMJAD ALI: I want to put a question with regard to question No.110(a). Will the Hon'ble Minister please inquire about that ?

The Hon'ble Srijut RAMNATH DAS : I could not follow the question.

The Hon'ble Srijut RAMNATH DAS : Yes, Sir, I will inquire about this.

Maulavi MABARAK ALI : Was the adulterated *ghee* chemically examined ?

The Hon'ble Srijut RAMNATH DAS : Sometimes it is examined.
Maulavi MABARAK ALI : What was found ?

The Hon'ble Srijut RAMNATH DAS : Sir, I have already said that the adulterated *ghee* is not necessarily injurious to health.

Maulavi MABARAK ALI : But the answer is that the adulterated *ghee* may have the same food value as pure *ghee*.

The Hon'ble Srijut RAMNATH DAS : Yes, it may possess the same food value.

Maulavi MABARAK ALI : May I know whether it was chemically examined ?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir, it was chemically examined.

Maulavi MABARAK ALI : Why the answer is vague ? Government ought to have been sure about this.

The Hon'ble Srijut RAMNATH DAS : I have already said that it is not necessarily injurious to health ?

Maulavi MABARAK ALI : Is it an answer, Sir ?

The Hon'ble the SPEAKER : The adulterated *ghee* was examined and found to contain some food value like the pure *ghee*.

Maulavi MUHAMMAD AMJAD ALI : The answer is not very clear, Sir. We want to know as to what percentage the adulterated *ghee* contains the food value.

The Hon'ble Srijut RAMNATH DAS : This is not the question of percentage, Sir.

Maulavi GHYASUDDIN AHMED : Sir, am I to understand that the Pure Food Act is sufficient to check the import of adulterated *ghee* in this province ?

The Hon'ble Srijut RAMNATH DAS : So far as the Government are aware, the Pure Food Act is sufficient to check it.

Maulavi MUHAMMAD AMJAD ALI : Is the Hon'ble Minister aware that adulterated *ghee* is being persistently imported in Assam ?

The Hon'ble the SPEAKER : The answer given is that Government is aware and the Hon'ble Minister has also promised to inquire into the matter.

Srijut ROHINI KUMAR CHAUDHURI : May I know Sir, the number of cases in which there have been prosecutions under the Pure Food Act so far as *ghee* is concerned ?

The Hon'ble Srijut RAMNATH DAS : I want notice of that question, Sir.

Srijut ROHINI KUMAR CHAUDHURI : I have got one more question, Sir. Am I correct in saying that there has not been a single case of prosecution under the Pure Food Act so far as *ghee* is concerned ?

The Hon'ble Srijut RAMNATH DAS : So far as I know there have been some cases.

Srijut ROHINI KUMAR CHAUDHURI : Is the Hon'ble Minister aware of any single case within the recent time ?

The Hon'ble Srijut RAMNATH DAS : I am not aware of any such case within my time.

Maulavi MUHAMMAD AMJAD ALI : Is the Hon'ble Minister prepared to admit that the Pure Food Act is a little bit defective to punish cases of adulteration ?

The Hon'ble Srijut RAMNATH DAS : I am not prepared to accept it, Sir. It is rather a matter of opinion.

Maulavi MUHAMMAD AMJAD ALI : Is it a question of opinion, Sir ?

The Hon'ble the SPEAKER : Yes, it is a matter of opinion.

Maulavi MUHAMMAD AMJAD ALI : The Hon'ble Minister should be able to tell us.

The Hon'ble the SPEAKER : The hon. member may ask whether Government are aware about the cases which did not end in conviction.

Maulavi MUHAMMAD AMJAD ALI : That question has been asked, Sir, but the Hon'ble Minister said that there was no such case during his time.

Srijut BELIRAM DAS : Does the Hon'ble Minister for Public Health realise the necessity of issuing licences to the sellers of *ghee* so that adulterated *ghee* may not be sold to the public ?

The Hon'ble Srijut RAMNATH DAS : That question will be considered, but so long as the Act is there, there is not so much necessity for this.

Srijut BELIRAM DAS : On a point of information Sir. Some cases were brought to the notice of the Municipal Health Officer of Gauhati before the *Pujas* but up till now, I have not heard anything about that. If the Act operates like that then there is no use of having any such Act at all.

Maulavi MUHAMMAD AMJAD ALI : That question should be answered, Sir.

The Hon'ble the SPEAKER : No. I have called out the next question. The hon. member should put a substantive question and then the Hon'ble Minister may answer the question.

Srijut ROHINI KUMAR CHAUDHURI : Sir, as you were pleased to admit the question, would it not be better to get an answer from the Hon'ble Minister ?

The Hon'ble the SPEAKER : That is not a substantive question. The hon. member supplied the facts on the floor of the House and can it be expected that a Minister should be ready with all the materials to give him the answer ?

Srijut ROHINI KUMAR CHAUDHURI : The Hon'ble Minister may be ready, Sir, to answer the question.

The Hon'ble the SPEAKER : Is the Hon'ble Minister ready to answer the question ?

The Hon'ble Srijut RAMNATH DAS : If the hon. member would put the question in a substantive form, I could answer it.

Maulavi JAHANUDDIN AHMED: The question asked by my hon. friend Maulavi Ghyasuddin Ahmed has not been answered, Sir.

The Hon'ble the SPEAKER: What was the question?

Maulavi JAHANUDDIN AHMED: The question is whether Government consider that Pure Food Act is sufficient to cope with adulterated *ghee*?

The Hon'ble the SPEAKER: That question was asked and already answered. It seems that the hon. member was not at all attentive.

Maulavi JAHANUDDIN AHMED: It was found that in some criminal cases prosecuted under the Pure Food Act the culprit were not punished. Is the Act is insufficient to cope with the adulteration of *ghee*?

The Hon'ble the SPEAKER: The Hon'ble Minister said that he was not aware of such cases.

Exemption of Muktears from appearing at the Revenue Agentship Examination

Srijut ROHINI KUMAR CHAUDHURI asked:

*111.(a) Has Government received a copy of the proceedings of the meeting of the Gauhati Lawyers' Association held on the 9th November, 1938?

(b) Do Government propose to exempt Muktears from appearing in the Revenue Agentship Examination and to permit them to appear in Revenue Courts without passing such examination?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied:

111.(a)—Yes.

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

Srijut ROHINI KUMAR CHAUDHURI: May I know what were the difficulties in the way of exempting Muktears from appearing in the Revenue Agentship Examination?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: We are taking information from the neighbouring provinces of Bengal and Bihar whether such a change has been made there.

Mr. BAIDYANATH MOOKERJEE: Are Government prepared to take an initiative themselves without waiting for other Provinces?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Yes, Government are considering the matter.

Srijut ROHINI KUMAR CHAUDHURI: Is it not a fact that the Muktears are also required to study the Assam Land Revenue Regulation and revenue laws?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: But the curriculum for the two examinations, *i.e.*, the Muktearship and the Revenue Agentship examinations, is not the same.

Srijut ROHINI KUMAR CHAUDHURI: It is not a fact that so far Revenue is concerned the curriculum is common?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: That may be so, but it is not common in all respects.

Srijut ROHINI KUMAR CHAUDHURI: If that is so, then what is the difficulty in allowing Revenue Muktears to practise in Revenue Courts?

The Hon'ble the SPEAKER: The Hon'ble Minister has said that they are obtaining information on this point from other provinces. So it is evident that they are taking some initiative in the matter.

Srijut ROHINI KUMAR CHAUDHURI: If the Revenue curriculum is the same so far as the two examinations are concerned, then what is the difficulty?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Government are not against giving this privilege to the Muktears, but I hope the hon. member will give us sufficient time to consider the matter so that proper orders may be passed.

Maulavi ABDUR RAHMAN: Is it not a fact that during the last Easter holidays a conference of All-Bengal and Assam Muktears Association was held at Sylhet, and a resolution was adopted requesting Government to take up the matter as early as possible?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Yes, Sir, we have received a copy of the resolution, and the matter is receiving our consideration.

Mr. BAIDYANATH MOOKERJEE: Will Government be pleased to give us some idea of the time they will take over this matter?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: As soon as the Session is over I shall take up the question.

Question re cultivable waste lands and landless people in the province

Srijut SARVESWAR BARUA asked :

*112. Will Government be pleased to state—

(a) Whether any survey of cultivable waste lands in the province and census of landless people in the Assam Valley including those who have uneconomic holdings have been undertaken by the Government?

(b) If so, with what progress?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

112.(a) & (b)—Waste cultivable lands occur in surveyed villages and unsurveyed areas. In the latter areas settlements are first made without accurate survey and then when a considerable area is taken up permanently, the area is accurately surveyed. To do otherwise is to waste money as it is impossible to keep boundary marks in jungles and if the boundary marks are not maintained the results of the survey are lost.

As regards the Census, Government have called for a report about landless people from the Commissioner.

Prisoners in the Mangaldai Jail

Maulavi BADARUDDIN AHMED asked :

*113.(a) Are Government aware that the prisoners in the Mangaldai Jail are employed to draw carts loaded with fuel wood and *Ikra*, etc., from a considerable distance ?

(b) If so, do Government propose to take steps to put a stop to this practice ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

113.(a)—Yes, prisoners in the Mangaldai Jail are at times employed to draw carts lightly loaded with firewood from a distance of $3\frac{1}{2}$ miles from the Jail and $1\frac{1}{2}$ mile from the town.

(b)—No, until better arrangements can be made for the supply of firewood required for the Jail, it will not be feasible to abolish the practice. Drawing a cart by 6 to 8 convicts, as is the practice, is not considered to be detrimental to the health of the prisoners so employed.

Khan Bahadur Maulavi KERAMAT ALI: Are there no bullocks in Mangaldai?

The Hon'ble Babu KAMINI KUMAR SEN: I am not aware of that.

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Minister please enquire about it?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir, I may make an enquiry. The difficulty, as I have already stated, is that the question of finance as well as the question of feasibility of the proposition will have to be considered. Drawing of a cart by 6 to 8 convicts is not considered detrimental to the health of the prisoners.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that in many towns carts are pulled even by persons, who are not jail convicts ?

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

Srijut ROHINI KUMAR CHAUDHURI: Does the Hon'ble Minister mean to say that he is utilising the convicts as bullocks only because there is no fund available for the purchase of bullocks.

The Hon'ble Babu KAMINI KUMAR SEN: No, Sir, this practice of drawing carts by prisoners is not an unusual practice in Mangaldai jail. This is being done elsewhere too.

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Minister be pleased to let us know in what other jails this method exists?

The Hon'ble Babu KAMINI KUMAR SEN: I think in Sylhet jail, and also in Nowgong jail.

Mr. ARUN KUMAR CHANDA: Has this grievance arisen since the assumption of office by Mr. Kamini Kumar Sen? (*Laughter* in Congress Benches).

Srijut ROHINI KUMAR CHAUDHURI: May I know what is the maximum load allowed in one cart?

The Hon'ble Babu KAMINI KUMAR SEN : I do not know that.

Maulavi ABDUR RAHMAN : Do I understand that because the previous Government did not take up the matter the present Government also will sit idle?

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

Srijut ROHINI KUMAR CHAUDHURI : So far as the previous Government was concerned, no such instances were brought to their notice. If any instance was brought to their notice the practice would have been immediately stopped (*Hear, hear*).

Do I understand the Hon'ble Minister to say that he made absolutely no enquiry after receipt of this question ?

The Hon'ble Babu KAMINI KUMAR SEN : Enquiry about what?

Srijut ROHINI KUMAR CHAUDHURI : Whether the bullocks were available in the Mangaldai jail, and whether in spite of that, human labour is being employed for drawing carts ?

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

Maulavi MUHAMMAD AMJAD ALI : May we not expect a more humanly treatment to our prisoners from this Government?

The Hon'ble Babu KAMINI KUMAR SEN : Government do not consider it inhuman. (*Cries of "shame" from the Opposition.*)

Khan Bahadur Maulavi KERAMAT ALI : Will the Hon'ble Minister please enquire whether convicts are employed to pull carts in spite of the fact that there are bullocks in the jail ?

The Hon'ble Babu KAMINI KUMAR SEN : I will enquire.

Mr. BAIDYANATH MOOKERJEE : Are Government aware that even men, who are not jail convicts, pull rickshaws in many towns to carry human beings ?

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

Srijut ROHINI KUMAR CHAUDHURI : Are the prisoners compelled to do this work, or they do this voluntarily ?

The Hon'ble Babu KAMINI KUMAR SEN : I think they do this voluntarily.

Maulavi BADARUDDIN AHMED : Is it not a fact that *Ghani* labour has been abolished in all the jails of Assam ?

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

Maulavi BADARUDDIN AHMED : Do not Government consider that drawing bullock cart by prisoners is more arduous than *Ghani* labour ?

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

Mr. NABA KUMAR DUTTA : Are Government prepared to stop this practice ?

The Hon'ble Babu KAMINI KUMAR SEN : In reply to a question from Khan Bahadur Keramat Ali, I have already said that I shall make an enquiry into the question whether bullocks can be utilised if bullocks are available in the jail.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Question re the visit of the Superintending Engineer in the Sylhet District**Maulavi ASHRAFUDDIN MD. CHAUDHURY** asked :

58. Will Government be pleased to state—

(a) The number of visits, paid by the Superintending Engineer to the District of Sylhet in the course of the last 3 months ?

(b) The period of his stay during each of his visit at Sylhet and the amount drawn by him during the last 3 months as travelling allowance ?

(c) Is it a fact that the Superintending Engineer had been during all his visits, on shooting excursions ?

(d) Is it a fact that during all his Sylhet tours, he had been accompanied by Babu Benode Behari Das Gupta, Public Works Department Subdivisional Officer of Sadar Sylhet ?

59. Will Government be pleased to state the names of the places where Babu Benode Behari Das Gupta, Public Works Department Subdivisional Officer, Sylhet, was posted during the last 5 years ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

58. (a)—Once during each month.

(b)—December 1938—6 days, on duty, 5 days X'mas holidays.

January 1939—5 days.

February 1939—3 days including one Sunday and one Government holiday.

Travelling allowance for all touring in the Southern Circle which includes Lower Assam and Khasi and Jaintia Hills Public Works Department Divisions as well as the Surma Valley—

	Rs.	a.	p.
December, 1938
January, 1939
February, 1939

(c)—No.

(d)—No.

59.—Babu Benode Behari Das Gupta, Overseer, has been at Sylhet during the last 5 years as follows :—

(i) He was in charge of the North Sylhet Subdivision since 3rd August 1933.

(ii) On the formation of the North Sylhet Roads Subdivision with effect from 15th October 1935 he was placed in charge of that Subdivision.

(iii) He went on 4 months' leave from 13th February, 1936 and was placed in charge of the North Sylhet Roads Subdivision again on return from leave on 13th June, 1936. He is in the same station since then.

Question re professional grazing grounds**Srijut LAKSHESVAR BOROOAH** asked :

60. (a) Are Government aware that the cattle belonging to professional graziers in Assam suffer greatly for want of convenient professional grazing grounds ?

(b) Is it a fact that recently, Garumara Professional Grazing Ground which accommodated a large percentage of cattle has been cancelled and the problem has been rendered more acute?

(c) Is it a fact that Mesaki and Koplong are the only two chaparis convenient for Professional graziers supplying milk to the Dibrugarh Town?

(d) Is it a fact that a large majority of graziers have represented to Government to get the above two chaparis?

(e) If so, what steps do Government propose to take to remove the grievances of the graziers?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

60. (a)—Government have sometimes received complaints to this effect.

(b)—The Grazing Reserve was cancelled with effect from 1st February, 1939 and the area available for grazing in the Tangani Reserve was increased.

(c) and (e)—The matter is at present under inquiry.

(d)—Yes.

Question re the Commercial Carrying Company, Limited

Srijut OMEO KUMAR DAS asked :

61.(a) Will Government be pleased to state whether the Commercial Carrying Company, Limited, as contemplated under Clause 15 of the agreement in force since the 1st January, 1939, has disposed of two-fifths of its existing paid-up share capital by private negotiations to indigenous and domiciled people of the province?

(b) If not, do Government propose to ascertain, what steps, if any, are being taken by the contractors to reconstruct the present Private Company into a Public Utility Company with a view to sell by advertisement two-fifths of the total issued share capital at par to indigenous and domiciled people of the province?

(c) Do Government propose to call for the valuation of the existing assets of the Company with a view to thoroughly scrutinise the same before the Company is reconstructed and order for revaluation of the same by experts of their own choice, if necessary?

62.(a) Are Government aware—

(i) That business people and the general travelling public in Assam as also the various Government and utility Departments concerned are much inconvenienced as the head office of this Company is situated at a far off place outside the Province?

(ii) That much unnecessary delay is always experienced by all concerned for having to refer matters relating to this service to the head office in Calcutta for disposal and decision?

(b) Do Government propose to invite opinions on this point from all quarters concerned and take necessary steps to give effect to the desire of the majority in this regard?

(c) Do Government propose to take necessary steps to have the reconstructed Company registered within the province of Assam?

63. Will Government be pleased to state if all appointments in the Company's service, whether temporary or permanent, have been made strictly in accordance with clause 16 of the agreement since 1st January, 1939?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

61. (a) and (b)—Government have been informed that the Company have begun the necessary preliminaries for forming a Public Liability Company. It has not been found practicable by the Company to dispose of two-fifths of the paid-up capital by private negotiation.

(c)—This is receiving attention and Government have already called for the valuation of assets which was made at the instance of the Company, and is prepared to set up an independent re-valuating agency if objection from prospective shareholders are received against Company's valuation.

62. (a) (i)—Government have not received any such written complaint, but Government is taking notice of this question and is asking the Company to have their Head office either at Gauhati or Shillong.

(ii)—Yes.

(b)—Does not arise.

(c)—Government may ask the Company to do so ; but this cannot be enforced as there is no such condition in the agreement.

63.—The Company's report is to the effect that no permanent vacancy occurred since 1st January, 1939. A few temporary vacancies of handy-men, car-washers and coolies for relief purposes were filled up by local recruitment. The Company has given strict instructions to its Resident Director at Shillong to follow Clause 16 of the agreement in filling up permanent vacancies. Government are considering the necessity of insisting on the submission of a list of vacancies and information as to how they are filled up every quarter of the year.

Construction of a certain portion of the North Trunk Road

Srijut JOGESCHANDRA GOHAIN asked :

64. Will Government be pleased to state—

(a) Whether they have since come to any decision regarding the construction of the North Trunk Road between Chaoldhoa Ghat and Sonari Ghat in the Lakhimpur district ?

(b) When do Government propose to take up the work of constructions of that portion of the North Trunk Road ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

64. (a)—The project is included in the road improvement programme, but has not yet been selected by the Assam Communications Board as a Class I project for prior attention.

(b)—Not until it is selected as a Class I project and the Government of India allot funds from the Road Fund.

Ancient Public Religious Endowments

Srijut GAURI KANTA TALUKDAR asked.:

65. Will the Hon'ble Revenue Minister be pleased to state—

(a) Whether he received a scheme presented by a deputation headed by Srijut Sibram Datta at Gauhati on the 30th December, 1938 on the question of protection of properties belonging to ancient religious Endowments ?

- (b) Whether Government have taken any steps in the matter ?
 (c) If so, what ?
 (d) If not, do Government propose to consider the scheme favourably and take such steps as may be deemed fit ?
66. Will the Hon'ble Minister be pleased to state—
 (a) Whether any steps have been taken for giving effect to the Resolution of Srijiut S. M. Lahiri, Member, Legislative Council, passed by the Council and published at pages 135-139 of the proceedings of the Council dated the 1st September, 1938 regarding certain entries to be made in the record of rights of Public Religious Endowments ?
 (b) If so, what ?
 (c) If not, do Government propose to give due consideration to the said recommendation ?
67. Will the Hon'ble Revenue Minister be pleased to refer to the Government's reply to my Question No. 781 asked in the last December session of the Assembly regarding the question of removing the difficulties experienced by the Managers of Public Religious Endowments in realising rents and state what remedies are being considered by the Government in the matter as assured ?
68. (a) Are Government aware of the desirability of getting a comprehensive history of the Ancient Public Religious Endowments of the Province ?
 (b) If so, do Government propose to depute an able officer to do the work or to declare a suitable reward for such a compilation ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

65 to 67.—The matter is under consideration of Government.

68 (a) and (b).—No. But if any information regarding the history of the Ancient Religious Endowment is furnished by the hon. member or any other person Government will be too glad to acquaint themselves with such information ; as the question of reward for such compilation must necessarily depend on the quality of the work, the Government cannot at this stage declare any award.

Question re Scarcity of fish

Srijiut GAURI KANTA TALUKDAR asked :

69. (a) Are Government aware that fish is getting rarer and rarer rapidly in the province ?
 (b) Are Government aware that one of the main causes of scarcity of fish is due to the indiscriminate killing of fries in large numbers ?
 (c) If so, do Government propose to take early steps for checking this injurious practice of killing fries ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

69. (a)—Government have no information.
 (b) and (c)—Government would be prepared to investigate the problem if details regarding areas where fish is diminishing rapidly are given.

Construction of a proposed bridge over the Brahmaputra River near Amingaon

Srijut GAURI KANTA TALUKDAR asked :

70. Will the Hon'ble Minister-in-charge of the Public Works Department be pleased to state—

- (a) What progress has been made in the construction of the proposed Bridge over the Brahmaputra river near Amingaon ?
- (b) Whether the authorities have agreed to provide a path for foot and vehicular traffic along with the said bridge ?
- (c) Do Government propose to take necessary steps in this matter ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

70. (a), (b) and (c)—The question of providing a road-way on the railway track itself and opening the bridge for road traffic at certain times during the day has been referred to the Railway Board, whose sanction is awaited. Assam's share of the previous proposal for the road to be along side the rail track would have been about 27 lakhs which is considered prohibitive.

Proposal for opening of a Radio Centre in Assam

Srijut GHANASHYAM DAS asked :

71. Will Government be pleased to state—

- (a) What is the total number of Radios in Assam ?
- (b) Do Government propose to consider the necessity of a Radio Centre in Assam considering the importance and educative value of the Radios ?
- (c) If the answer to question (b) above is in the affirmative, do Government propose to move the Central Government to give pressure upon the All India Radio Company to start a Radio Centre in Assam for the communication of the Assam news to the world like other Provinces ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

71. (a), (b) and (c).—The hon. member is referred to the reply given to a similar "unstarred" question No.57(a), (b) and (c) asked by Maulavi Abdul Bari Choudhury, M.L.A., at the current Session of the Assembly.

Srijut GHANASHYAM DAS : With regard to (b) the answer is not to the point. In the reply it is said the hon. member is referred to the reply given to a similar "unstarred" question No. 57. The answer unstarred question No.57 is—"In view of the present financial position of Assam, it is not possible to do anything towards its development". But my question is quite separate. It is—"Do Government propose to consider the necessity of a radio centre in Assam considering the importance and educative value of the Radios". I want a simple answer—"yes or no".

The Hon'ble the SPEAKER : Will the Hon'ble Minister please reply ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : The answer is 'yes'.

Srijut GHANASHYAM DAS : Then with regard to (c) ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : If that is the desire of the hon. member, I shall move the Central Government.

Re disallowance of certain questions relating to the difficulties of British subjects in owning lands in Shillong by His Excellency the Governor

Srijut ROHINI KUMAR CHAUDHURI: Sir, before we proceed with the business of the day, I wish to bring to your notice a certain complaint. I gave notice of certain questions regarding the difficulty of the people of the plains so far as occupation of lands in the town of Shillong is concerned. My questions were: "Are Government aware of the difficulties of the British subjects of the province in the way of getting lands for building houses and for purposes of carrying business within the town of Shillong and its suburbs? (2) Do Government propose to take immediate steps for securing necessary facilities for the said British subjects of the province intending to build their houses either for their residence or for purpose of carrying on business in Shillong?"

These questions have been disallowed by His Excellency. My point is (I do not want to criticise the action of His Excellency) whether Government is aware of the difficulty? Whether Government is competent to take any step which they can do as this is a partially excluded area. Whether Government can and will do something?

The Hon'ble the SPEAKER: I quite see the hon. member's point. But it is His Excellency who has got to allow or disallow such questions. Now that His Excellency has disallowed the question, the hon. member cannot make a statement on the matter.

Srijut ROHINI KUMAR CHAUDHURI: Apart from this Government has a duty towards the British subjects and they are to consider their difficulty.

The Hon'ble the SPEAKER: The hon. member may meet the Hon'ble Minister privately and discuss this matter. But under the rule, when these questions have been disallowed, they are not permitted to make a statement. If the hon. member is convinced as to the desirability of taking some steps in the matter, he may have a private discussion with the Hon'ble Minister.

Srijut ROHINI KUMAR CHAUDHURI: As Hon'ble Minister's attention has been drawn to it, I hope he will take action whether I see him privately or not.

The Goalpara Tenancy (Amendment) Bill, 1939 (Discussion continued from the 16th March, 1939)

Maulavi JAHANUDDIN AHMED: Yesterday, Sir, I wanted to go into the details of the Bill that has been introduced by the present Government. First of all, I will read section 20, clause (1) of the old Goalpara Tenancy Act just to elucidate the idea. It runs as follows—

"The interest of an occupancy tenant, that is to say, of an occupancy *jotedar* or an occupancy *raiyat*, in his holding, or a portion or share thereof, shall, subject to the provisions of this Act, be capable of being transferred in the same manner and to the same extent as other immovable property".

Sir, in this section, we have got the right to transfer our land just like other immovable property. Sir, in the new Bill as has been introduced

by my friend the Minister in charge of Finance and Revenue, he wants to restrict the right that has been given by the old Act. I will read the clause.

“The holding of an occupancy *jotedar* or of an occupancy *raiyat* or a portion thereof together with the right of occupancy therein shall be capable of being transferred and bequeathed in the same manner and to the same extent as other immovable property and all transfers made by sale, exchange or gift and all bequests shall, subject to the provisions of sub-section (2), be binding on the landlord.”

Therefore he makes a provision by which the power of transfers is limited by sub-section (2)—

I will read sub-section (2)(a).

“Every transfer shall be made by registered instrument, except in the case of bequest or a sale in execution of a decree or a certificate signed under the Bengal Public Demands Recovery Act, 1913”.

So long we were transferring our land sometimes without registration so that the enormous cost of this registration fee may not be made compulsory upon the poor tenants, but by the insertion of this section he has made it more difficult for the poor tenant to transfer his land.

There is another clause—clause 4 of the Bill. In this clause, in the case of tenants he has made “The landlord’s registration fee in the case of a transfer by sale or gift, etc., etc.”, compulsorily payable by the tenants, and it has also been provided how this will be realised and under what conditions. The conditions are given in the amending section 21 (clause 3 of this Bill).

The Hon’ble the SPEAKER: Clause 4 of the Bill is the amending clause.

Maulavi JAHANUDDIN AHMED: Yes, Sir, section 21 of the old Act, and sub-clauses (a) (b) and (c) of clause 4 of the amending Act give the rates that are to be charged as transfer fee, and the procedures are in section 20 of the amending Act. Here, Sir, in the case of landlords, they are not to pay anything, *i.e.*, they are exempted from registration fee if the land is purchased by the same landlord or shareholder landlord but in the case of tenants, they are to pay.

Again, Sir, *re* section 20, clause 3(iv)(a)—Previously when a holding was sold in execution of a decree and it was purchased by a purchaser he was not to pay anything to the landlord—no registration fee or mutation fee or whatever may it be called, had to be paid, but by this section the Hon’ble Minister has made it compulsory that every purchaser in auction sale has to pay a registration fee or deposit it in court. I wish to know if this is one of the benefits that he is giving to the tenants or to the landlords?

Then, Sir, I will come to section 33, which the Hon’ble Minister has not included in his Bill. Sir, many a time we have consulted the Hon’ble Minister, and he also consulted various agencies and toured throughout the district just to have the opinion of the tenants, but we fail to understand why this important section which we wanted to have been amended, has not found a place in his amendment Bill. I will just read section 33 of the old Act to give an idea of it. Section 33 is a section where a *raiyat* may institute a suit for the reduction of rent, and there are two conditions by sub-clauses (1)

and (2) under which the tenants are entitled to have a reduction of rent. These conditions are, (i) on the ground that the productive power of the soil or holding has without the fault of the raiyat deteriorated by a deposit of sand or any specific cause whatsoever, sudden or gradual; and (ii) on the ground that there has been a fall not due to a temporary cause in the average local price of staple agricultural produce grown in the locality during the currency of the present rent. We wanted to introduce another sub-clause under this section as sub-clause (3), i.e., if the rate of rent paid by the raiyat is above the average rate paid by an occupancy raiyat for land of similar description in the same village or in the neighbouring village. This is a quite legitimate right of the tenant that when there is a difference of rent for similar kind of land the tenant has certainly the right to institute a suit to have his rent reduced according to the rate of rent prevailing in the same village or in a neighbouring village. We at least expected that when it is neither harmful to the landlord nor to the tenant this sub-clause should have found a place in this Bill as it is for the benefit of both landlords and tenants. We expected this, and we also appealed to the Hon'ble Minister, but I do not know why this has not found a place in the Bill.

Then, Sir, we find that under section 41(a) which he has included in his Bill, there is a proviso which I will just read. What is that section 41(a)? This is a section by which the Hon'ble Minister wants to give the *under-raiyats* the right of occupancy. The proviso of that section runs thus "Provided that the interest of an *under-raiyat* in any land in which he has acquired a right of occupancy under this section shall not be deemed to be a protected interest under clause (d) of section 151". It means that it will not be a protected interest just like other occupancy rights under clause (d) of section 151. Let me read section 41(a). "Every person who, for a period of twelve years, whether wholly or partly, before or after the commencement of the Goalpara Tenancy (Amendment) Act, 1939, has continuously held land as an under-tenant, whether under a lease or otherwise, shall be deemed to have acquired, on the expiry of that period, a right of occupancy in the land which he has so held for the said period". The proviso is there as I have quoted above. What does it mean? It is not an occupancy right at all. Then what is the good of giving these rights to the *under-raiyats*?

Then I come to section 46 (1) of the old Act, which reads thus. "When a tenant makes a payment on account of rent, he may declare the year or the year and instalment to which he wishes the payment to be credited, and the payment shall be credited accordingly". That means we the tenants have been given a right to show the year for which we want to pay. That is, we can ask the landlord to have our payment credited for the period in which we desire to be credited. Here also we find that there is a restriction to the tenants, he has curtailed that right by this Bill. In sub-section (2) of section 46 it is stated like this: "If he does not make any such declaration the payment may be credited to the account of such year and instalment as the landlord thinks fit". In the said section the following sub-clause is going to be inserted as sub-section (3), namely:—"Notwithstanding anything contained in the foregoing sub-sections if there is any arrear of rent being in force as to limitation of suits for arrears of rent, the payment may, at an option of the landlord, be applied first to such arrear". Now, Sir, here the power is given to the landlord for arrear of rent. He can take it and have

it credited to any year he likes. Sir, there may be some disagreement between the landlord and the tenant for arrears of rent which the tenant may not like to pay and the right which was already given by section 46 (1) of the old Act is sought to be taken away by the insertion of new clause (3) of this Bill and given to the landlord that he will by force credit to the year in which he desires to have it. Is this an instance of claiming to be a friend of the poor tenants? This shows that the Hon'ble Minister is more concerned and more interested in keeping the rights of the Zemindars than that of the tenants for whom he spoke in the last session so fluently.

Now, Sir, as regards section 56.

Srijut BELIRAM DAS: The hon. member is criticising the Bill clause by clause. Is he entitled to do so, Sir?

Maulavi JAHANUDDIN AHMED: I am not criticising the Bill clause by clause. I am only mentioning those sections which are harmful to the tenants and the rights given to the Zemindars. The hon. member is wrong.

The Hon'ble the SPEAKER: Detailed criticism of the clauses is not to be given now. The hon. member is to criticise the principles of the Bill only. Of course he will be within his right to discuss the principles underlying the various provisions of the Bill. But the way in which the hon. member is proceeding is not producing any impression in the House.

Maulavi JAHANUDDIN AHMED: No, Sir, I will proceed in my own way. (*laughter*). It is only the tenants of the Goalpara district who are under the hold of the zemindars on account of the interest they have. If any members do not like my pointing out all these defects they are at liberty to go out and enjoy themselves.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: May I refer the hon. member to Rule 58(1) of the Assembly Rules which says: "On the day on which any such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain the principle".

The Hon'ble the SPEAKER: I have said that already.

Maulavi JAHANUDDIN AHMED: I am criticising the principle of the Bill. I shall repeat what he said. He said last time: "I am opposing the present amendment not because I am against the principle or measures..." I emphasised the word "principle" yesterday and I do so to-day to show that he was not against the principle of the Bill introduced by Maulana Abdul Hamid Khan. I want to point out that the sections which have been included in our Bill have not been included in his Bill. That is he does not agree with what he has said previously that he agrees to the principle of the Bill. So, Sir, I like to give him a reply that by not including this section in his present Bill he has not proved himself true to his word.

I would like to show how haphazardly he has prepared this Bill and I will illustrate my points by referring to the sections of the Bill.

In this Bill he has made a provision instead of paying the rents on a quarterly instalment, he made provision for payment of rent in two instalments annually. But he has not made any provision for time of interest or has not excluded the interest that is to be realised from the tenants after default on quarterly instalment and has not made any provision to run the interest for default on a six-monthly instalments.

That means a tenant is to pay interest for quarterly instalment as provided in the old Act, which the Hon'ble Minister has not excluded, though a tenant is allowed to pay rent by two instalments annually.

Then, Sir, section 56 provides that arrear of rent shall bear simple interest at the rate of $12\frac{1}{2}$ per cent. per annum from the expiration of that quarter. This has not been omitted. We have omitted the quarterly instalment of payment. In the case of interest it has not been omitted and I want to show by this that the Hon'ble Minister has made only a half-hearted attempt in framing this Bill.

Maulavi MUHAMMAD AMJAD ALI: We find half of the Ministers have thinned down from their seats. Does it mean that they are not interested in this piece of legislation *viz.* Goalpara Tenancy Bill.

The Hon'ble the SPEAKER: The Premier is himself here.

Now I want to know if the hon. member Mr. Jahanuddin has finished his speech?

Maulavi JAHANUDDIN AHMED: No, Sir, not yet.

The Hon'ble the SPEAKER: Then may I know how long the hon. member will take?

Maulavi JAHANUDDIN AHMED: I have got seven points still to touch.

The Hon'ble the SPEAKER: May I know the object of the hon. member in making his speech?

Maulavi JAHANUDDIN AHMED: The object is to show that when the Bill was framed the Revenue Minister made no provision for the tenants. I want that he should at least give us the assurance that in the Select Committee he will also consider our Bill and allow us to include in his Bill, what he has agreed as regards the principle that our Bill contains. We want that. Sir, I have got an objection as regards the Members of the Select Committee. And I like to propose myself, my name, even if I am not given the expenses that has to be incurred or other halting allowances. But I want to be there to give my opinion because I am also vitally interested in this Bill. He has selected some such persons who have got very little idea or no idea about the Tenancy legislation and I am surprised to know the names of those persons who do not understand the principles of the Bill.

The Hon'ble the SPEAKER: Order, order. The hon. member will please take his seat. He cannot make a complaint that his name has not been mentioned as one of the members of the Select Committee. The hon. member himself knows that the names were supplied to the Hon'ble Minister by the leader of his party.

Maulavi JAHANUDDIN AHMED: But Sir, there was a limitation placed by the Hon'ble Minister on the leader of my party and with such a limitation it is simply impossible for the leader of party to give the full list of names of the members who are vitally concerned in the matter.

The Hon'ble the SPEAKER: And I may also tell the hon. member that the Minister in charge has followed a certain principle in drafting the provisions of the Bill and any and every amendment cannot be made in the Select Committee which would not be consistent with the principles that have been followed in its drafting. The hon. member will remember that and then go on with his speech.

Maulavi JAHANUDDIN AHMED: He has agreed to the principle of our Bill (*laughter*). He has agreed to that and I have shown from his own speech that he was not opposed to the principles of our Bill. Then what is the harm in including these sections in the Government Bill? Before I made my speech I mentioned it because I know he will say that he is not agreeing to the principles of our Bill. I have shown from his speech that he agreed and I have repeated his speech to-day also.

The Hon'ble the SPEAKER : Very well ; the hon. member may try to finish his speech soon.

Maulavi JAHANUDDIN AHMED : If I am interrupted like this how shall I finish, Sir ? I cannot help, Sir.

Now Sir, as regards section 59, I do not like to say many things which I wanted to speak. I will touch only a few points that is, excess of land found by measurement. Again, Sir, the Hon'ble Minister has not included in his Bill the amendment of section 59, which I think, he should have included in the Bill. I will read our amending sub-section (1) of section 59 of the said Act, just to give an idea to the hon. members. In case of (1) a premium amounting to five times the annual rent assessed by the Court be omitted. The words "in case of a premium amounting to ten times" be replaced by "a premium of three times the annual rent". This amending section is regarding, the punishment of a tenant who occupies land without the previous permission of the landlord, and the clause (ii) is for the ejectment of such tenants. Clause (ii) says as follows:—"The ejectment of a trespasser and the recovery of damages for use and occupation of land. It may be omitted". That means Sir, that the ejectment has to be abolished. There is a provision in the Bengal Tenancy Act, that the tenancy begins by the occupation of lands. At least in Bengal and Assam, it is one of the ways by which the tenancy begins.

Maulavi GHYASUDDIN AHMED : On a point of information Sir. Shall we sit after 4 p. m. to-day ?

The Hon'ble the SPEAKER : No.

Maulavi MUHAMMAD AMJAD ALI : If we sit little later, we may finish it.

The Hon'ble the SPEAKER : Of-course, if it be the desire of the House, I have no objection.

Maulavi MUHAMMAD AMJAD ALI : We are very anxious to finish this.

Maulavi JAHANUDDIN AHMED : It is not just like the law of England that a tenant who occupies lands without the permission of landlord is considered to be a trespasser. In England a man is described to be a trespasser if he acquires the land without the permission of the landlord, but in Bengal and Assam this is one of the ways by which a tenancy begins. So we want to have this provision of section 59 omitted because it means that a man who acquires land without the permission of the Zemindars should be ejected as trespasser. Our Hon'ble Minister who claims to be a friend of the poor is not willing to do this. (*laughter*). Section 76 deals with "division of tenancy or distribution of the rent". The Hon'ble Minister also wants to replace it by a new section but not to the satisfaction of the tenants. Subject to the provisions of section 77 we want to have an amendment.

The Hon'ble the SPEAKER : Will the hon. member please take his seat ? He has much exceeded his time.

Maulavi JAHANUDDIN AHMED : I noted down in my note book many points but, Sir, I cannot finish them in a moment. All right Sir, I will cut short so that the other hon. members who are anxious to speak can speak on this Bill. We want to have the tenants the right of partial surrender. By that provision the tenants can surrender that portion of the land which does not give anything and thus the tenants may be relieved from paying rents for that portion of the land which does not yield anything at all.

The Hon'ble Minister has not made any provision, nor has he included in his Bill to have the tenants that right. I hope he will include this provision in the Select Committee.

Then, Sir, I come to easementary rights. I think Sir, during the tour of the Hon'ble Minister through the district of Goalpara the Congress Committee and many organisation and agency represented before him about this right, but I do not know why the Hon'ble Minister has not included this right of the tenant, the right which though not provided in the Act, was enjoyed by the tenants for long long years. I hope the Hon'ble Minister will include this right in his Bill ; we had this provision in our Bill and it is not against the principles which he has already agreed upon.

As regards section 139-A, he has not made any amendment to it. We wanted to have a new section included as section 139-A. I will just give him what it includes. It is one of the sections which will benefit both the landlords and the tenants. The section states : "In a suit for rent under this section if the plaintiff succeeds (*i.e.*, if the landlord succeeds) the Court shall pass a decree directing that the holding in suit or a sufficient part thereof be sold." That means if a part of the holding is sufficient to cover up the rent of landlord than that part only should be sold, so that the tenant may be relieved to some extent by having the portion of the land which he can enjoy after paying up the landlord's dues. I hope the Hon'ble Minister will take note of this also, and have this section included in his Bill.

Then, Sir, there is no provision in the Bill to the effect that when the net proceeds of the sale are insufficient then only the Zemindar will go for the movables of the tenants. We wanted to have this that first of all the Zemindar will sell in auction his land, and if by selling land it is found that the sale proceeds are not sufficient to cover up his dues, then and then only he will attach and sell the movables of the tenants. I would like this provision also to be included in the Bill.

Then, Sir, I should like to say a few words about the delaying tactics adopted by Government in referring this Bill to a Select Committee. (Mr. Baidyanath Mookerjee :—But the hon. member wants to go to the Select Committee). Yes, I earnestly desire to go to the Select Committee at my own expenses if only I am given an opportunity to serve in it. I won't charge Government anything for that. The Hon'ble Minister will not have the courage to allow me to serve in the Select Committee as he knew me well at Dhubri when we were discussing about Goalpara Tenancy Act.

The Hon'ble the SPEAKER : This is not keeping within the principle of the Bill.

Maulavi JAHANUDDIN AHMED : I said that, Sir, in reply to Mr. Mookerjee, who is interrupting me frequently.

Sir, we are trying to pass our Goalpara Tenancy (Amendment) Bill from the very beginning of this Assembly, but we are very unfortunate in this respect. At first His Excellency the Governor refused previous sanction ; then somehow or other we four members, myself, Maulavi Ghyasuddin Ahmed, Srijut Jogendra Narayan Mandal and the Hon'ble Srijut Rupnath Brahma had an interview with His Excellency with regard to this Bill, and His Excellency gave us an assurance.....

Mr. BAIDYANATH MOOKERJEE : That was a private affair.

Maulavi JAHANUDDIN AHMED : It was not a private affair, Sir. The interview was not for any private purpose, but for a public cause, the cause of Goalpara tenants.

Mr. BAIDYANATH MOOKERJEE : But His Excellency has also been brought down here.

The Hon'ble the SPEAKER : His Excellency should not be criticised in this House.

Maulavi JAHANUDDIN AHMED : Any way, Sir, His Excellency was pleased to allow us to introduce this Bill, and we, the tenants, were much benefited by that interview. Sir, the last Government introduced a Bill, and they gave us an assurance that our Bill would be considered in the Select Committee along with the Government Bill.

Srijut BELIRAM DAS* : On a point of order, Sir. I want to draw your attention to rule 12 of the Assembly rules, which says "(1) The matter of every speech shall be strictly relevant to the subject under discussion before the Assembly.

(2) A member while speaking shall not—

(vi) use his right of speech, after due warning from the Speaker, for the purpose of wilfully and persistently obstructing the business of the Assembly."

Sir, the hon. member took half an hour yesterday, and he has already taken half an hour to-day. So, I think, he should not be allowed to proceed any longer.

The Hon'ble the SPEAKER : Order, order. That decision rests with the Chair (*Applause*). Whether a member is obstructing the proceedings of the House, that is to be decided by the Chair (*Hear, hear*). If the Chair finds that any hon. member is obstructing the proceedings of the House wilfully, he would exercise his right.

I would ask the hon. member to finish his speech soon.

Maulavi JAHANUDDIN AHMED : The wearer knows where the shoe pinches. The tenants know what is their difficulty. Those who are not sufferers will not understand and the hon. member will not. If he is not interested, I think, the hon. member may go out. We have no objection. But it is a matter which vitally affect us ; we the tenants of the Goalpara district are real sufferers. The hon. member has got no zemindari system in their district (*laughter*). I will just invite the hon. member to our district and have an idea of the tenants—how they are suffering, and what the Zemindars are doing ; then the hon. member will have an idea and have his view changed.

Then, Sir, as regards referring the Bill to a Select Committee, it is simply useless.

* Speech not corrected.

Mr. BAIDYANATH MOOKERJEE: He is repeating the same argument, Sir.

The Hon'ble the SPEAKER: Yes, it is repetition. I think it is useless. I hope the hon. member will finish his speech now.

Maulavi JAHANUDDIN AHMED: I am opposing the reference of the Bill to a Select Committee. I am finishing soon.

The Hon'ble Minister has taken an idea from the tenants during his tour. He has also taken our views, from the Bills which we introduced and the long discussion at Dhubri Circuit House and now it is simply useless and baseless to refer the Bill to a Select Committee and make some unnecessary delay in passing of the Bill into an Act. He said that he wanted to give some relief to the tenants at an early date. So, I think why not the Hon'ble Minister should take the Bill into consideration along with the private member's Bills some day convenient to him in this session, so that the tenants may be given some relief at an early date, which he promised to do? These are my points.

With these words, I resume my seat.

Khan Bahadur Maulavi [SAYIDUR RAHMAN: Sir, my predecessor had approached the Bill from the point of view of tenants and I wish to deal with this Bill from the point of view of zemindars. I want to make it clear that I do not hold any brief for Zemindars here. I want to speak in view of my duty as a member of the Legislature. I propose of the Legislature it is our duty and it devolves upon us to see that a piece of legislation is not one sided and that it is fair to all parties concerned. So I have to examine whether the proposed legislation is at all a compromise, as has been suggested by many speakers, between the *raiyats* and the Zemindars. It had been said that the Zemindars of Goalpara did not get any right by way of permanent settlement. Doubt has been expressed by hon. Maulana Abdul Hamid Khan. In the account of land tenure system at Goalpara at page 2 it is stated: "When the British acquired the Dewani, this tribute was accepted as land revenue. No settlement in detail was made at the decennial settlement and the permanent settlement of 1793 practically fixed the old assessment in perpetuity."

Maulavi MUHAMMAD AMJAD ALI: On a point of information, Sir. May I enquire from the hon. member whether he has quoted from the report and whether he will also quote the authority.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes. I am quoting from the Report which is a Government publication. There was a well known case in the High Court. It is Raja Prabhat Chandra Barua's case. There it has been decided by the High Court—Full Bench decision reported in 51—Cal. and also Privy Council decision in 53—Cal.—that the Government did not dispute that zamindari was settled. So, I think there can be no manner of doubt that zamindaris in Goalpara are permanently settled. It has been said that the Goalpara Zemindars have been very inconsiderate. But I want to draw the attention of the House to the time when this Act of 1929 was enacted. The Select Committee, which went into the Bill, in 1929, when I was also a member of this House, stated clearly that the Bill, as it now stands, represents, we venture to submit, a reasonable compromise based on local condition and we believe that it will work well in practice. What I desire to stress, however, is that any attempt to alter materially any of the more vital provisions of the Bill will result in the destruction of its equilibrium. Hon. members will remember that by this Act the landlords gave up the right of pre-emption and also agreed to a landlord's fee of 10 per cent. whereas you will be surprised to hear that in 1936, when

the Sylhet Tenancy Act was passed here the landlords got not only the right of pre-emption but also the landlords's fee at 20 per cent. So my submission is that the Goalpara Zemindars showed a solicitude for the *raiya*s as far back as 1929 when other Zemindars of Bengal, Bihar and Sylhet were behindhand in the matter. It has been said that the Goalpara Zemindars are realising from tenants as local rates more than what they pay to the Government. In answer to a question by my hon. friend Maulana Abdul Hamid Khan the other day the Government replied that the Goalpara Zemindars realised from the tenants Rs.77,191 as local rates, whereas they pay to the Government Rs.1,63,618 as local rates; this will clearly show that the amount is much in excess of what they realise from the tenants.

Maulavi JAHANUDDIN AHMED: What has all this got to do with the principle of this Bill?

Khan Bahadur Maulavi SAYIDUR RAHMAN: This is in reply to the criticism made by the hon. Maulana Abdul Hamid Khan yesterday.

The Hon'ble the SPEAKER: The hon. member should show how far this is relevant to the discussion of the Bill.

Khan Bahadur Maulavi SAYIDUR RAHMAN: My point is that Goalpara Zemindars are not so unreasonable or so black as they are painted to be.

The Hon'ble the SPEAKER: What has that got to do with the principle of the Bill as drafted? Of course there was a point made by Maulana Abdul Hamid Khan yesterday that there was no provision in the Bill for abolishing certain practices, but I had to cut him short, and of course, the hon. member has replied to that, and that should be sufficient and this point should not be elaborated further unless he can show that it is relevant to the principles of the Bill.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Then as regards the realisation of *abwab* and other illegal exactions, I would refer the House to Section 95 of the present Act. It makes the exaction of *abwab* illegal and penal. As regards *khutagari*, there are decisions in the High Court and even in the Privy Council where it is held that the Zemindars have a right to realise *khutagari*. This *khutagari* is prevalent everywhere. Even in England a charge called *wharfage* is made for this.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: On a point of order, Sir. *Khutagari* is not the subject matter of this Bill.

Khan Bahadur Maulavi SAYIDUR RAHMAN: These points were raised by an hon. member of the House yesterday. Is it not fair that the House should know also the other side of the picture?

The Hon'ble the SPEAKER: The hon. member is to show how far the provisions of the Bill go against the interest of the Zemindars. He began by saying that he would place the case of the Zemindars before the House.

Srijut ROHINI KUMAR CHAUDHURI: May I intervene for a moment, Sir. The point raised by my hon. friend Maulana Abdul Hamid Khan was that *khutagari* is still being realised by the Zemindars. His complaint was that this Bill should have expressly stopped the realization of *khutagari*, and as this point has been raised by one hon. member of the House, it is open to any other member of the House to reply to it.

The Hon'ble the SPEAKER: As I understood the speech of Maulana Abdul Hamid, his speech was a speech by which he wanted to oppose the motion of referring this Bill to a select committee, and all that he said.

was with the object of protecting the interests of the tenants and with the object of preventing the Bill from being referred to a select committee. But if the hon. member's intention is that the Bill should be referred to a select committee he should show how it serves the interest of the landlords or tenants.

Khan Bahadur Maulavi SAYIDUR RAHMAN: I may make it clear to the House that I am supporting the measure for reference to a select committee, but at the same time I would expect the select committee to thrash the matter in all its details.

Maulavi MUHAMMAD AMJAD ALI: He wishes it to be included in the terms of reference ?

Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir.

Maulavi MUHAMMAD AMJAD ALI:* *Abwab* has not been touched anywhere in the Bill by Government, so he cannot include it.

The Hon'ble the SPEAKER: Nor can the select committee introduce it in the Bill.

Khan Bahadur Maulavi SAYIDUR RAHMAN: The allegation of the hon. Maulana Abdul Hamid Khan that the *raiyyats* have no right to grow *sal* or *sisu* trees or to have any dominion over them is not correct, and I would refer him to section 28 of the present Bill. There is a provision in it about this. The section reads:—"Notwithstanding anything contained in the preceding clause an occupancy tenant shall, subject to the provisions of section 27 of the said Act, have full dominion over such *sal* or *sisu* trees as were planted in the land during the pendency of the tenancy". Now, Sir, having said this my submission is that this piece of legislation is not a compromise, as has been suggested. The compromise was effected when the Act of 1929 was passed. After that the rights of the Zemindars are being gradually taken away, and the present Government is only surrendering to the obstinate and persistent demands of the tenants the Zemindars are being reduced to the position of mere rent collectors.

Maulavi JAHANUDDIN AHMED: It is the way of the world.

Khan Bahadur Maulavi SAYIDUR RAHMAN: But it is very generous on the part of the Zemindars of Goalpara not to obstruct this Bill in the manner that they should have done. But that is no reason why we should be unfair to them. What I would submit is this that as rent collectors also they must be given every facility for realising the rent smoothly and speedily. But there are some provisions in this Bill which throw an obstacle in the way of realisation of their dues from the tenants, and I will presently refer to these provisions of the Bill. First I would refer to clause 21 of the Bill. Now in clause 21 there is a reference to section 59. "In a suit for assessment of rent (whether such relief has been claimed as an alternative to ejection or not) the landlord may claim, in addition to the rent assessed, a premium amounting to five times the annual rent in case of excess land and ten times in case of land occupied without the consent of the landlord". Here it was ten times, but in the present Bill it has been reduced to three times.

So the Bill takes away the right which was so long enjoyed by the Zemindars. Of course it is an improvement from the tenant's point of view, but it is not an improvement from the point of view. Now the trespassers will be encouraged to occupy land without the permission of the Zemindars.

* Speech not corrected.

Then I refer to clause 28. Under Section 140 of the Act the tenant had to deposit the whole amount, but here in the present Bill it is reduced to not exceeding half the amount. Similarly in clause 32 also the amount is not exceeding half the amount and in clause 33 also such amount not exceeding half the amount. So also these will throw obstacles in the way of speedy realisation of rents from the tenants. Therefore, my submission is that when the Bill goes to the Select Committee, I hope the Bill will emerge from the Select Committee in such a form as will bring a compromise between the Zemindars and the tenants.

As regards the Select Committee, I have one suggestion to make. I think in a Committee like this all the members who are directly interested either in the *raiyats* or the Zemindars should not predominate. There ought to be outsiders also in the Committee who can see the interest of both the parties with an impartial eye. So, I would like to propose the inclusion of some outsiders also.

Maulavi GHYASUDDIN AHMED: What does the hon. member mean by outsiders?

Khan Bahadur Maulavi SAYIDUR RAHMAN: I mean members who are not directly interested in the matter.

Srijut SANTOSH KUMAR BARUA: Mr. Speaker, Sir, I do not agree that there is a crying need for a thorough amendment of the Goalpara Tenancy Act, in the way in which it is sought to be done in the present Bill. I do not dispute that prolonged economic depression has affected all alike—the agriculturists as well as landlords, and I hold that reduction of rate of interests on arrear rent would have given adequate relief to the tenants. But I strongly dispute that the other amendments are immediately called for. They violate the compromise between the different interests in land.

Sir, public memory is proverbially short and I shall narrate briefly the circumstances under which the Goalpara Tenancy Act was enacted. This Act was preceded by long series of enquiries. The Bill which was passed into law was drafted by a representative Committee presided over by Mr. (now Sir) Laine'. The Committee in their report stated "The Agricultural Community of the permanently settled areas is of course composite in nature, but the various elements of which it is composed are interdependant and manifestly no single element can receive preferential treatment at the expense of the just claims of others..... The Bill as it now stands represents a reasonable compromise based on local conditions. What we desire to stress however is that any attempt to alter materially any of the more vital provisions of the Bill will result in a destruction of its equilibrium." Of course this was referred to by my hon. friend Khan Bahadur Maulavi Sayidur Rahman.

Now the question would naturally arise what was the nature of compromise, what privileges the landlords gave us and what rights were conferred on tenants which were not enjoyed by them in other provinces or other parts of the country. Their list will be long but I shall mention only some of them. In cases of transfer of occupancy holdings the landlords had the *right of pre-emption* in other provinces but there is no such provision in the Goalpara Tenancy Act. The rate of transfer fee here is half of the rate of other provinces, where such fee is payable at the time of registration of the document but it is not so here. The Jotedars here have the right of occupancy, but similar tenants in other provinces have none. Sir, when you consider that in the Sylhet Tenancy Act which passed some seven years after the Goalpara Tenancy Act, the Assam Legislative Council gave the landlords of Sylhet the right of pre-emption, the rate of occupancy

transfer fee was made double of the rate in Goalpara and made it payable at the time of registration, you will realise the real basis of the Goalpara Tenancy Act, and the effect of compromise amongst different interests in land. Sir, in drafting the present amendment Bill no notice was taken of that compromise, no consideration was made of the willing sacrifice so nobly made by the Zemindars at that time. It was the Congress Party in the Legislature of 1929 that took a prominent part in effecting this compromise—the Congress Party consisting of men like late Nabin Chandra Bardoloi, Srijut Brojendra Narayan Choudhury, Srijut Kuladhar Chaliha and others. I cannot help quoting a passage from the speech in the name of the Congress Party which belongs exclusively to neither party—the Congress Party is both the Zemindars' Party and the tenants' Party—ask the Zemindars to accept the proposal? The Zemindars accepted his proposal but his successors in the present Legislature—the Congress Ministers in the present Coalition Government are violating the sanctity of that compromise by the amendments proposed in the Bill.

Sir, it is stated in the objects and reasons that impediments to *bonafide* litigations have to a certain extent been removed. But in fairness and in truth it should have been stated also that thereby *mala-fide* litigations have been considerably encouraged, for there is nothing in the Bill to prevent the unscrupulous litigants from taking advantage of the proposed amendments. Further, Sir, these amendments curtail considerably the discretion given to the Court under the existing Act.

In curtailing those discretions of the court the amendments in their totality may be taken as a slur, a sort of censure and want of confidence on the judiciary.

Then, Sir, this Bill has thrown an additional new burden on the tenants. I refer to the clauses relating to complete usufructuary mortgage. By extending the period of usufructuary mortgages subsisting on second March, 1939 and entered into before September, 1929 the Bill proposes to revive the liability of their tenants which would have been otherwise ineffective under the existing Act. In cases where no period is mentioned in the deed the complete usufructuary mortgages have been made effective for twelve years while it is nine years in the existing Act. These provisions create new financial burdens for the tenants and benefit the moneylenders. So they give a direct lie to the statements of objects and reasons that this amendment Bill is an ameliorative measure for the benefit of the agriculturists in their present low financial condition.

Then, Sir, some amendments have been proposed for the sake of amendments only, though they will react against the best interests of the province and of its people. I give only one example. There is a provision in the existing Act that for any charitable, religious, educational, purpose or for any purposes of general public utility the zemindars can apply to the Deputy Commissioner to acquire tenanted land on payment of compensation to be fixed by the Deputy Commissioner. There is also provision for appeals in these matters. The present Bill proposes to repeal those provisions entirely. Are we to suppose that for the province and for its people, henceforth no land will be required for charitable, educational or for any purpose of general public utility? If such lands are required, are we to suppose that the Government will acquire at their own expense lands for such purposes, or are we to suppose that lands if tenanted cannot be acquired at all? I think it will not be contended that such lands cannot be acquired at all even by Government. If the tenants is to part with the land it is immaterial at whose instance it is done, unless you say, Sir, that acquisition

at the instance of the zemindar is an act of oppression and that at the instance of the Government will operate as a palliative and soothing balm. If this amendment is passed, I can certainly predict that all works of public utility will be seriously handicapped if not totally stopped. Sir, some amendments have been proposed simply because they have been adopted in other provinces though they are totally unsuitable to the present local conditions. I refer to clause 27 of the Bill, abatement of rent on account of diluvion and re-entry on lands which re-appear. The Tenants are given the right to re-enter on the land which re-appears in site within fifteen years of diluvian. Sir, there is no record of any rights, no Government cadastral survey. In fact no authoritative record in the area to identify the land when it reappears. Then, Sir, the penalty for squatting has been done away with. The scramble for possession of the reformed land between a squator and the old tenant will inevitably lead at first to criminal and then to civil cases. They will be involved in ruinous litigations and the tenants' money will be spent not in payment of their legal dues but in defraying expenses of costly litigations. Besides in the absence of authoritative record, the Court will be at a loss to identify the land and to find out who among the litigants has the preferential rights to possession.

Sir, if a thorough amendment of the Goalpara Tenancy Act is really needed such amendment Bill should be drafted by a representative committee like the one which drafted the bill for the Goalpara Tenancy Act. In that Committee all the different interests in the land should be represented and the Committee presided over either by the Hon'ble Revenue Minister or by the Secretary of the Revenue Department. Unless that is done, any attempt to amend the Bill without a thorough knowledge of the local conditions and needs of the people, will benefit neither the tenants nor the landlords.

Sir, last evening some of my hon. friends painted the zemindars in black and made statements which were not based on facts. Unfortunately there is no representative of the zemindars here in this Assembly to answer them. But being a member from the district, I feel it my duty for the information of the House to say what I know about them. It is not correct to say that the lands and the revenue payable therefore were not permanently settled with the zemindars of Goalpara in 1793. As for the grievance that the tenants cannot plant *sal* or *sisu* I submit this is more or less a theoretical grievance. The hon. members know that the *sal* tree does not grow on all lands. It requires a particular kind of soil for its growth and it takes over sixty years to mature. Even if this right is given to them as is proposed in the Bill, it will adorn the Statute Book and will be a right gained in theory but in fact will be of no practical utility. It appears that high prejudices are running against the zemindars and as there is no representative of the zemindars in the Assembly, the House do not know what their views are. Has this Bill been circulated for eliciting public opinion, the zemindars could state their views on the Bill. For this I would suggest that the Select Committee should hear representatives of the zemindars under Rule 60(6) of the Assembly Rules.

(Here the clock struck 3-58 p.m.)

Maulavi MUHAMMAD AMJAD ALI: I would appeal to the House that they should be disposed to sit for at least another half an hour,

The Hon'ble the SPEAKER : Is it the desire of the House that they should sit after 4 p.m. ?

Cries of "No", "no".

Maulavi MUHAMMAD AMJAD ALI : At least till this is finished ?

The Hon'ble the SPEAKER : Which is finished ?

Maulavi MUHAMMAD AMJAD ALI : This motion.

The Hon'ble the SPEAKER : I find that there are many other hon. members wishing to speak on this Bill.

Maulavi GHYASUDDIN AHMED : (Rising to speak).

Khan Bahadur Maulavi KERAMAT ALI : I am afraid the hon. member Mr. Ghyasuddin Ahmed will not be able to finish his speech in two minutes.

The Hon'ble the SPEAKER : Let him speak then for two minutes.

Maulavi MUHAMMAD AMJAD ALI : May I enquire when this is likely to come up again ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : It is not possible for me to say anything because the Bills cannot be taken again earlier than the 31st of this month.

The Hon'ble the SPEAKER : Then, I think we should adjourn now.

Maulavi MUHAMMAD AMJAD ALI : No Sir, the Bill is not likely to come up and so we are very anxious to finish it to-day.

The Hon'ble the SPEAKER : Very well, I shall sit for another half an hour.

Maulavi GHYASUDDIN AHMED : I shall be very brief in discussing the principle of this Bill because it is very difficult to examine the Bill clause by clause. Sir, perhaps we all know that in this very House in 1928, the Goalpara Tenancy Act was passed and this piece of legislation was then a prelude for something more. Sir, one of my hon. friends says here that by this piece of legislation the rights of the Zemindars are being curtailed and greater rights are being bestowed on the tenants. I cannot agree with him because we all know that as we grow wiser we seek for more things. What happened in 1929 may not happen in 1939. Sir, before entering into the principles of this Bill, may I know from the Hon'ble Minister whether he had in his mind when he drafted this Bill, the Faizpur resolution and the Congress pledge which were given to peasantry at the time of the last election ? Sir, so far as I know, the Congress pledge means that greater amount of relief where necessary, specially in the permanently-settled areas. They promised to give to the tenants in those areas more privileges and more rights. I would like to have an answer from the Hon'ble Revenue Minister whether he had this view in his mind when he drafted this Bill.

Now I come to my second point. Perhaps all of us know that the Hon'ble Revenue Minister went to the district of Goalpara in order to collect information from the tenants. He sat for hours together and discussed the principles of the proposed amendment of the Bill and also collected the materials from all classes of tenants at the Dhubri Circuit House. In this connection I would like to know how he forgot to insert in the proposed Bill a clause regarding 'petition fee'. As far as I remember all classes of tenants from various Estates represented to him that no uniformity of rate was observed by all the Estates. I may refer to him the case of a particular Estate. A tenant belonging to that Estate was bold enough to tell in the presence of the Manager of that Estate that they realise Rs.6-8-0 from each tenant and after a long discussion it was settled that uniformity of rate would be observed in the matter of petition fee. It was decided that a fee of annas 8 for

each petition will be realised by the Zemindars. On that point the representatives of the Zemindars could not advance any argument against realisation of a fee more than annas 8. I think, the Hon'ble Revenue Minister also jotted down it and he promised to insert this in the proposed Bill. But I am really sorry that he has not done so.

Sir, the present Bill speaks of no principle on the uniformity of premium on the settlement of new lands. I find from the present Bill that something has been imitated from the Bihar Tenancy Bill without considering the fact that we are not going to follow the same procedure here. I would refer at once to section 170(a) a new clause by which the Hon'ble Revenue Minister desires to confer on the landlords special powers to realise rents at the time when Government think it necessary that such power should be given to landlords. Sir, this is a dangerous section and if it finds place in this Bill, then it will be a source of perpetual harrassment to the tenants. The new section states that if, in the opinion of the new Provincial Government, circumstances so require, they may direct that such procedure shall be applied and rent realised in the said local area or class of cases by the prescribed authority. Sir as we know, this power, if granted to the Zemindars there will be no dearth of such circumstances and occasions when there will be cases of harrassment and litigation and as a result it will become a cause of dissatisfaction between landlords and tenants. So, Sir, when he says that he is up to giving more rights—more privileges to the tenants, I think, he should keep his promise. So, Sir, I would request him through you to see his way to delete this section when he takes up this matter in the Select Committee. I believe he has also drafted the Sylhet Tenancy Amendment Bill. I find a differential treatment between Sylhet and Goalpara. Sir, I would refer you to clause 3 of the Goalpara Tenancy Amendment Bill and also to clauses 7 and 8 of the Sylhet Tenancy Amendment Bill. He wants to substitute a new section for section 20 of the Goalpara Tenancy Act, 1939. By the insertion of this section he is asking the tenants in the matter of every sale and transfer to go through costly and cumbersome procedure, etc. This section is cumbersome, rather I should say costly. The insertion of this section also offends against the provision of transfer of property Act, *i.e.*, section 100. In that provision, Sir, we know that in the matter of transfer of a property up to the value of Rs.100, the registration is not compulsory but by the addition of this new section, the tenants must go to the Registration Office and get it registered of whatever value it may be.

Why does he not insert the same thing as he has done in case of Sylhet Tenancy (Amendment) Bill? In the Sylhet Tenancy (Amendment) Bill, the procedure laid down is much simpler than that laid down in the Goalpara Tenancy (Amendment) Bill. Sir, I am sure the Hon'ble Revenue Minister is aware of the burning topics at the time he had been to Goalpara in connection with discussion about the amendment of this Bill. Among some other topics were the question of the uniform premium or on the matter of settlement of new land, the reduction of rent, the division of tenancies, easementary rights, the *Chan Ban Kar* and many other questions. But he has not made any provision for the reduction of rent, though he wants us to believe that he has made this Bill on the analogy of the Bihar Tenancy Act. Of course, I agree with him that he has borrowed the ideology from the Bihar Tenancy Bill, but he has only made a show of it. He would have done better had he brought everything from that Bill, wherein the question of reduction of rent was thoroughly discussed and given effect to, whereas in this Bill he has not made any such provision.

Then, Sir, I come to the question of division of tenancies. The division proposed in the Bill is not at all satisfactory. He has asked the tenant to have his tenancy divided by going to the landlord. If the landlord does not agree, the tenant has no other remedy but to go to the law Court and file a suit for partition of tenancies. Thus he is encouraging litigation for this purpose. I think he should draw some simpler method of effecting this division of tenancies so that without recourse to law Courts the tenants can divide their tenancies amicably.

Sir, without going any further I would like to know from the Hon'ble Revenue Minister whether he likes to insert these provisions, *viz.*, uniform premium on settlement of new lands, reduction of rent, uniformity of petition fee and provision for easementary rights. If he gives me an assurance like that I shall withdraw my own Bill on the non-official day on which my Bill will come up for consideration.

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

Maulavi GHYASUDDIN AHMED: No, Sir.

The Hon'ble the SPEAKER: The hon. member has been included in the Select Committee and he can try to have the Bill amended there.

Maulavi GHYASUDDIN AHMED: On behalf of the tenants I request the Hon'ble Revenue Minister to drop this Bill and bring a new one inserting all those provisions which intentionally or unintentionally he has left out.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, we have listened patiently to the speeches which have been delivered on this Bill, and the impression that I, as one belonging neither to the Zemindar nor to the tenant class, gather is that this Bill has satisfied no one. The grievances have been rather too many from the side of the tenants and their complaints have been very bitter. No wonder, Sir, because very high hopes were raised by the members of the Congress Party. They themselves gave notices of Goalpara Tenancy (Amendment) Bill which sought to make great inroads on Zemindars' interests and granted liberal concessions to the tenants. Naturally, Sir, when that party has come to power, tenants expected that at least a substantial measure of that promise would be carried out. Incidentally, I will ask, Sir, why the Bill of my hon. friend Srijut Jogendra Chandra Nath has not been adopted by the present Government? Is it on account of the influence of the present Government? So far as the ordinary members of the Coalition members in the Party are concerned, I can probably say this on their behalf of the Congress more interested in the tenants than in the landlords, and that they are have absolutely no objection in passing Srijut Jogendra Nath's Bill. Is it the influence of my hon. friend Mr. Ali Haidar Khan, my hon. friends Mr. Kamini Kumar Sen and Mr. Baidyanath Mookerjee that they would interfered with their tenancy legislation? Is it their influence that has persuaded the Hon'ble Premier and the Hon'ble Revenue Minister to drop the Sylhet as well Goalpara Bills of the Congress Party?

Mr. BAIDYANATH MOOKERJEE: He is judging from his own standard. Congress is above all these things.

Srijut ROHINI KUMAR CHAUDHURI: That is quite true, but there are some members in the Congress-Coalition who want to drag Congress to the dust. That is the greatest misfortune of the Congress to-day.

Mr. BAIDYANATH MOOKERJEE: Still they are better than renegades.

Srijut ROHINI KUMAR CHAUDHURI: A renegade is always a renegade wherever he may be. Sir, I draw the attention of the House to one or two points so that these may be considered in the Select Committee. I consider, Sir, that sufficient attention has not been given to clause 8 of this new Bill, the effect of which is to extend the period of usufructuary mortgage by 3 years.

The Hon'ble Finance Minister may have noticed that in the previous Government Bill, the date was 1st July, 1938, and that in the present Bill, the date is 2nd March 1939. According to the original Goalpara Tenancy Act, which is now in force, the usufructuary mortgage come practically to an end at the expiry of nine years. But if the date be 2nd March 1939, usufructuary mortgage will be carried up to 12 years. I do not know how far I am correct in making out this point. But I would ask the Hon'ble Revenue Minister to keep this point in mind in the Select Committee.

Then I come to the proposal of abandonment under clause 26. Sir, if the clause stands as at present it will give absolutely no relief to the tenants because the offer can be made to one tenant after abandonment and if that tenant does not accept the entire holding, then the offer goes entirely to the zemindar in his *khas* land. So the benefit which was intended to give under clause 26 will be practically meaningless. I strongly object to the retrospective effect which has been given as regards realisation of landlord fee. Under the present Bill, when it becomes law, though the decree may have been passed against a particular tenant according to the old rate, or even though a case may be pending before a Court, even after the passing of the decree during the pendency of the case, the Zemindar will not be able to realise the old rate which accrued to him; it is practically giving a retrospective effect. I may mention here that in Orissa even after the passing of the new Tenancy Act they have provided that the Zemindars will be entitled to realise at old rates for three years after the passing of the Act provided the transfer takes place before the passing of the Act. This aspect of the matter may be taken into consideration. I also notice that occupancy right has been conferred on the under raiyat. So far so good. But if the under raiyats have no right of transfer, this right practically becomes meaningless. That is all, Sir. I do not wish to detain the House further because there is a desire to pass the motion to-day.

Adjournment

The Assembly was then adjourned till 11 a.m. on Saturday the 18th March, 1939.

Shillong:

The 5th May, 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.

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2. The Hon'ble Mr. FAKHRUDDIN ALI AHMED, Barrister-at-Law, in charge of Finance and Revenue Departments.
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