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**Proceedings of the Seventh 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 Thursday, the 29th February, 1940.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 87 members.

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**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Observance of Mr. Jinnah's "Day of Deliverance"**

**Mr. NABA KUMAR DUTTA** asked :

\*76. (a) Has the attention of Government been drawn to an appeal made by the Hon'ble Maulavi Abdul Matin Chaudhury and published in the "Statesman" of the 18th December, 1939 with regard to the observance of Mr. Jinnah's "Day of Deliverance".

(b) If so, do the other members of the Cabinet associate themselves with the said appeal ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

76. (a)—Government have seen the quotation in the newspaper.

(b)—The statement was issued by the author not as Minister of Public Works Department and Labour but in his capacity as Secretary of the League. It did not concern the Ministry.

**Mr. NABA KUMAR DUTTA** : Does the Hon'ble Prime Minister, who is a member of the League, associate himself with the said appeal ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I am here to reply as Prime Minister and as Prime Minister, I have no concern with the appeal.

'Starred questions Nos.77-78 standing in the name of Babu Lalit Mohan Kar and starred question No.79 standing in the name of Srijut Ghanashyam Das were not put and answered as the questioners were absent.)

## UNSTARRED QUESTIONS

(to which answers were laid on the table)

**Representation about the Proceedings of the ordinary meeting of the Tezpur Local Board held on 28th November, 1939**

**Srijut OMEO KUMAR DAS** asked :

78. Will Government be pleased to state—

(a) Whether they have received a representation from the Tezpur Local Board Congress Party about certain illegalities and irregularities of the proceedings of the ordinary meeting of the Tezpur Local Board held on 28th November, 1939 ?

(b) If so, will Government be pleased to state the steps taken in the matters ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** replied :

78. (a)—The representation submitted through the Commissioner has not been received by Government. A copy thereof submitted direct has been received.

(b)—The Government have called for a report.

**Srijut OMEO KUMAR DAS** : With reference to answer to 78(b), may I know when Government called for the report ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : Very recently, Sir.

**Srijut OMEO KUMAR DAS** : Will Government be pleased to give the date ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : It is difficult to give the exact date without reference.

**Srijut MAHADEV SARMA** : Are Government aware that the Budget meeting of the Tezpur Local Board was held after 7 p.m. ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : Government have no information, Sir.

**Srijut MAHADEV SARMA** : Are Government aware that the minutes of the meeting have not been confirmed in the next general meeting of the Board ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : Government have no information to that effect.

**Srijut MAHADEV SARMA** : When did Government send for a report of the same meeting ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : I have already replied with reference to a previous question that very recently Government have called for a report.

**Representation from Tezpur Local Board Congress Party about the Budget meeting of the Board held on the 29th November 1939**

**Srijut OMEO KUMAR DAS** asked :

79. Will Government be pleased to state—

(a) Whether they have received another representation from the Tezpur Local Board Congress Party about the illegal constitution of the Budget meeting of the Tezpur Local Board held on the 29th November, 1939 and also about the irregularities of the proceedings of the said meeting ?

(b) If so, will Government be pleased to state the steps taken in the matter ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** replied :

79. (a)—A copy of the representation sent to the Commissioner was received by Government.

(b)—Government have called for a report.

#### Forest Rest Houses

**Srijut RAJENDRA NATH BARUA** asked :

80. (a) Is it a fact that Forest Rest Houses are not generally allowed to be occupied by the Civil or Public Works Department Officers and the Executive of the Local Boards ?

(b) If so, are Government aware that great inconvenience is felt by the said officials in execution of their duties in out-of-the-way places where Public Works Department and other rest houses do not exist ?

(c) Do Government propose to allow these officers to occupy these Bungalows in the same manner as the Public Works Department and Local Board Inspection Bungalows are allowed to be occupied by the Officers of Government and the Executives of the Local Boards, preference being always given to the Forest Staff ?

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

80.—(a) No, the Divisional Forest Officer can give permission to occupy and does give such permission when there is a genuine case of need, as when there is no other accommodation in the vicinity.

(b)—Does not arise.

(c)—Government see no reason for changing the rules. They will consider any facts brought to their notice which indicate that the rules have worked unfairly.

**Srijut RAJENDRA NATH BARUA** : Does the Hon'ble Minister in charge of Forests realise that the questions have been put on some representation being made to the questioner by some officers ?

**The Hon'ble Srijut RUPNATH BRAHMA** : I have not got any information.

**Srijut RAJENDRA NATH BARUA** : Will the Hon'ble Minister be pleased to consider revision of the rules if he gets a representation ?

**The Hon'ble Srijut RUPNATH BRAHMA** : Government does not think it necessary to make a change in the rules. The reply is already there.

**Srijut RAJENDRA NATH BARUA** : May I know whether Government is prepared to change the rules in view of the representation ?

**The Hon'ble Srijut RUPNATH BRAHMA** : That may be considered if and when any definite representation is put before the Government.

#### Scheduled and Non-scheduled banks in the Province

**Mr. NABA KUMAR DUTTA** asked :

81. Will Government be pleased to lay on the table a list of Scheduled and Non-scheduled banks in the Province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

81.—A list of banks registered in the Province is given below. None of the banks has been included in the Schedule to the Reserve Bank of India Act :—

1. The Banking and Trading Co., Ltd.
2. Deshabandhu Banking Corporation, Ltd.
3. Assam-Bengal Central Industrial Bank, Ltd.
4. Sylhet Union Bank, Ltd.
5. The Bank of Habiganj, Ltd.
6. Bank of East (1927), Ltd.
7. Gauhati Bank, Ltd.
8. Sylhet Popular Bank, Ltd.
9. Mahendraganj Lakshminarayan Loan Office.
10. Shillong Banking Corporation, Ltd.
11. Mercantile Bank of Khasi and Jaintia Hills.
12. Aryya Luxmi, Ltd.
13. South Sylhet Bank, Ltd.
14. Sylhet Commercial Bank, Ltd.
15. Sylhet National Co., Ltd.
16. Sylhet Loan and Banking Co., Ltd.
17. Bharat Banking Co., Ltd.
18. Surma Valley Bank, Ltd.
19. Bank of Assam, Ltd.
20. Habiganj Ideal Bank, Ltd.
21. Standard Bank, Ltd.
22. Sunamganj Bank, Ltd.
23. Luxmi Narayan Bank, Ltd.
24. Assam Bank, Ltd.
25. The Sylhet Industrial Bank, Ltd.
26. Sylhet Vaidic Samiti Banking Corporation, Ltd.
27. The Assam Industrial Bank, Ltd.
28. Jamira Loan Co., Ltd.
29. Karimganj Industrial Bank, Ltd.
30. The Tezpur Industrial Bank, Ltd.
31. The Nowgong Bank, Ltd.
32. The Silchar Bank, Ltd.
33. The Karimganj Banking and Trading Co., Ltd.
34. The Assam-Bengal Bank, Ltd.
35. Eastern Banking and Trading Co., Ltd.
36. Shillong Crescent Bank, Ltd.
37. The Shillong Union Fund, Ltd.
38. The Friends Savings Fund, Ltd.
39. The Economic Trading and Banking Concern, Ltd.
40. The Assam Banking Syndicate, Ltd.
41. The Shillong Ideal Bank, Ltd.
42. The Friends Union Bank, Ltd.
43. The Liberal Bank, Ltd.
44. The Model Bank of Shillong, Ltd.
45. The Standard Bank of Shillong, Ltd.
46. The Sibsagar Banking Corporation, Ltd.
47. The United Bank, Ltd.
48. Annapurna Bank, Ltd.
49. Eastland Bank, Ltd.
50. Cachar Loan Co., Ltd.

ADJOURNMENT MOTION ON ACCOUNT OF RECENT MASS  
RAIDS BY IMMIGRANTS IN CERTAIN VILLAGES OF  
HOWLI MAUZA IN BARPETA SUBDIVISION

**The Hon'ble the SPEAKER :** I have got notice of an adjournment motion from Srijut Kameswar Das.

**Srijut KAMESWAR DAS :** Sir, I beg leave of the House to move the following adjournment motion :—

“ That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to check even recent mass raids by immigrants into the tribal villages of Kaurbaha, Bennibari, Ulubari, Rangdia, Banmajarpam, Belguri and others of the Howli mauza of the Barpeta subdivision.”

Sir, the matter involved in this motion is of recent origin, having taken place only about 16 or 17 days back and having come to my notice only yesterday. It is important and urgent because of the fact that the immigrants there who are raiding into the villages mentioned above are destroying the crops in the fields by allowing their cattle to graze upon them and also by damages caused by raising earths on the crops for the purpose of building huts there. It is of public importance because it affects the villagers of several villages. I have got a petition, a copy of which has also been sent to the Hon'ble Revenue Minister, signed by more than two hundred signatories, and it describes how the raids concern not only one village, but several villages of the Howli mauza of the Barpeta subdivision and how many people are affected by these raids. To make clear the point, I may read out a portion of the petition I have received from some of the representatives of these unfortunate tribal people who have come all the way to Shillong to seek redresses in the hands of the legislators.

“ ধৰ্ম্বৰাজ,

তলত নাম লিখা অধীন ৰায়ত সকলৰ বিনীত কাতৰ নিবেদন এই যে অধীন সকল বৰপেটা মহকুমাৰ অন্তৰ্গত হাউলী মৌজাৰ কাউৰ বাহা গাৱঁৰ গৰীৰ কছাৰী ৰায়ত । সেই গাৱঁৰ আমি বাসিন্দা মানুহ আৰু ইয়াৰ বাজেও হাউলী মৌজাৰ অগ্ৰাণ্ণ গাৱঁৰ মানুহৰ মাটি সেই গাৱঁত আছে । সেই মাটি বিলাক আজি অনেক বছৰ ধৰি গত ১৯২৪।২৫ চনৰ চেটেলেমেন্টৰ আগৰ পৰাই পট্টালৈ নিৰ্ৰিবাদে ভোগ দখল কৰি আছে ।

কিন্তু বৰ্তমান আমাৰ কছাৰী ৰায়ত সকলৰ মহা সঙ্কট উপস্থিত হৈছে । আমাৰ খাচ কাউৰ বাহা গাৱঁৰ পৰা প্ৰায় এ মাইল মান দূৰত যি বিলাক মাটিত আমাৰ পাম ঘৰ আছে, কাউৰ পাৰা লাটৰ পল্লা নদীৰ পাৰত সেই বিলাক মাটিৰ প্ৰায় ৮০।১০০ বিঘা মানত আজি ১৭।১৮ দিন মান হৈছে কিছুমান চক্ৰা মানুহে আমাৰ পাম ঘৰ বিলাক বলেৰে দখল কৰিছেহি আৰু তাৰ বাহিৰেও ৩০টা মান ঘৰ নতুনকৈ সাজি মানুহ বহি গৈছেহি । সেই চক্ৰা বিলাকে আমাৰ কাঁহী-বাটি, চক-কলহ সকলো জ্বৰু কৰি লৈ যায় । প্ৰথমে সেই চক্ৰা বিলাকে বে দখল কৰাৰ উদ্যোগ কৰোঁতেই আমি পুলিচত দৰ্খাস্ত দিছিলোঁ আৰু বিবৃদ্ধি হৈ কিবা পতিকাৰ পাণ্ডুলি আমাৰ ট্ৰাইবেল মেম্বৰ শ্ৰীযুত ৰবিন্দ্ৰ কছাৰী, শ্ৰীযুত ভীমবৰ দেউৰী আৰু ট্ৰাইবেল মন্ত্ৰী মাননীয় শ্ৰীযুত ৰূপনাথ ব্ৰহ্ম ডাঙ্গৰীয়া সকললৈ টেলিগ্ৰাম

দি জনাই ছিলো। সেই বেদখলকাৰী চক্ৰা সকলে চৰ-কলচ, কাঁহী-বাটি আদি নিয়াৰ বাহিৰেও তেওঁলোকে আমাৰ কলা, চিনা আৰু পায়ৰা আদি খেতি বিলাক গৰুৰে খুৱাই নষ্ট কৰিছে আৰু নতুনকৈ বোৱা মৰাপাট আৰু ধান মাৰি ঠায়ে ঠায়ে দৰ বাকিছে।

এই বিষয়ে মহকুমাৰ বৰ হাকিমে তদন্ত কৰি চক্ৰা বিলাকক তাৰ পৰা যাবলৈ কোৱাত তেখেতৰ আগত তেওঁলোকে সেই ঠাই এৰি যাবলৈ স্বীকাৰ কৰে; কিন্তু তাৰ পাচত যেতিয়া চব্-ডিপুটী কলেষ্টৰ আৰু পুলিচৰ দাবোগা যায় তেতিয়া চক্ৰা বিলাকে নাৰ্থাও বুলি কয় আৰু এতিয়ালৈকে যোৱা নাই। কিন্তু মহকুমাৰ গৰাকী সকলেও তেওঁলোকক উঠাই দিয়া নাই। এতিয়া আমি গৰীব ৰায়ত নিকপায় হৈ পৰিছো! কিয়নো সেই মাটি বিলাকৰ যদি আমি খেতি কৰিবলৈ নাপাও তেন্তে আমি লৰা-ছোৱালীৰে সৈতে পথৰ ভিক্ষাৰী হব লাগিব। এতেকে ধৰ্ম বিচাৰ কৰি সেই মাটিৰ পৰা চক্ৰা বিলাকক উঠাই দি গৰীব ৰায়তক ৰক্ষা কৰাৰ প্ৰাৰ্থনা।

শেষত ধৰ্মৰাজক নিবেদন কৰি জনাওঁ যে আমাৰ ইয়াত এই ঘটনাৰ পিচত এই হাউলী মৌজাবে বেঞ্জী মাৰি, উলু বাৰি, বংদিয়া, বন মাজাৰ পাম, বেলগুৰি আদি ঠাই চক্ৰা বিলাকে জোৰেৰে অসমীয়া মানুহৰ মাটি দখল কৰিছে। এই নিমিত্তে এই মৌজাৰ ৰায়ত বিলাকৰ মাজত ভয়দৰ আতঙ্কৰ সৃষ্টি হৈছে।”

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

**Srijut KAMESWAR DAS:** I submit, Sir that this does not involve the *khas* lands of the Government. From the petition it is clear that the land involved are *patta* lands. The *raiyats* there are occupying the lands from 1924-25. So, I submit that this should not be taken as involving a part of the general policy of the Line System.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, I rise to oppose this motion. The hon. member says that his source of information is some petitions which have been filed to me as well as to him. Now, in his motion, he wants to criticise Government for their failure to check the mass raids. From these petitions, Sir, Government cannot accept it for a fact that there have been mass raids. These petitions as well as wires that have recently been received by Government have already been sent to the Deputy Commissioner for enquiry and the Deputy Commissioner, in his preliminary report, has said that most of these wires have no foundation at all. So, in the circumstances, Government cannot accept any liability for things which have not taken place. And, moreover, as the matter is under enquiry, I think it will be only fair for the hon. member to wait and watch. In view of all these, I request the hon. mover to withdraw this motion as premature.

**The Hon'ble the SPEAKER:** Has the hon. mover got anything more to say?

**Srijut KAMESWAR DAS:** May I know whether this matter is under enquiry?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, the matter is already under enquiry.

**Srijut KAMESWAR DAS:** Has any report been submitted?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** That is a preliminary report. A detailed report has been called for and is still awaited.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I may be able to say something about this matter. Immediately before this session, we began to receive a number of telegrams saying that there have been encroachments on the grazing reserves as well as within the Lines. In all cases, a telegram is subsequently to be confirmed by a letter, but we got none, even then we at once took action on these telegrams. We asked Deputy Commissioner to personally enquire into the allegations of fresh encroachments. The Deputy Commissioner fixed the 24th February for local enquiry, but unfortunately the Deputy Commissioner had to come up to Shillong as he was suffering from a disease for which he had to consult experts in the Pasteur Institute. He saw both myself and the Hon'ble Revenue Minister and we have given detailed instruction. He has postponed the date of enquiry from the 21st February to the 10th March. We have already asked our officers to do the necessary evictions. So, as some preliminary enquiry has been made, I hope the hon. member will not tie our hands by a discussion of a matter that is under investigation.

**Srijut KAMESWAR DAS:** May I draw the attention of the Hon'ble Premier that the land concerned in the raids mentioned here involve *patta* lands of certain tribal people and does not involve any question of Line System and reserved lands.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Does it refer to Thinnua ?

**Srijut KAMESWAR DAS:** It refers to Kaurbaha, Bennibari, Ulubari and Rangdia. These are villages in the Howli mauza. The lands concerned are *patta* lands.

Several telegrams have been received by me and I could not go through them all. These do not relate to Line System or encroachment of reserved areas. These are different things.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If the state of affairs referred to by my friend is correct and as these are *patta* lands which have been encroached, the criminal courts are open for remedy. So far as encroachment of lands in Reserved Lines are concerned, it is for Revenue Department to deal with

**Srijut GAURI KANTA TALUKDAR:** Because these are *patta* lands and because the criminal courts are open to them, should not Government take prompt actions for protecting the helpless tribal people from the organised raids of the immigrants ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** May I enquire from my hon. friend whether those aggrieved people approached the local authorities, Revenue or otherwise ?

**Srijut KAMESWAR DAS:** May I inform the Hon'ble Premier that these people approached the Subdivisional Officer, Barpeta, and the Sub-divisional Officer had been to the locality. The encroachers admitted the place and they agreed. Subsequently when the Sub-Deputy Collector and the Police Sub-Inspector were sent there, they refused to go away. That is what the petitioners have themselves written in the petition.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** After the last statement of the hon. member, there is no case for any adjournment motion whatsoever. Everything possible was done by the local officers, and if even after that the encroachers did not vacate the land, the Criminal Court was open to the parties.



**Srijut GHANASHYAM DAS :** The Subdivisional Officer was asking for approval of the Government.

**Srijut KAMESWAR DAS :** I think, the Government have certainly the duty to strengthen the hand of the Subdivisional Officer when he is unable to make his order effective. That is why I have come here with a motion of adjournment.

**The Hon'ble the SPEAKER :** I would ask the hon. member to say whether there has been any failure on the part of Government, having regard to what has been disclosed by the Hon'ble Revenue Minister and the Hon'ble Premier. It seems that action has already been taken. Both the Hon'ble Premier and the Hon'ble Revenue Minister have given certain instructions to the local authorities. Does the hon. member yet maintain that there has been a failure on the part of Government ?

**Srijut KAMESWAR DAS :** I may mention that the Subdivisional Officer tried, but he failed. On the other hand, it should not be forgotten that there rests a certain responsibility with the Government to protect those tribal people who were affected by these raids.

**The Hon'ble the SPEAKER :** But the Hon'ble Revenue Minister said that he had again asked the Deputy Commissioner to take up the matter personally.

**Srijut KAMESWAR DAS :** In this connection, may I ask the Hon'ble Revenue Minister whether, after the adjournment motion on the 22nd instant, he sent a telegram to the Deputy Commissioner, Kamrup, to stop eviction, and give some time to the encroachers themselves to prove that they were there from before the 31st March, 1937 and whether it will apply to the tribal villages in question also ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** That is with regard to the grazing reserves.

**Srijut KAMESWAR DAS :** Not as regards these *patta* lands ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Absolutely not. How can Government ask the Deputy Commissioner not to evict encroachers into the *patta* lands when *pattas* have been given by Government to these people ? If encroachments have been made into *patta* lands, the procedure my hon. friend and others should follow is not to approach Government in this respect, but to apply to the Criminal Court for punishing those encroachers, because they are guilty of a criminal offence.

**Srijut KAMESWAR DAS :** If the Civil Authorities and the Criminal Court there fail to give redress, have not the people the right to come up for redress to the Government ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Surely, but I have said that we have already instructed the Deputy Commissioner to go and enquire into the matter personally.

**Srijut BELIRAM DAS :** Is it also a fact that the Deputy Commissioner of Kamrup has been asked not to evict persons even though they have come after 31st March, 1937 ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Yes, Sir, in certain cases, but that is another matter. Sir, on the day the adjournment motion was discussed on the floor of this House, *i.e.*, on the 22nd instant, hon. members representing the immigrant people in this House submitted a petition to us saying that some of those people who had encroached into the grazing reserves had absolutely no other alternative but to go there, because these people were Government *patta*-holders and their

lands were washed away either by erosion of the Beki river or by Brahma-putra. As no other lands were available to shift to, they entered into those grazing reserves for temporary shelter. Now, it will be going against the policy of the Government if we evict people who are *patta*-holders for 6 or 7 years. So, we asked the Deputy Commissioner to make an enquiry to see whether among the encroachers into grazing reserves there were people of this nature.

**The Hon'ble the SPEAKER:** Was this in conformity with the Government Resolution that was recently published?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir. Moreover, this is with regard to grazing reserves and not the *patta* land which is the question disputed at the present moment.

**Srijut KAMESWAR DAS:** May I know whether Government will take immediate action in this matter as regards the affected villages in the Howli mauza?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Action is being taken and will be taken.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I will go one step further and say that if I can get the copy of the speech delivered by the hon. member in this connection, I shall transmit it to the Deputy Commissioner immediately. So, I ask your co-operation, Sir, to direct the Reporters to supply me with a copy as soon as possible.

**Srijut KAMESWAR DAS:** In view of the assurance given by the Government, I do not like to pursue the motion.

#### REALISATION OF MONEY BY COMPULSION FROM EACH PATTADAR BY THE MAUZADAR OF GURJOGONIA MAUZA OF GOLAGHAT SUBDIVISION IN THE NAME OF WAR WITHOUT RECEIPT

**The Hon'ble the SPEAKER:** There is another adjournment motion standing in the name of Srijut Rajendra Nath Barua.

**Srijut RAJENDRA NATH BARUA:** Mr. Speaker, Sir, I beg leave of the House to move the following motion:—

“That the House do now adjourn to discuss a definite matter of urgent public importance, to wit, realising by compulsion and harassment rupee one or annas eight from each *pattadar* by the Mauzadar of Gurjogonia mauza of Golaghat, in the name of the war, without giving receipts, at the time of payment of land revenue by the *pattadars*.”

Sir, a few days before, at the beginning of the current session of the Assembly, I received complaint from the *raiyats* of this mauza that the Mauzadar was compelling them to pay rupee one or annas eight as contribution towards war, at the time of paying land revenue. But the people showed their unwillingness and said that this was a voluntary contribution, and that they were not going to pay at the rate dictated by the Mauzadar. Sir, on receipt of this complaint, I wrote to the Subdivisional Officer, Golaghat, but till now I have not been favoured with a reply. I understand that this harassment still continues, as I received a wire yesterday from Gurjogonia *raiyats*. This wire is dated 28th February, 13.50 hrs. and it states “Gurjogonia Mauzadar realising rupee or half from each *pattadar* compulsorily please inform Minister for redress or complaining issuing redress receipts to same—Gurjogonia *Raiyats*”.

So, Sir, I have to move this adjournment motion because I do not know whether there is any specific instruction from the Government to

realise such war contributions from the *pattadars*. In fact, Sir, if this sort of thing is continued by the Mauzadar, we, as members of the Congress, will be compelled to instruct our constituencies not to give any money in the shape of these war contributions. It is really harassing and sometimes the Mauzadar throws away the money paid on account of land revenue unless that contribution is also given along with revenue.

Sir, it is an urgent matter because the harassment still continues; it is also a matter of public importance because a lot of people are affected, and it is a definite matter too.

So, I think the motion should be allowed.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Sir, the House will remember that a similar motion was moved by my hon. friend Mr. Purna Chandra Sarma, and I promised to make an enquiry into the matter, and I ordered the Deputy Commissioner to hold an enquiry, and I have received a reply from him saying that an enquiry will be held at which the presence of Mr. Sarma is being sought. As I told the House, Government has no information of such alleged harassment, and they have issued no instructions to realise war contributions. All that I can say is that Government will make an enquiry into the matter and if any harassment is proved, Government will take prompt action to stop it.

**The Hon'ble the SPEAKER:** But did not that motion relate to another mauza?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, Sir, but as regards this mauza also I say that I shall have an enquiry made.

**The Hon'ble the SPEAKER:** Immediate enquiry?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, Sir, an immediate enquiry will be made, and everything that is necessary will be done.

**Srijut RAJENDRA NATH BARUA:** Does the Hon'ble Minister realise that this harassment is in respect of a mauza in Golaghat?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We will follow the same procedure in this case and try to give immediate relief where necessary.

**Srijut BELIRAM DAS:** May I request the Government to issue general instructions to the Deputy Commissioners not to realise money by force from *raiya*s in the name of war?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** If there be a multiplication of such cases, Government will consider the issuing of such instructions.

**Maulavi ABDUR RAHMAN:** May I know if there is a general instruction to realise war contributions?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** No, Sir, there is no such instruction.

**Srijut GAURI KANTA TALUKDAR:** Will not these two instances be sufficient for the Hon'ble Minister?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** The matter will be considered, as I said.

**Srijut RAJENDRA NATH BARUA:** Do I understand from the Hon'ble Minister that a wire will be sent to the Deputy Commissioner?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, Sir, that was done and will be done.

**Srijut GAURI KANTA TALUKDAR:** As regards the case of Nowl gong, we hear that the enquiry will be held when my hon. friend Mr. Sarma

goes there and be present at the enquiry ; but I understand that it will require a month before he goes there. Will the enquiry be withheld till that time ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** I do not think so.

**Srijut RAJENDRA NATH BARUA :** In view of the assurance given by the Hon'ble Minister I do not wish to press my motion.

MESSAGE FROM ASSAM LEGISLATIVE COUNCIL *RE* THE ASSAM MONEY LENDERS' (AMENDMENT) BILL, 1937

**Secretary to the Assembly :** Sir, the following message has been sent by the Secretary of the Assam Legislative Council :—

"In pursuance of rule 106 of the Assam Legislative Council Rules, I am directed to inform you that the Bill to amend the Assam Money Lenders' Act, 1934, which was passed by the Assam Legislative Assembly at its meeting held on the 9th December 1937, was passed by the Assam Legislative Council at its meeting held on the 6th May 1939, with the following amendments, namely :—

(1) In clause 1, sub-clause (2) the words "and it shall apply to pending suits and appeals" were deleted.

(2) In clause 2—

(i) the sub-clauses (1), (2) and (4) were omitted, and

(ii) in sub-clause (3) after the word "Bank" the words "or in any incorporated Bank or Society" were added.

(3) Clause 3 was deleted.

(4) In clause 4, in the proposed section 8, for the figures "9 $\frac{3}{8}$ ", "12 $\frac{1}{2}$ ", "9 $\frac{3}{8}$ " and "12 $\frac{1}{2}$ " the figures "10 $\frac{1}{2}$ ", "15", "10 $\frac{1}{2}$ " and "15" respectively were substituted.

(5) In clause 5, in the proposed section 9—

(i) in sub-section (1) the words "before or" and "or otherwise" were deleted.

(ii) proviso (i) was omitted.

(iii) for explanation (ii) the following was substituted :—

"(ii) for the purpose of sub-section (1) of section 9 in respect of usufruct of lands in usufructuary mortgages a loan not exceeding Rs.500 in principal shall be deemed to be fully satisfied on the completion of 9 years from the date of the loan".

(iv) sub-section (3) was omitted.

2. The Assam Legislative Council requests the concurrence of the Assam Legislative Assembly in the amendments."

Sir, under rule 135 of the Assam Legislative Assembly Rules, I lay on the table the Bill as amended by the Assam Legislative Council.

Copies of the Bill were already circulated to the hon. members.

**Maulavi ABDUL AZIZ :** I was under the impression that the Bill will be laid on the table just now.

**The Hon'ble the SPEAKER :** Copies of the Bill were sent to the hon. members with instructions to bring their copies with them. However, I will allow the hon. member to speak.

**Maulavi ABDUL AZIZ :** Under rule 136 when a Bill is passed with amendments by the Assam Legislative Council, the motion for consideration of these amendments is to be taken up 7 days after such date, but the rule

allows discretion to the Hon'ble Speaker to suspend the operation of that Rule if he finds reasonable grounds for doing that. Sir, this Bill has been long delayed and it is one of the most important Bills from the point of view of the public, so I have got to request you to exercise that discretion and to allow the discussion of these amendments just now.

**The Hon'ble the SPEAKER :** Has any hon. member any objection to this procedure.

**Mr. BAIDYANATH MOOKERJEE :** Sir, I think the time allowed under the Rule should be given. Considering the gravity of the Bill, I do not see any reason why there should be any hurry like this, that the amendments should be considered by the House immediately.

**The Hon'ble the SPEAKER :** He says that the Bill has been long pending.

**Mr. BAIDYANATH MOOKERJEE :** In spite of the fact that the Bill was passed in a certain form by this House, some of the clauses were deleted by the Upper House and some were amended otherwise. So, I think that it will be proper if we get sometime more.

**The Hon'ble the SPEAKER :** Does the hon. member approve of the amendments that have been made by the Assam Legislative Council ?

**Mr. BAIDYANATH MOOKERJEE :** In some cases I do, Sir.

**The Hon'ble the SPEAKER :** It is to the interest of the hon. member that the amendments should be taken up at once so that the House may get an opportunity to accept the amendments.

**Mr. BAIDYANATH MOOKERJEE :** Even if this measure is taken after 7 days, the same opportunity will remain.

**The Hon'ble the SPEAKER :** The House has got a right to move further amendments and for that 2 days notice will be necessary ; but with regard to that, the Chair has no discretion. It will be necessary to table the amendments two days before the amendments are taken up.

**Mr. BAIDYANATH MOOKERJEE :** Of course, Sir, it is entirely at your discretion and I have only expressed my views in what I have submitted that it should not be taken up immediately as a special case.

**The Hon'ble the SPEAKER :** Having heard the hon. mover of the Bill and also Mr. Mookerjee who has objected to the request that the operation of rule 136 should be suspended, I am inclined to suspend the operation of rule 136 and to allow the hon. mover to make the motion to take the amendments into consideration now.

Hon. members will see that only one exclusive day has been fixed for private members' business and private members' business may come up on the days when Government business is fixed, if time permits. So there may not be any opportunity available to the hon. member to move the motion he now wants to move. Now, this motion that the amendments passed by the Upper House be taken into consideration is only necessary in order to give the House an opportunity of considering the amendments separately and that will be the most vital portion of the work that has to be done by this House. So, it is only with a view to remove the bar in the way of considering the amendments separately, I am going to suspend the operation of the rule and allow the motion for taking into consideration the amendments made to the Assam Money Lenders' (Amendment) Bill, 1937 by the Legislative Council.

**Maulavi ABDUL AZIZ:** I beg, Sir, to move that the amendments made by the Upper House be taken into consideration.

Sir, the amendments made by the Upper House have led to the frustration of the object of the original Bill. The idea with which the amending Bill was passed in the Lower House has been defeated by the amendments made in the Upper Chamber.

One of the main objects of the amending Bill was to give relief to the unfortunate debtors in their repayment of the debts that they had contracted before the depression came in which took them by surprise. We proposed in the amending Bill that the rate of interest should be reduced to a reasonable extent. We further proposed that the debtor who pays the debt amicably should be allowed to pay interest only to the extent to which he would have had to pay if the suit was brought in a court. That is to say, the provision was that in a law court the creditor could not get more than twice the principal from the judgment debtor by way of decree. Unfortunately it was provided in the Act that if a man pays out of the court any interest, that interest was not credited. In other words, he gets no credit for the amount that he paid out of court as interest. To remove this anomaly, we proposed in this amending Bill that when a man pays out of court any interest, that payment should be given credit in favour of the judgment debtor when the matter comes to court and a decree is passed. To clarify this point, Sir, I like to illustrate it by saying that if a man takes a loan and he makes certain payments say Rs.25 towards interest out of court and then a suit is brought for the dues, then in the decree that will be passed against him he will not get any credit for the Rs.25 that he has already paid out of court in respect of interest and he will have to pay upto double the principal amount. But take another case of a debtor not paying anything at all towards interest and he is brought to court for his dues. Here the highest he has to pay is double the principal. This is an anomaly and the man who paid interest out of court should not be penalised. We therefore proposed in the Amending Bill that the money that he paid for interest out of court should be included in calculating double the principal that the creditor is entitled to under the original Act. The Upper House has done away with this salutary provision. Sir, we cannot see eye to eye with the Upper House in this respect. I have already pointed out that a bad debtor cannot be expected to pay the same amount as the honest debtor who makes payment for interest from time to time out of court. So, Sir, we stick to what we proposed in the amending Bill. Our object of moving this amending Bill was to give relief to our debtors who are in a bad plight owing to the world-wide depression and we wanted to give the debtors relief in respect of past transactions which they entered into during the time when they had no idea of ever being caught by the depression.

**The Hon'ble The SPEAKER:** At this stage it is not necessary for the hon. member to discuss the merits and demerits of the Bill in such an elaborate way.

**Maulavi ABDUL AZIZ:** I am not going into the details. What I say is that there are some matters in which we do not agree with the Upper House and we shall stick to the Bill as passed by this Assembly.

**The Hon'ble the SPEAKER:** The hon. member will please state the motion that he is moving.

**Maulavi ABDUL AZIZ:** Sir, I beg to move that this House sticks to the Bill.

**The Hon'ble The SPEAKER :** No, no. The motion would be that the amendments made by the Assam Legislative Council to the Assam Money-Lenders' (Amendment) Bill, 1937, as passed by this Assembly be taken into consideration.

**Maulavi ABDUL AZIZ :** Sir, I beg to move that the amendments made by the Assam Legislative Council to the Assam Money-Lenders' (Amendment) Bill, 1937, as passed by the Assembly be taken into consideration.

**The Hon'ble the SPEAKER :** The motion moved is that the amendments made by the Assam Legislative Council to the Assam Money-Lenders' (Amendment) Bill, 1937, as passed by the Assam Legislative Assembly be taken into consideration. A debate may now proceed.

**Babu SHIBENDRA CHANDRA BISWAS :** Mr. Speaker, Sir, I rise to support my friend Maulavi Abdul Aziz. I think the amendments made by the Upper House to the amending Bill brought by Maulavi Abdul Aziz are simply to defeat the object of the Bill which has been pending for a long time in this House. For not early passing this Bill, the people have been suffering much and it is absolutely necessary that Maulavi Abdul Aziz's Bill be passed. So, I hope this House will throw out the amendments brought by the Upper House.

**The Hon'ble the SPEAKER :** Am I to take it that no other hon. member is going to take part in the discussion? (*After a pause*).

I therefore put the motion before the House.

The question is that the amendments made by the Assam Legislative Council to the Assam Money-Lenders' (Amendment) Bill, 1937, as passed by this Assembly, be taken into consideration.

The motion was adopted.

### THE ASSAM LAND AND REVENUE REGULATION (AMENDMENT) BILL, 1938.

**The Hon'ble the SPEAKER :** Then comes the Bill standing in the name of Srijut Kameswar Das. His motion was that the Assam Land and Revenue Regulation (Amendment) Bill, 1938, be taken into consideration. He made that motion on the 8th December, 1938. As soon as he finished his speech, the motion was placed before the House by me. But the motion could not be proceeded with further on account of the fact that that day after 2 p.m. a motion of no-confidence in the Ministry came up for discussion. So the Bill was left at that stage of discussion and the House has a right to proceed with the discussion now.

**Srijut GAURI KANTA TALUKDAR :** Mr. Speaker, Sir. I rise to support this Bill. The provisions of this plain and simple Bill, Sir, intend to remove a long-felt grievance of the poorest section of our cultivating class of the Assam Valley continuing probably since 1892.

It seeks to fix by legislation, the minimum amount of land-revenue payable in respect of a lease annual or periodical. At present in the Assam Valley, the lowest amount of land revenue payable in respect of a *Patta* or a lease is Re.1 while in the Surma Valley and Hill Districts, it is annas eight only. The reason for this disparity is unknown. We do not say that undue favour has been shown to our brethren of the other Valley or the Hill Districts. What I want to say is that they are being treated fairly and that the people of the Assam Valley are also entitled to get the same fair and equitable treatment and not a bit in excess.

Sir, a lease-holder in Assam Valley holding a plot of land, say, two *Kathas* in area which calculates land revenue, at the bigha-rate, of annas nine, annas ten, annas eleven, annas twelve, annas thirteen, annas

fourteen or fifteen annas has to pay under the existing rules, a uniform sum of Re.1 being the minimum rate of assessment ; but if the Bill is passed into law, the same Pattadar will be required to pay annas nine, annas ten, annas eleven, annas twelve, annas thirteen, annas fourteen or fifteen annas only, as the case may be, as in the Surma Valley and the Hill Districts.

Sir, the relief that this bill intends to give is not altogether insignificant. In 1927, in reply to a question of my hon. friend, the mover of this Bill, the then Government were pleased to inform that the number of pattas, the revenue of which if calculated at the ordinary bigha-rate of between annas eight and Re.1 per lease, would be Rs.97,000. Sir, the number of such leases must have increased to a great extent by this time. It will be seen, Sir, that the Bill, if passed into law, will give relief, roughly speaking, to at least one lakh of our poorest cultivators, if not more, and I believe it will go to render substantial benefit to a large number of our immigrant cultivators who happen to hold a large number of small holdings in the Assam Valley.

It may be argued, Sir, that the fixation of the minimum revenue may be left to the discretion of the Government under the rules which they can frame for giving effect to the provisions of this Bill. But, Sir, may I remind my hon. friends of this House that a resolution containing the very provisions of this Bill was moved by my hon. friend, the mover of this Bill in the old Assam Council and it was passed by the then Council with a substantial majority. The Resolution, Sir, was supported by all the elected and nominated members excepting Rai Bahadur Amar Nath Ray who was a nominated member. Now for the information of the House, I would like to read out the names of some of those gentlemen. They are :—(1) Hon'ble Babu Basanta Kumar Das who is happily the Speaker of our Assembly, (2) Hon'ble Babu Hirendra Kumar Chakravarty who is now one of the Ministers of the present Cabinet, (3) Srijiut Kameswar Das, (4) Srijiut Lakshesvar Borooah, (5) Srijiut Mahadev Sarma, (6) our revered Leader Late Srijiut Nabin Chandra Bardoloi, (7) Hon'ble Srijiut Rohini Kumar Chaudhuri, (8) Maulavi Ali Haidar Khan, (9) Khan Bahadur Maulavi Keramat Ali, (10) Hon'ble Maulavi Munawwarali, (11) Khan Bahadur Maulavi Mahmud Ali, and (12) Hon'ble Khan Bahadur Maulavi Sayidur Rahman. Fortunately, Sir, we have got in this House a very large number of gentlemen in our midst who were very enthusiastic in supporting and getting the resolution passed in the old Council and I am quite confident that those gentlemen will now very readily lend their whole-hearted support in getting this Bill passed into law. Sir, though this resolution was passed in the year 1928 and though 12 years or practically a *yuga* has passed, the grievances of the unhappy people of my Valley remain where they were before. This fact alone, Sir, is more than sufficient, to my mind, to establish the dire necessity of passing a Bill and reducing the healthy provisions of this Bill into hard and fast law instead of their being left to the sweet mercy and whims of ever-changing Government officials. I therefore, earnestly request my hon. friends to extend their helping hands in support of the benevolent provisions of this Bill and to be a party in undoing a wrong that is being carried since 1892 and to receive thereby the blessings of a dumb section of our poorest cultivators.

With these few words, Sir, I beg to support this Bill.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir. The last speaker has referred to a resolution that was moved in the old Council in which I along with others lent my support but we are concerned not with the resolution here ; we are concerned with a legislation and my submission is that there is no necessity for this legislation.



The amendment is that in the Assam Land and Revenue Regulation, 1886, for the words "Chief Commissioner" wherever they occur the words "Provincial Government" shall be substituted. The amendment proposed is unnecessary as it was pointed out by my predecessor in office Mr. Fakhruddin Ali Ahmed in course of a debate in the last Budget Session. The proposed amendment had already been made in a notification in the *Assam Gazette*. Then, Sir, this amendment will not be appropriate to section 29 of the Assam Land Revenue Regulation. Section 29 says "The Chief Commissioner may make rules prescribing the principles on which the land revenue has to be assessed, the term for which, and the conditions on which, settlements are to be made, and the manner in which the Settlement Officer is to report for sanction his rates and method of assessment". Now under this section of the Assam Land Revenue Regulation a distinct rule has been made by the Government of Assam and that is Rule 19. Rule 19 says "The land revenue payable on account of any lease shall be determined by such general orders, etc." They provided that the minimum assessment of an estate shall be Re. 1 in the Assam Valley districts and annas 8 in the Surma Valley and Hill Districts. What my hon. friend wants is an amendment of Rule 19 and not an amendment of section 29 because in that section only principle of assessment is fixed and it has been left to Rule 19 to prescribe the minimum. So, I think for an amendment of the rule what is required is an amendment of Rule 19, and for that I think my hon. friend should have come forward with a resolution and not an amending Bill of this nature. A resolution is also not essential, if the Government undertake to look into this matter. So my request to the hon. mover is to withdraw this Bill and to come forward with a resolution for amending Rule 19 of the Assam Land Revenue Manual on the lines advocated by him.

Now, as regards the merit of the motion, the attitude of this Government is still open. The Government of 1927 and 1928, which has been referred to, opposed this resolution and since then Government had had no materials before them to reconsider the matter. The arguments that were advanced by the Hon'ble Mr. Botham against that proposal have not lost their force yet. If I may be allowed to refer to some of those arguments, he pointed out that this minimum assessment discourages taking up of minute portions of land. He also submitted that every separate account increases the work of compiling and maintaining the records and of collecting the revenue. So, considering the additional cost that is involved in maintaining the record and collecting the revenue on a large number of minute estates, it cannot be held that rupee one is excessive as a minimum assessment.

Then, much stress has been laid by the last speaker on uniformity. He says that, because the Surma Valley has got a minimum assessment of 8 annas, there should be a similar reduction in the Assam Valley also.

**Srijut GAURI KANIA TALUKDAR:** That is not my contention, Sir. My contention is that the same fair and equitable treatment should be given to the people of the Assam Valley.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, his argument comes to that. In this connection I might refer him to the argument that was advanced by Mr. Botham in 1927 and 1928. He said, Sir,—“the minimum assessment in the Surma Valley is due to special conditions which exist there and which do not exist in the Assam Valley. It is closely connected with differences in the revenue history of the two valleys. In the Surma Valley the settlements were made in many cases with groups of cultivators and such estates have been split up at successive settlements

into smaller estates settled with individuals and in some cases, in fact in a large number of cases, the resulting estate is very small indeed. Also in many cases, although the settlement groups still exist, so far as the main cultivable land is concerned, individual members of the groups hold in their own names very small parcels of land on which they have their homestead. Then again, there is a different system in the two valleys in the treatment of waste land. In the Surma Valley waste unculturable lands always have been leased out at nominal rates of revenue sometimes as low as half-an-anna or one anna a bigha. In the Assam Valley waste unculturable lands have not been leased out at all—waste land is not leased out until it is fit for cultivation, and then it is leased out at a low rate of revenue, but still not a nominal rate of revenue ....” It would be possible in the Surma Valley to hold 5 bighas of land yet on a strict calculation of rent to pay only two annas and a half. That of course would not be possible in the Assam Valley. Those, Sir, are the reasons which in the past have been considered to justify a lower minimum assessment in the Surma Valley than obtains in the Assam Valley. But he says this much that—“If any great value is attached to uniformity, I think there is a better case for raising the eight annas minimum in the Surma Valley to one rupee than for reducing the one rupee rate in the Assam Valley to eight annas”.

Mr. Scott also in that connection said as follows:—“I have only two small points to mention in the consideration of this resolution. The first is to point out a further difference which arises between the Surma Valley and the Assam Valley and that is the method of collection of small dues. In the Surma Valley collection is and has always been almost entirely through the Tahsildars and the staff of a tahsil office and it has always been found less difficult to collect the small sums than the mauzadars would find in the Assam Valley. In the Assam Valley the mauzadari system has been adopted for many other advantages than those connected with collection of the revenue. But I submit, Sir, that we have to consider the position of mauzadars in collecting a very large number of these small sums. I think, Sir, that the mauzadars would find a great deal more difficulty in collecting a large number of eight anna pieces than they would in collecting a similar amount in rupees. They will have to pay more for it and they will get less from it.”

Now another argument—a very substantial argument—put forward by Mr. Botham is that, if the Government is to lose a portion of their revenue, however small that might be, it also means that the Government will have to reduce their expenditure to that extent. He says—“It may only be a small proportion of the revenue, but we cannot get over the fact that, if we are to reduce our revenue by a lakh, we must reduce our expenditure also by a lakh of rupees every year”.

Now my submission is, Sir, that these objections have not lost their force as yet. But the Government will not take up that attitude now. The figures that were supplied to the hon. mover in reply to a question by him in September, 1927 have become too old now to go by. The present Government cannot accept the proposal without examining the financial commitments involved in this proposal. So, with a view to know exactly the commitments involved in this proposal, they have already called for figures from the district officers and from the Commissioner, which have not reached them as yet. As soon as the figures are available, Government will examine the whole question in the light of the hon. mover's remarks. And if they decide to make the minimum assessment uniform at the rate of eight annas, they will have no difficulty in amending rule 19 of the Assam Land Revenue Manual. In view of this I humbly request the hon. mover to withdraw this Bill at this stage.

**Srijut GAURI KANTA TALUKDAR:** On a point of information Sir. The Hon'ble Minister said that waste lands are settled in the Surma Valley and charged at a very low rate of revenue and that in the Assam Valley the waste lands are not so settled. May I inform the Hon'ble Minister that in the Assam Valley large areas of land lying under water and unfit for cultivation have been settled with the raiyats and revenues are realised without any concession being shown?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** It may be so, Sir, but I was quoting Mr. Botham's.

**Srijut GAURI KANTA TALUKDAR:** May we not expect to understand from the Hon'ble Revenue Minister what is the present state of affairs?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** I have no information, Sir.

**Srijut GAURI KANTA TALUKDAR:** If the Government will be pleased to inquire, and if it be found that waste land is also being charged in the Assam Valley, will they be pleased to exempt them from assessment?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, enquiries will be made, if the hon. member so desires.

**Srijut MAHI CHANDRA BORA:** Is it not a fact that the Hon'ble Revenue Minister was a party to the resolution moved in 1928 to do away with the disparity? Is it not a fact that all the objections raised by Mr. Scott and Mr. Botham failed to convince the Hon'ble Minister at the time when he was an ordinary member like ourselves? It seems to me that there is truth in the saying that whoever goes to Lanka becomes a *Rakshyasa*. It is surprising that his elevation to the present position has changed his angle of vision.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** This is what I say. Government will further examine this proposal.

**Mr. BAIDYANATH MOOKERJEE:** I rise, Sir, to support the Bill. Sir, it is quite clear from the Statement of Objects and Reasons.....

**The Hon'ble the SPEAKER:** To support the motion for consideration?

**Mr. BAIDYANATH MOOKERJEE:** Yes, Sir. The Bill has two objects. One is very innocent. This has already been adopted by the Hon'ble Revenue Minister. So I think it is useless to explain or go over that point any more.

**The Hon'ble the SPEAKER:** The operative clause is No. 4.

**Mr. BAIDYANATH MOOKERJEE:** Exactly so, Sir, but I was only referring to the change of the words 'Chief Commissioner' to 'Provincial Government'. This is useless because this has already been admitted; it has been gazetted also. But the other point that the Bill is trying to fix is the minimum revenue. It is not necessary, for, as soon as a limit is fixed, the higher rates will automatically come down. The Government officers will fix the rate. It is not the tenants who fix the rate according to their sweet will. But if there are sufficient justifications and proper reasons that the rate of revenue in some particular case should be reduced, and if Government officers are convinced, in that case only the Government revenue may fall to a very slight extent. I do not find why the Government should not be sympathetic towards those who are really suffering for this high rate of rent. This Bill is not trying to fix the maximum so that the Government need be afraid that they could not increase the revenue of the province. It does not matter, I think, if one thinks honestly what should be the minimum. Even if the minimum is fixed at four annas, I do not find why Government should be afraid of it. If the Government officers find that

really there are cases which deserve low rent, I think the popular Government should volunteer and support this Bill. But, Sir, what is the attitude of the Hon'ble Revenue Minister in this simple matter? He has quoted many things which took place long ago, but it would have been quite handsome on his part to enquire into the present position.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** An enquiry is being made.

**Mr. BAIDYANATH MOOKERJEE:** Yes, Sir, an enquiry is being made. But I think, the Hon'ble Speaker will allow me to say that these few words—'it is being considered', 'enquiries are being made' are frequently heard in this House but nothing is really done. My point is that we should here all accept this Bill. Government has utterly failed to show any real reasoning behind their present attitude. Here a minimum only is being fixed. If there are deserving cases, revenue should be reduced and I do not see any reason why Government should stand in the way. So, Sir, I think that hon. members before they decide about the merits or demerits of this Bill, should take one point in particular into consideration, namely, that by fixing a minimum it does not necessarily mean that Government is going to lose revenue.

**Srijut PURNA CHANDRA SARMA:** Mr. Speaker, Sir, I support the motion for consideration of the Bill moved by my hon. friend Srijut Kameswar Das. I think that there is much greater relief needed for our people. The other day in my speech I said that there were a large number of people who required real exemption from payment of any revenue whatsoever, in as much as they do not get food for the entire year. If you want to take away the food of children and parents I do not think you do justice to them. Sir, relief sought in this matter is rather very small, and I should think we should try to give relief in any shape, I mean, exemption from total payment of any revenue whatsoever to those who own only 4 bighas of land. With these words, I support the hon. mover of the Bill for its consideration.

**Srijut KAMESWAR DAS:** Mr. Speaker, Sir, it is a misfortune that my Hon'ble friend Khan Bahadur Maulavi Sayidur Rahman who was so enthusiastic over a resolution moved by me in 1928 to the same effect should have found it expedient to stand up to oppose a Bill which embodies the same principle. It is a misfortune that he should have adopted the attitude of the old bureaucratic Government of 1928, and should have opposed the Bill. He opposes the Bill firstly as regards clause 3 of the Bill. He says that there was no necessity for it. My Hon'ble friend has forgotten that the Bill now under consideration was submitted by me in 1938 and the principle involved in that section has only been accepted by the Government subsequently, *i.e.*, after I introduced the Bill, the Government have made necessary amendment in that section.

I should, therefore, say that I would not like to press for inclusion of this clause. I am ever ready to omit this clause as the principle involved therein has already been accepted.

His second objection is that the amendment of fixing the minimum assessment does not come under section 29 of the Land Revenue Regulation. According to him, section 29 is not the appropriate section. He, however, does not explain how it is inappropriate. Sir, I am not a distinguished lawyer, but all that I know for the purpose of this amending Bill, section 29 is the appropriate section.

His suggestion is that I should have come forward with a resolution instead of with the Bill. But his suggestion loses the force when we consider what effect a resolution of this kind carries with the Government. Of course, I admit that the Government, under the present Regulation, is free to amend the rule 19 of the Settlement Rules, but my objection is that although this point was raised and a resolution to the effect carried as early as 1927 and 1928 and is also before this Assembly for nearly 1½ years now, Government have not found it fit to take any steps whatsoever in this direction. The Hon'ble Minister says that Government have not got sufficient materials in order to come to a definite conclusion in this matter, and that they cannot accept the proposal underlying the Bill before knowing fully the financial commitments. He has fully quoted Mr. Botham, the then Revenue Member of the Old Council, but he has forgotten to mention one point in his speech to which I like to draw his attention now—"in proportion to the total land revenue the amount we should lose will perhaps not be very much".

Now, Sir, the Hon'ble Minister has complained that the materials are not before the Government, but I submit that this Bill is before the Government for about a year and a half and by this time Government could have collected the materials to enable them to come to a definite conclusion, if they only cared for it.

Now, Sir, by this Bill I do not mean that the extra amount charged under the rule of the minimum assessment should be withdrawn wholly. My point is this. Suppose in a particular plot of land the rent for a bigha is Re.1-4, and suppose there is an estate covering an area of 10 lessas; then at the rate of Re.1-4 per bigha the revenue for this area of 10 lessas would come to annas two. Under the present rule, the patta-holder has to pay Re.1. If the present Bill is carried, he will have to pay annas eight, *i.e.*, he will have to pay annas six extra instead of annas fourteen extra under the present arrangement. I ask is it reasonable to assess a man for annas fourteen extra when he is liable only for annas two? Will it not do for Government to accept annas six extra, *i.e.*, 300 per cent. in excess? I would point out that at the present moment Mauzadari system is in vogue in the Assam Valley, under which Government pay commission to the Mauzadars on the amount of actual collection. If the collection is less, Government will pay less. So, Government would not lose anything on this account. Further the Government will not incur any extra expenditure also for keeping the records because at the present time there is the Land Records Staff and that Staff can do the work. Moreover, Sir, when quoting Mr. Botham, my Hon. friend the Revenue Minister should not take it that all those small estates that existed prior to the last resettlement still continue at the present moment. It is a well-known fact that at the time of the last resettlement most of the small estates were amalgamated, and even if some small estates still continue, it is not the fault of the raiyats. In certain cases raiyats have got to take up small plots necessitated on account of the increase of population by reproduction and by partition. Generally, the small patta-holders are the poorest classes of the raiyats. I also think that financial commitments will not be heavy while the number of people who will be benefited, if this measure is given effect to, will not be small. I am very sorry that instead of accepting my proposal to reduce the minimum assessment to annas eight as prevailing in the Surma Valley the Government have come forward with a suggestion that they will not be very unwilling to raise the minimum assessment prevailing in the Surma Valley to the uniform rate of Re. one in both the Valleys.

I would further say that in the old Council the hon. Mr. Brojendra Narayan Chaudhuri and our late lamented Mr. N. C. Bardoloi took part in the discussion of the subject and met all the points raised by the then Revenue Minister. All the Indian non-official members, both elected and nominated, including the late lamented Hazi Md. Bakth Mazumdar, and Srijut Kuladhar Chaliha, voted in support of the resolution. The only Indian member who did not vote in favour of the resolution was Rai Bahadur Amar Nath Ray. What I want to say is that those members in the old Council did not vote for nothing.

So, I hope that after hearing all my remarks the Hon'ble Ministers, Maulavi Munawwar Ali, Srijut Rohini Kumar Chaudhuri and Srijut Hirendra Chandra Chakravarty who supported my resolution in 1928 on the point, will reconsider the position and support the Bill instead of, they being now popular Ministers, taking sides with the Hon'ble Revenue Minister.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, in my last speech I did not enter into the merits of the motion so much; I merely repeated the arguments that were advanced by Mr. Botham as far back as 1928. Now, my hon. friend also admits that a considerable change has taken place since. He has no data by which he could convince me that this proposed amendment is necessary in the interests of the poor raiyats for whom he has shown so much solicitude. There is one argument advanced that this minimum assessment has affected the poorest class. To that I shall again have to quote from Mr. Botham's reply in reply to that argument. "I should like to explain here that we are not dealing only or even mainly with the extremely poor man who only holds one or two lessas of land as might be supposed from the remarks of the mover and the Hon'ble Mr. Bardoloi. A great many, if not most, of these pattas on which the minimum assessment is levied are pattas in respect of an additional amount of land which a raiyat holds in and outside village over and above what he holds in his own village. Obviously no cultivator can make a living on a couple of lessas of land. It is not a fact that we are grinding the poor man down by taking an excessive amount from him. It is a question of imposing a minimum assessment on these scattered parcels of land which the same man may hold in a number of different villages." The state of things has now considerably changed.

Now, as a result of the 50 per cent. remission the Government is already a loser of some Rs.12 lakhs. So it is time that Government should pause and consider whether they should again commit themselves to a further remission of revenue by fixing the minimum of assessment at eight annas. It is for this and this alone that Government will have to be very cautious in the matter .....

**Mr. BAIDYANATH MOCKERJEE:** At the sacrifice of justice, equity and everything?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** And they are swayed by these considerations and they are again enquiring into the matter and calling for figures, so that they may know the exact position. I hope the hon. mover of this Bill will take us into his confidence. If we find that the amount of revenue that we will have to sacrifice is not consider-

able then surely Government will take steps to amend the Rule, as has already been assured by me. So I think in view of this assurance the hon. mover will not feel inclined to press this motion for consideration.

**The Hon'ble the SPEAKER:** I shall now put the question. The question is—

“That the Assam Land and Revenue Regulation (Amendment) Bill, 1938, be taken into consideration.”

The Assembly divided.

Ayes—42

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|---|---|
| 1. Babu Akshay Kumar Das.                   | 22. Srijut Krishna Nath Sarmah.           |
| 2. Mr. Arun Kumar Chanda.                   | 23. Srijut Lakshesvar Borooah.            |
| 3. Mr. Baidyanath Mookerjee.                | 24. Srijut Mahadev Sarma.                 |
| 4. Babu Balaram Sircar.                     | 25. Srijut Mahi Chandra Bora.             |
| 5. Srijut Beliram Das.                      | 26. Mr. Naba Kumar Dutta.                 |
| 6. Srijut Bepin Chandra Medhi.              | 27. Srijut Omeo Kumar Das.                |
| 7. Babu Bipin Behari Das.                   | 28. Srijut Paramananda Das.               |
| 8. Srijut Bishnu Ram Medhi.                 | 29. Babu Nirendra Nath Deb.               |
| 9. Babu Dakshina Ranjan Gupta<br>Chaudhuri. | 30. Srijut Purna Chandra Sarma.           |
| 10. Srijut Debeswar Sarmah.                 | 31. Babu Rabindra Nath Aditya.            |
| 11. Srijut Ghanashyam Das.                  | 32. Srijut Rajani Kanta Barooah.          |
| 12. Srijut Gauri Kanta Talukdar.            | 33. Srijut Rajendra Nath Barua.           |
| 13. Srijut Gopinath Bardoloi.               | 34. Srijut Ram Nath Das.                  |
| 14. Srijut Haladhar Bhuyan.                 | 35. Srijut Sankar Chandra Barua.          |
| 15. Babu Harendra Narayan<br>Chaudhuri.     | 36. Srijut Sarveswar Barua.               |
| 16. Srijut Jadav Prasad Chaliha.            | 37. Babu Shibendra Chandra<br>Biswas.     |
| 17. Srijut Jogendra Chandra Nath.           | 38. Mr. Fakhruddin Ali Ahmed.             |
| 18. Srijut Jogesh Chandra Gohain.           | 39. Khan Bahadur Maulavi Mah-<br>mud Ali. |
| 19. Srijut Kameswar Das.                    | 40. Srijut Bideshi Pan Tanti.             |
| 20. Babu Kamini Kumar Sen.                  | 41. Srijut Dhirsingh Deuri.               |
| 21. Babu Karuna Sindhu Roy.                 | 42. Srijut Karka Dalay Miri.              |

Noes—52

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Srijut Rohini Kumar Chaudhuri.
3. The Hon'ble Maulavi Munawwar Ali.
4. The Hon'ble Srijut Hirendra Chandra Chakravarty.
5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
6. The Hon'ble Dr. Mahendra Nath Saikia.
7. The Hon'ble Maulavi Abdul Matin Chudhuri.
8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Srijut Jogendra Narayan Mandal.
12. Babu Kalachand Roy.
13. Maulavi Abdul Aziz.
14. Maulavi Abdul Bari Chaudhuri.
15. Maulana Abdul Hamid Khan.
16. Khan Bahadur Hazi Abdul Majid Chaudhury.
17. Maulavi Abdur Rahman.
18. Maulavi Syed Abdur Rouf.
19. Maulavi Md. Abdus Salam.
20. Maulavi Dewan Muhammad Ahbab Chaudhury.
21. Maulavi Muhammad Amiruddin.
22. Maulavi Muhammad Amjad Ali.
23. Maulavi Ashrafuddin Md. Chaudhury.
24. Maulavi Badaruddin Ahmed.
25. Maulavi Ghyasuddin Ahmed.
26. Maulavi Jahanuddin Ahmed.
27. Maulavi Muhammad Maqbul Hussain Chaudhury.
28. Maulavi Matior Rahman Mia.
29. Maulavi Mabararak Ali.
30. Khan Bahadur Maulavi Mufizur Rahman.
31. Maulavi Muzarraf Ali Laskar.
32. Maulavi Namwar Ali Barbhuiya.
33. Maulavi Naziruddin Ahmed.
34. Maulavi Sheikh Osman Ali Sadagar.
35. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
36. Mr. A. H. Ball.
37. Mr. A. F. Bendall.
38. Mr. F. W. Blennerhassett.
39. Mr. N. Dawson.
40. Mr. W. R. Faull.
41. Mr. D. B. H. Moore.
42. Mr. C. W. Morely.
43. Mr. R. A. Palmer.
44. Mr. A. Whittaker.
45. Mr. Benjamin Ch. Momin.
46. Srijut Bhairab Chandra Das.
47. Srijut Binode Kumar J. Sarwan.
48. Rev. L. Gatphoh.
49. Mr. C. Goldsmith.
50. Mr. Jobang D. Marak.
51. Srijut Khorsing Terang.
52. Srijut Rabi Chandra Kachari.

The motion was negatived

### Adjournment.

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



(After Lunch)

\* THE ASSAM ESTATE ACQUISITION BILL, 1940

**The Hon'ble the SPEAKER:** With regard to Mr. Baidyanath Mookerjee's Assam Estate Acquisition Bill, 1940, no recommendation and sanction have been received from His Excellency the Governor as required under Sections 82 and 299(3) of the Government of India Act. So, this Bill cannot be taken up.

Then Mr. Chanda to move his motion.

THE ASSAM MATERNITY BENEFIT BILL, 1940

**Mr. ARUN KUMAR CHANDA:** Mr. Speaker, Sir, I beg to move for leave to introduce the Assam Maternity Benefit Bill, 1940.

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

“That leave be granted to introduce the Assam Maternity Benefit Bill, 1940.”

(After a pause)

The motion was put and adopted.

The Secretary then read the title of the Bill.

**The Hon'ble the SPEAKER:** His Excellency the Governor has intimated to this Chamber that he has granted previous recommendation to the consideration of this Bill, under sub-section (3) of section 82 of the Government of India Act, 1935.

**Mr. ARUN KUMAR CHANDA:** Mr. Speaker, Sir, I beg to move that the Assam Maternity Benefit Bill, 1940, be taken into consideration. The objects of this Bill are too well-known and too well-recognised to require any reiteration in this House. My hon. friends are aware that a very large number of women are employed in tea gardens, plantations, oil-fields, mines, etc., and I believe the whole House will agree that it is imperatively necessary that the employment of women in arduous duties in those industries for a certain period before and after their confinement ought to be prohibited. This Bill seeks to provide means for their maintenance during that period of compulsory cessation from work. I submit, Sir, this Bill has not come a day too soon. It is years now that the Royal Commission on Labour in India made certain recommendations in this very deserving cause and it is indeed very surprising that up till now no Government has thought it necessary to bring up a Bill on these lines.

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

“That the Assam Maternity Benefit Bill, 1940, be taken into consideration.”

The Hon'ble Maulavi Abdul Matin Chaudhury has given notice of an amendment to this motion.

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\* The following pending Bill which was in the list of business before the Assam Estate Acquisition Bill, 1940, was not taken up as the Member-in-charge was absent :—  
1. The Assam Decree Settlement Bill, 1938, by Maulavi Abdul Aziz.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Mr. Speaker, Sir, I beg to move that the Assam Maternity Benefit Bill, 1940, be circulated for eliciting public opinion thereon.

I can assure my hon. friend Mr. Chanda that I am moving this motion with no dilatory intention. The Government is in full agreement with the object that hon. Mr. Chanda has in view in moving the motion. The principle that women in that delicate period of their life should get medical assistance and maternity benefit will find support from all sections of the House. As a matter of fact the Government has given notice of introducing a Maternity Benefit Bill in this session and the Bill has been published in the Gazette. I would only explain very briefly why we move for circulation of this Bill. Maternity Benefit Acts have been passed in various Legislatures in India. Bombay, Madras, United Provinces, Bengal and Central Provinces—all have Maternity Benefit Acts passed in their Legislatures. But the applications of those Acts are all confined to perennial factories that are covered by the Factory Act. Though there are tea gardens in Bengal, Madras, United Provinces, nowhere the operation of the Act has been extended to plantations. In this Mr. Chanda's Bill and, I may say, the Government Bill also make a new departure. Sir, we have no precedent to guide us in, no experience of the working of this Act in plantation to give us light in the matter. That is why it is very necessary that we should be cautious in proceeding with this measure. While we are anxious that women should get maternity benefit, we are equally anxious that our Bill should be based on fuller knowledge of existing condition in plantation. We are sailing in an uncharted sea and there are certain dangers which we must guard against. We must make sure that any hasty legislation may not frustrate the very object of the Bill. There is this danger that the enactment of a drastic Act may lead to the curtailment of employment of women labour in the plantations. This is why we consider that this Bill should be circulated for eliciting public opinion.

**The Hon'ble the SPEAKER:** Amendment moved—

“That the Assam Maternity Benefit Bill, 1940, be circulated for eliciting public opinion thereon.”

There may be a discussion both on the amendment and the Bill.

**Mr. N. DAWSON:** Mr. Speaker, Sir, this Bill has been introduced at a most unfortunate time, for the members have not been given an opportunity to examine it or to give it full consideration. There is no urgency in the matter, there is no need to pass hasty legislation. There is no in passing such legislation will not affect tea garden labour in the slightest degree. The Tea Industry has for long before accepted the principle of maternity welfare and has for many years been making provision for the care and welfare of expectant and nursing mothers. We hope therefore that this Bill and the Government Bill will be circulated so that members and the interests concerned may have full opportunity to study them in detail. Moreover, we consider that before any Bill relating to maternity welfare is passed or put on the Statute Book, medical opinion should be consulted.

**Srijut BINODE KUMAR J. SARWAN** : I want the circulation of this Bill for the purpose of eliciting public opinion. There are certain points which have been brought up by Mr. A. K. Chanda which need further examination of the Medical Officers and the people concerned. Moreover, Sir, Mr. Chanda is not a medical man. (*Loud laughter*). He also knows very little about the condition of the tea-garden labourers. Therefore, Sir, I have no hesitation to say that the Bill be circulated for eliciting opinion of the people concerned. This is what I have got to say at present.

**Mr. ARUN KUMAR CHANDA** : Mr. Speaker, Sir, I feel very much gratified to hear of the benevolent intentions of the Government in this matter, but I was not a little surprised to hear from an hon. European member of this House that there is no urgency about this measure and that they have had no time to consider the pros and cons of this piece of legislation. The question of maternity benefit is as eternal as woman herself. I am astonished, therefore, to find an hon. member of this House standing up with this sort of plea to retard this piece of legislation. It has been often remarked that Assam is a province of *Lahe-Lahe*, i.e., go steady. Our European friends in this House are at any rate well possessed by that spirit. That is why whenever any piece of legislation comes up before the House our European friends stand up with the plea that we should go slow and that there is no need for any hasty legislation. Be that as it may, I submit, Sir, that years have passed since the Royal Commission on Labour made certain recommendations in this matter and it is as I said, Sir, surprising that it did not strike previous Governments to place this sort of legislation on the Statute book. I am, however, Sir, very much grateful to hear that the present Government is fully conversant with the problem involved in these discussions and that they are trying to deal with it in a sympathetic manner. Therefore, Sir, I have no hesitation in accepting the amendment brought forward by the Hon'ble Minister-in-charge for the circulation of the Bill to elicit public opinion.

**Mr. A. WHITTAKER** : Mr. Speaker, Sir, I just want to speak on one point raised by Mr. Chanda.

**The Hon'ble the SPEAKER** : Mr. Chanda has already accepted the amendment for circulation. I will ask the Hon'ble Minister to fix a date by which the opinion has to be obtained.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : By the 31st August, 1940.

**The Hon'ble the SPEAKER** : Then I am putting the amendment. The question is—

“That the Assam Maternity Benefit Bill, 1940, be circulated for eliciting public opinion thereon by the 31st August, 1940.”

The motion was adopted.

**Mr. ARUN KUMAR CHANDA** : I have got just one humble request to make. When the copies of this Bill are circulated, will Government do me the honour of consulting me in the matter?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : I shall be glad to do so, Sir.

### THE ASSAM TEMPLE ENTRY BILL, 1940

**Srijut GHANASHYAM DAS :** Sir, I beg to move for leave to introduce the Assam Temple Entry Bill, 1940.

**The Hon'ble the SPEAKER :** I don't think this prayer for leave is at all objected to. The question is: "That leave be granted to introduce the Assam Temple Entry Bill, 1940."

The motion was adopted.

The Secretary then read the title of the Bill.

**The Hon'ble the SPEAKER :** The hon. member is to move that the Bill be taken into consideration.

**Srijut GHANASHYAM DAS :** Sir, I beg to move that the Assam Temple Entry Bill, 1940, be taken into consideration.

Sir, this is a very simple Bill, I am going to introduce. Though this Bill is new one in Assam it is not new in India. The province of Madras has seen this Bill turned into law and it is in action in some part of that province.

Though the circumstances which necessitated the introduction of this Bill in Madras are not similar in Assam and though the Harijan in our province are not so backward as in Madras and though the High class Hindus do not neglect the Harijan in our province and though we all, whether so-called high class Hindu or low class Hindu, stand in equal status, I mean politically, yet I bring this Bill to remove the last stigma attached to the conservatism in religion in Assam.

Sir, this Bill is a socio-religious one. I do not say that it has no political colouring. Unlike the West, the politics in India is based on religion and it should be so. The political freedom and the independence in India has been so delayed by the social customs and religious distinction to a certain extent. This distinction creates an inferiority and superiority complex among the Hindus. The inferiority complex on the part of our Harijan brothers is detrimental to the cause of their economic life. So, this distinction must be removed. To be a man means that he must be free politically, economically, socially and religiously. The religion is the thing which teaches a man his identity in God and the identity of the other fellow brothers in God. Thus he is taught his own equality with others. The temples are considered to be the seats of God. This is the belief. The temples are the temples of our simple minded Harijan brothers also. This is the conviction of our simple minded Harijan brothers also. This belief exists among the Christians, Mussalmans, and the Hindus though in different shapes and different forms. So, there stand the Churches, Mosques and the Temples for Christians, Mussalmans and the Hindus respectively. The infinite God is realised in the finite form inside the temple by the different sects and communities of Hindus. The Churches are opened to all the Christians. The Mosques are opened to all the Mussalmans. Then, Sir, why the gates of the Hindu temples should be shut to some of the Hindu brothers? I have searched for reasons in religion and society, but cannot decipher the true reasons for it. It is neither justified from the standpoint of humanity, equity nor religion. First let me take the standpoint of religion. The principle of Hindu religion is as vast, as immanent and as transcendental as the God Himself. It includes all forms of worship beginning from the worship of the sun and the moon to the one God. The Hindu religion covers all forms of worship. Everything is sanctified in the name of God. There is a good saying among the *Mahapurushiyas* and if we consult their *Namghosa* written by the *Mahapurusha* Sree Madhab Deb himself, we find

that—“ এক হৰি নামে যত পাপ সংহাৰিত পাবে, শতক পাতকী পাপ কৰিতে পাবে। ”—

The utterance of the name of Hari once can do away with so voluminous of sins, which cannot even be committed by hundreds of sinners. Inside the temple stands the symbol of Hari and Hari is in some form or other worshipped. Sir, be it noted here that Siva, Durga, Radha-Krishna, Bishhu and Gopala are all Hari, the God. These are the incarnations of God the Almighty, and this is the principle of Hindu philosophy believed by almost all the Hindus. In the *Namghosa* the incarnations of God have been divided into ten *avatars* : “মৎস্য, কৃষ্ণ, নৰসিংহ, বামন, পরশুরাম, হর্লম, ববাহ, শ্ৰীৰাম, বৃক, কৰি নামে দশ আৰুতি ধৰিছা কৃষ্ণ, তথাপৰে কৰোহৌ প্ৰণাম। ”

Now, Sir, these are the Gods that are prayed to in the Hindu temples.

Sir, this Bill is concerned with the temples of Assam. This history of the temples of Assam is the history of the religious development of Assam. Sir, we the legislators are not much concerned with the history and so I leave the history to the antiquarians. We are concerned with the customs prevailing in the temples and the forms of the temples. In Assam there are three cults of religion. The Siva cult, Durga cult and the Vaishnava cult. The Vaishnava cult has two main divisions the Mahapurushiya and the Damodariya, the Harideva cult being included in the Damodariya. It will suffice to say that the Hindus are following these cults form different sects among the Hindus. Accordingly, Sir, there exists different forms of temples in Assam according to the different aesthetic culture of the different sects in the matter of the performance of their different religious rites and ceremonies. Sir, if we divide the temples in Assam into classifications, we find three forms of temples. In Kamakhya, Sakti is worshipped. Sakti means Kali or Durga and in Umananda and such other Siva temples some symbols of Siva are worshipped. In Mahapurushiya temples like that at Barpeta, Modhupur, Bordowa in Damodariya's such as Dakhsinpat, Satra, Bigraha is worshipped or only *Nam Kiran* is held. These are all forms of temples in Assam. The gates of all these temples should be opened to all the Hindus. I have stated clearly in the provisions of the Bill who are the Hindus and who should get access into the temples.

Sir, formerly the temples of Assam were open to all. In the formation of society and religion in Assam, the so-called depressed and backward classes, who have now no entry into a temple, have to labour to an equal extent if not more with any other so-called high classes. Four hundred years ago Mahapurush Sankar Deb was quite alive to this fact and it is why even a *Javan* like Jayahari Ata, a *Miri* like Bolai Ata, a *Bhot* like Damudar Ata and a *Kachari* like Ram Ata were given equal status in his religious society with full rights and liberties and they were his favourite disciples and after him they were the preachers of Mahapurushiya religion. Now this right is denied. This restriction is a recent growth. The property of the temples has created an aristocratic class or say conservative class which has been using the gates of the temples as means or commodities for their exclusive use. These aristocratic people are no others than the Sabayats, Mohunts or the Bhakats. Formerly these people were in the service of the temples. Niskar grant or Nisf-khiraj grant was made in the name of these classes for the maintenance of the temples by the Ahom Kings or the Kings of Cooch-Bihar and these grants have been accepted by the British Raj. These grants are profitable income to the temple, which means to these classes. This financial status has created in them a superiority complex of their social status and the right of use of these temples as their private properties for ages has created a custom valet for them. This should be removed.

Sir, the onward march of society and the freedom for religion do not want it. It is not sanctioned by the sense of equity and justice also. The temples are maintained from Government grants in which every man of the society has a right, and this right is meaningless unless it is associated with the duty. Human nature is generally selfish. The privileged classes will not yield to open the gates. The legislators, Sir, are the custodians of the rights and duties of the people of Assam. The privileged classes have usurped the right illegally. This illegality has the sanction of the law. Will they not remove it ?

From the standpoint of religion it is not justified. From the standpoint of equal right—the common right of humanity—it is not justified. For the sake of right, that is the common right, which is the birth-right of every man the temple gates should be opened for all.

Sir, I am a high class Hindu. God has given this right to me and none can dare to shut the gate against me. But I have been very much pained by the high-handedness of the aristocracy or the privileged classes. I will cite one instance. Mahatma Gandhi when he went to Barpeta was refused access to the Barpeta Kirtonghar with his followers, who were Harijans. Is it not painful that such a pious man holding such a position—not to speak of India, but even in the whole world—should be so refused ? Sir, I will cite another instance. By this I draw the attention of my Hon'ble friend Dr. Mahendranath Saikia sitting in the Government Bench. Fourteen years ago the people of Bhakatpara, the kith and kin of my friend Dr. Saikia, were refused to hold Nam Kirton with the high class Hindus. Is it not painful ? I leave this matter to my friend Dr. Saikia and the other legislators of his class to answer. Sir, in the Doul festival at Barpeta a man having sympathy for his fellow brothers cannot bear to see the sight when the tribals and depressed classes are refused, with harsh words, entry to the Kirtonghar. You cannot look at their eyes when they return with tears running down their sad faces. Sir, here in this House we the legislators stand on an equal footing. I cannot as a man see any distinction between my friends the Hon'ble Srijut Rupnath Brahma, Mr. Rabi Kachari, Mr. Rohini Chaudhuri and myself. We stand on an equal status and if I look to their faces I am sorry to say that my appearance is not very beautiful as compared with theirs. If we can hold an equal position in this Hon'ble House, I cannot see any reason for any difference when we are outside. If my Hon'ble friend Dr. Saikia goes to Barpeta, he will find no access into the temple there. If my friend Mr. Rabi Kachari wants to enter the Barpeta temple, he will also get no access there. Is it not painful, Sir, and is it not humiliating ? Should this distinction remain ? Should he not feel it ? Should he not try to remove it ? No matter, Sir, their sympathy with me for their depressed and tribal classes will suffice. I am a high class Hindu. I should give what I can give them. I have a duty. I should perform that duty.

**Maulavi ABDUR RAHMAN :** On a point of information, Sir. Will my hon. friend allow the members of the Muhammadan community, such as Mr. Fakhruddin Ali Ahmed, entry into the temple ?

**Srijut GHANASHYAM DAS :** If he claims to be a Hindu he will have access to the Kirtanghar.

I feel my own right. I do not like to usurp the right of others. I am a representative of both high class and low class Hindus of my constituency. The high class Hindus have usurped the right of low class Hindus. The stigma of my class is the stigma of my own individuality. I try to remove it. Will you not free me from this stigma ? Sir, I do not like to tax your brain with any cumbrous reasonings or lengthy arguments. The reasons

are there in the Bill. The statement is there in the Bill. I hold it before you Discuss it, accept it as you like, or throw it away if you like. I have done my duty. I think my Christian brothers standing on the European Bench shall have no objection to it. My Moslem friends will have no objection to it. This rests with both the high class and low class Hindus among the legislators. This is a test for the Congress members, this is a test for the non-congress high class Hindu members. I think they would wholeheartedly support it. With these few words, I conclude my speech for taking the Bill into consideration.

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

“That the Assam Temple Entry Bill, 1940, be taken into consideration”.

**Srijut SANKAR CHANDRA BARUA:** সভাপতি মহাশয়, দুখৰ বিষয় যে এই Temple Entry Bill বা মন্দিৰ প্ৰবেশৰ বিষয় আজি legislation বহুবা সিদ্ধান্ত কৰিব লগীয়া হৈছে। যিখন দেশত আগেয়ে হিন্দুবিলাকৰ ভিতৰত এনেকুৱা ধৰণৰ একতা আছিল যাক আজিও বুজী চালে দেখিবলৈ পোৱা যায়, সেইখন দেশত সেই একতা মাজতে যে কেনেকৈ নাইকিয়া গেল তাক বুজা অলপ কঠিন। মহাভাৰত পঢ়িলে আমি পাওঁ যে পাণ্ডবৰ অৰ্জুনে আহি আসামৰ মণিপুৰত চিত্ৰাপদা আৰু উলুপি নামেৰে তঁজনী নাগিনী ছোৱালী বিয়া কৰাইছিলহি আৰু তীমেও ঘটোৎকচৰ নাক হিড়ম্বাক বিয়া কৰাইছিল। আজি আমাৰ ভিতৰত অস্পৃশ্যতা যেনেকৈ আছে আগেয়ে সেই বকম নাছিল—আগৰ বুজী পঢ়িলেই আমি সেইটো দেখিবলৈ পাওঁ। মাজতে কিছুমান স্বাৰ্থপৰ মানুহে হে মনুৰ ব্যক্তিগত স্বাৰ্থ পূৰণৰ নিমিত্তে এইবিলাক কৰিলে। শাস্ত্ৰতো অস্পৃশ্যতাৰ কথা পোৱা নেযায়। অতি দুখৰ বিষয় আমাৰ বন্ধ শ্ৰীযুত ঘনশ্ৰীমান দাস ডাঙৰীয়াই কৈছে যে মহাত্মা গান্ধীৰ নিচিনা এজন মহাপুৰুষ যাক আজি জগতে গোটেই পৃথিৱীৰ ভিতৰত সৰ্বশ্ৰেষ্ঠ মানুহ বুলি গ্ৰহণ কৰিছে, তেওঁকো তেওঁৰ হৰিজন শিষ্যসকলেব সৈতে মহাপুৰুষ শ্ৰীশঙ্কৰদেৱে প্ৰতিষ্ঠা কৰা বৰপেচাৰ মন্দিৰত সোমাবলৈ নিদিলে। ইয়াতকৈ দুখৰ বিষয় আৰু কিবা হব পাবেনে? মই এই Bill সমৰ্থন কৰিবলৈ উঠিছোঁ এই কাৰণে যে আমাৰ গোলাঘাটৰ নেৰেবিটিঙত যিটো মন্দিৰ আছে সেই মন্দিৰটো মহাপুৰুষ মহাত্মা গান্ধীক তেখেতৰ হৰিজন শিষ্যসকলেব সৈতে সোমাবলৈ নিদিছিল। এই খিনিতে মই কবলৈ বাধ্য হৈছোঁ যে নেৰেবিটিঙ মন্দিৰৰ ঠাকুৰৰ ভিতৰত আমাৰ পৰম শ্ৰদ্ধাপদ বিজ্ঞ যি গৰাকী ডাঙৰীয়া যোৱা বাউণ্ড টেবুল কন্ফাৰেন্সলৈ আসামৰ পৰা প্ৰতিনিধি হৈ গৈছিল সেই শ্ৰীযুত চন্দ্ৰধৰ বৰুৱা ও এজন। মহাত্মা গান্ধীক সেই মন্দিৰলৈ নিবলৈ বুলি তেখেতলৈ লিখা হৈছিল, কিন্তু অতি দুখৰ বিষয় যে তেখেতৰ পৰা কোনো ভাল সমিধান পোৱা নগল। সেই মন্দিৰৰ ঠাকুৰ সকলৰ ভিতৰৰ আৰু এজন শ্ৰীযুত লক্ষ্মণৰ বৰঠাকুৰ, যিজন বৰ্তমান আসামৰ কৃষি বিভাগৰ ডিপুটী ডিবেক্তৰ, তেখেতলৈ চিঠি লিখিও কোনো ভাল জবাব নেপালে। সেই কাৰণে মহাত্মা গান্ধীৰ নিচিনা এন মহাপুৰুষকো সেই মন্দিৰলৈ নিব পৰা নহল—ইয়াতকৈ পবিত্ৰাপৰ বিষয় আন একো হব নোৱাৰে। মহাপুৰুষ শ্ৰীশঙ্কৰদেৱে যি বিলাক সত্ৰ স্থাপন কৰি গৈছে তাত আমাৰ হিন্দু ভাইসকলক একতাহেৰে বান্ধিবলৈ যি প্ৰণালী কৰি থৈ গৈছে, কিছুমান স্বাৰ্থপৰ মানুহে

নিজৰ ব্যক্তিগত স্বার্থ পূৰণৰ কাৰণে সেই প্ৰণালীৰ ওপৰত কুঠাৰাবাত কৰিছে। হিন্দু-উচ্চই হওক বা নীচেই হওক, সকলোৰে একেজন গোপাঁইৰ ওচৰত শৰণ ভজন লৈ একে নিয়ম প্ৰণালী মতে চলিলেও যে আমাৰ ভিতৰত অস্পৃশ্যতা আছে—ইয়াতকৈ ঘৃণা আৰু লজ্জাৰ কথা আৰু একো হব নোৱাৰে। সেই কাৰণে মই আজি অতি দুখেৰে সৈতে আপোনালোক সকলোকে অনুৰোধ জনাওঁ যে আপোনালোকে সকলোৰে এই Bill সমৰ্থন কৰে। আৰু যাতে আমাৰ হিন্দু ভাইসকলৰ ভিতৰত এনেকুৱা পাৰ্থক্য উঠি যায় তাৰ নিমিত্তে যেন সকলোৰে পুৰণাৰ্থ কৰে।

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir, I beg to move that the Assam Temple Entry Bill, 1940, be circulated for eliciting public opinion thereon before the 1st August, 1940. Sir, it is needless for me to say that I am in sympathy with the object for which this Bill has been introduced. Everyone likes that a Hindu of any caste or creed should have full liberty to worship in any public place of worship. But, Sir, we should not legislate hastily on matters like this, and we should not try to remove overnight grievances which have lasted for nearly hundred years. My hon. friend the mover has drafted this Bill rather hastily. It will appear from a perusal of the Statement of Objects and Reasons that the objects which are given there are inconsistent with the contents of Bill, I would like to draw the attention of the House to one most glaring defect in this Bill. In the Statement of Objects and Reasons the hon. mover says "All the Hindu Temples in Assam of any note were originally given vast areas of valuable lands in the name of their Shebaitas, Mohuntas or Bhakats, whether in the form of Dhormotter or Debattor by the Ahom Kings or the Kings of Cooch-Behar, either revenue free or free of half revenue. The British Government too in these cases have recognised those gifts, and Shebaitas, Mohuntas or Bhakats, are enjoying those benefits of revenue accordingly in the name of a certain idol or religious institution. As such this is an enjoyment by the Shebaitas Mohuntas or Bhakats at the cost of public revenue of Assam. The onward march of public opinion in Assam too demands abolition of this unfair restriction on some members of the Hindu Society, which happen to creep into the society only of late. These members of the Hindu Society of Assam are also sharers of that portion of Provincial land revenue, which has been sacrificed in the name of the Hindu religion and society. To form an equitable viewpoint, this inability on the part of certain sections of the Hindus who are known as Harijans, should be removed for the sake of humanity."

So, as far as I can understand from the perusal of this statement, it would seem as if the hon. mover intended to restrict the operations of his Bill to those classes of temples only which own property gifted to them by the late Ahom Kings and recognised by the British Government. But what do we find in the Bill itself? The word "Temple" has been defined in the Bill—"Temple" means any place of public worship or a place in which, or in any annex of which, any idol or other object of worship may be kept for public worship." The provisions of this Bill will effect all classes of temple, whether that temple enjoys any property given to them by the late Ahom Kings or not.

**Khan Bahadar Maulavi KERAMAT ALI:** On a point of information. Will that definition also include temples of private persons?

**Srijut ROHINI KUMAR CHAUDHURI:** Yes, temples belonging to private persons but to which private persons have allowed public to go



and worship will also be covered by this Bill. There are many private temples belonging to richer class of people, who invite all Hindus to go and attend any festival on a particular day.

**Srijut GHANASHYAM DAS:** The Hon'ble Minister will please cite instances where such temples exist. Who is such big person who has allowed his temple for public worship?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** There are several temples like that, e.g., that temple the doors of which were opened by the hon. Leader of the Opposition and which belongs to Srijut Someswar Chaudhuri of Gauhati.

**Srijut GHANASHYAM DAS:** Has he not got any Government grant in the form of a *Nisf-khiraj* or *Lakhiraj*?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Absolutely none. It was originally near the steamer ghat and then removed last year to Tokobari. It was opened by the then Premier Mr. Bardoloi. There are other temples of this nature. All these temples will be effected by the provisions of this Bill whereas it will be seen that the hon. mover did not intend to cover such temples.

Then, Sir, my friend the mover has made a stirring appeal to my colleague, the Hon'ble Mr. Brahma, to Mr. R. C. Kachari and others, but would his Bill help the Kacharis and other animists?  
(*A voice:—Certainly*).

In this Bill 'Hindu' has been defined: " 'Hindu' means one who is such by birth and religion and one who is a convert into it." The animists will be clearly excluded by this definition of the term 'Hindu'. So, this Bill will not at all give them any right.

**Srijut GHANASHYAM DAS:** Will the Hon'ble Minister please ask his colleagues, Hon'ble Dr. Saikia and Hon'ble Srijut Brahma, whether they are Hindus or not?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** It is not necessary for me to ask them. I know the conditions sufficiently well. I say, Sir, this Bill will not at all help the class of people to which Hon'ble Mr. Brahma belongs. I am entirely in favour of seeing that these people are allowed access to these temples.

One important point to which I would like to draw the attention of the House is this—whether there is actually any necessity for such a piece of legislation in this Province. So far as my own knowledge and experience go, I think, Sir, that this is hardly a problem in our province. Here in this Province the movement of reforms is going on slowly but surely. I have not heard of many instances where people of the scheduled castes have been actually prevented entry into particular temples. I know, Sir, that there is no such restriction so far as the temple of Kamakshya is concerned. There was some dispute about entry to a particular portion of the Hajo-Madhav temple precincts, but that dispute was settled by decision of Civil Court. I also remember that some years ago when such a movement was set on foot, and a particular day was observed for temple entry, in Gauhati the doors of almost all the principal temples were thrown open not only to members of the scheduled castes but also to persons who work as sweepers. So, Sir, it seems to me well worth considering whether we should follow the gradual process of reforms or whether we should compel the owners and trustees of temples to throw open their doors overnight, by such a piece of legislation.

Sir, of late we have heard of no agitation on this matter. Neither the Congress nor the Harijan Sangha has recently set on foot any movement for entry into temples. So, this Bill comes rather as a surprise, so far as the scheduled castes are concerned.

In 1934, a Bill of this nature was introduced in the Indian Legislative Assembly, and public opinion was invited on that Bill, and the public opinion which was given at that time showed voluminous opposition. I will read just a few lines which will indicate the gist of the opinion which was at that time received from Assam. I am reading from the summary which was recorded by the late Sir Michael Keane for information and which was forwarded to India—"Public opinion in its broadest sense appears to be opposed to the Bill on the ground that the subject is not a fit subject for legislation and, further, that legislation would be ineffective in its purpose and would leave the real problem, the mental standpoint of the upper castes, untouched and unsolved. On principle the younger Hindus of the educated classes favour the Bill and the depressed classes naturally support it, though it can hardly be said that even among these there is any active public opinion that demands it. I would not be in favour of forcing the pace through paper legislation whose only result would probably be an exasperation of feeling between the upper and exterior castes in the Hindu fold". So, that was the state of things in 1934 when opinion was invited. What I now suggest is this,—if the hon. members are in favour of having a legislation of this kind, it is better that we again invite public opinion and see how far the public opinion demands such a piece of legislation—whether the public want to have a piece of legislation or whether they are willing to bring about the reform themselves by having a sort of understanding for throwing the doors of the temples open to all classes. I think in order to find that out the House will agree to my motion for circulation of the Bill.

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

"That the Assam Temple Entry Bill, 1940, be circulated for eliciting public opinion thereon before the 1st August, 1940".

**The Hon'ble Srijut RUPNATH BRAHMA :** Mr. Speaker, Sir, as some reference has been made to me as to whether we are affected by this Bill or not I think that I should say something on the point to make our position clear. I have been asked by the hon. mover whether I myself and my people are Hindus or not. On this point I do not like to enter into any open discussion in this House, but this much I can tell the House that amongst the tribal people there are Christians and there are some who have adopted the Hindu religion and the rest of them have been treated as animists. I may say that they are quite independent of the Hindu society—they are certainly not so called low caste Hindus—they have got a distinct form of religion of their own, and they do not care if they are allowed or not allowed to have entrance in the temples. I think, these people are not so much anxious to have access to public temples, or any temples. On principle, however, I welcome such a Bill which will allow so-called low class Hindu people to have free access to temples.

**Srijut GAURI KANTA TALUKDAR :** Mr. Speaker, Sir, I beg to support this Bill which is part and parcel of the Congress programme in the matter of the social and moral uplift of that section of our countrymen who have been unfortunately excluded from the Temples and the Satras—an injustice which has been done to them for a long time. As President of the Gauhati Harijan Sevak Sangha, and as a humble worker in the field of removing untouchability, I am bound to support this Bill.

Sir, while supporting this Bill I want to remove some misconception which might be entertained by some hon. members of this House. Sir, untouchability which bars temple entry is not part and parcel of the great Hindu religion. It does not find a place in the Vedas and the Gita. Sir,

this is purely a social evil which superstition has created and unfortunately owing to our ignorance of the true spirit of Hindu religion our high caste people have helped it in its growth to some extent, and the superficial observers have naturally laid the blame on the religion itself instead of on the society which is responsible for its creation and maintenance. I emphatically declare before this House that in the basic or fundamental principles and teachings of the Hindu religion nobody will find a single teaching which supports untouchability. As in the case of all ancient institutions certainly it is quite natural that some kinds of superstition, some sort of vice, will accrue to the body of this hoary-headed society, the age of which has been found to be difficult to gauge by savants and sages. And, Sir, our leaders of Hindu religion have not been unaware or unmindful of this. From time to time we have seen how great men or saints have appeared and purified the society from such superstition and vices. In our own province of Assam, Sir, saints like Sri Shankar Dev, Sri Madhab Dev, Sri Damadhar Dev and Sri Haridev appeared and purified the society of their time from the sin of untouchability and other social superstitions and placed the society in its pristine purity. But with lapse of time all these sins and evils have reappeared here in Assam as well as in the rest of India. Now, in the present time we are fortunate enough to have no less a person than Mahatma Gandhi to open the eyes of the Hindus to the dire necessity of exterminating this sin of untouchability and purifying the Hindu society by removing this slur as early as possible. And it is for this reason that he has started this campaign against untouchability.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** On a point of information, Sir. Is Mahatma Gandhi a political leader?

**Srijut GAURI KANTA TALUKDAR:** I am grateful to my hon. friend for the question, Sir. If my hon. friend will accept my view, I may tell him that Mahatma Gandhi has come to this world to teach the nations of the world that politics is a matter which is not outside religion, and that all matters whether political or social must be determined, guided and performed under the fundamental principles of religion—which is truth and non-violence. That is the principle and main teaching that Mahatma Gandhi has come to preach to the world. So Mahatma Gandhi is nothing if he is not a political leader. While the great and violent war is raging in the continent of Europe he is preaching non-violence and truth and explaining the futility of violence and diplomacy. If we understand him aright it is his mission in life to teach that everybody should understand whether in domestic matters or in social affairs or in the political field, or even in the affairs of great events like war, that we must be guided by the lofty principles of truth and non-violence. Now, Sir, I come to the subject-matter of our discussion. To open the eyes of the Indian people, particularly of the high caste Hindus, Mahatma Gandhi has selected the name Harijan for the depressed and down-trodden classes of this unhappy country. What is the meaning and what is the significance of the word, Harijan? For the better understanding of the expression by my hon. European friends here, I wish to say that it means this: the word, Hari means the Almighty God and the word Jan means the people, the children; and the whole word, 'Harijan' means the Children of God. Mahatma Gandhi has selected the word with a special purpose and that is to teach the Hindus and the people generally of India and in fact of the whole world, that everyone however low and however humble he may be, is a child or *Jan* of the Almighty, and that therefore, there is no room for despising or treating contemptuously any human being because of his humble birth or origin.

**Srijut RABI CHANDRA KACHARI:** আমাৰ তালুকদাৰ ঙাঙৰীয়াই কৈছে যে হৰিক যি পূজা কৰে তেৱেই হৰিজন। তেখেত নিজে হৰিজন হয় নে নহয় সেইটো মই জানিবলৈ ইচ্ছা কৰোঁ।

**Srijut GAURI KANTA TALUKDAR:** I have not said, Sir, that whoever worships God is a Harijan, I am certainly a Harijan—though not in the technical sense of the term. I proclaim that the mightiest of the mighty, the highest of the high in the Hindu Society are Harijans in the broader and true sense of the term and no one can get out of his being a Harijan. That is the reason why I want to impress upon this hon. House that Mahatma Gandhi has selected this word Harijan and it is his strong appeal that no one should be hated, that no one should be looked down upon as low, because we are all alike and are children of the same Almighty Father.

**Srijut RABI CHANDRA KACHARI:** On a point of information, Sir, there are the sweepers and other untouchables who are looked upon as a class by themselves. May I know whether he belongs to that class?

**Srijut GAURI KANTA TALUKDAR:** Sir, I have already said that all of us, including the sweepers and other untouchables and the highest of the high, are Harijans in the wider sense of the term. And it is for this reason that the Hindu religion has taught us to treat all men as *Nar-Narayan* which means that *Nar* or human beings are of *Narayana*, the Almighty God. We, Hindus, are expected to have been brought up in that teaching. But unfortunately for want of proper knowledge and understanding of the spiritual teachings of our religion we have been treating a class of our brethren as low, humble and untouchables. We have shut them out from entry into our temples and Satras. This social evil shall have to be uprooted and the injustice shall have to be remedied. Every possible attempt has to be taken towards this end by the Hindu Society. I have no hesitation in saying that at the present moment there are a very few amongst the high caste Hindus who will protest against entry being granted to the so-called untouchables into our Temples and Satras. There may be some people against it but their number is very few.

Sir, the Hon'ble Minister Srijut R. K. Chaudhuri has said that we have been doing away with untouchability. There, I agree with him. But I disagree with him when he says that there is no necessity for any legislation. Because from my personal knowledge of the Barpeta Satra and several temples of Kamrup, I have been led to believe that, without the aid of law, the object, we all have in mind, will not be achieved soon.

**Srijut ROHINI KUMAR CHAUDHURI:** On a point of personal explanation, Sir, I did not say that there was no necessity for such legislation. My whole object was to see whether such a legislation will have the support of the people.

**Srijut GAURI KANTA TALUKDAR:** From the lengthy speech that he made we were under the impression that he was of the opinion that there was practically no untouchability in the land.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I did not say anything like that.

**Srijut GAURI KANTA TALUKDAR:** I admit, and we shall have to admit that in our society that slur still continues. In our private social intercourse we have remedied it to a great extent but in Satras and Temples it is reigning almost as before. So we must strive hard and remove the last trace of untouchability from this land.

Sir, the Hon'ble Mr. Brahma and the Hon'ble Mr. Chaudhuri have said something about the tribal people, and have raised a question as to whether they are affected by this Bill or not and whether they wanted entry into Satras or Temples. Sir, we the so-called educated and so-called enlightened people may not feel the urge for entering Satras and Temples. But nobody can deny the fact that there is a very large section of people in the Hindu-fold who are anxious to go to the Temples and Satras for worship and performance of religious rites.

**Srijut RABI CHANDRA KACHARI:** May I know the definition of the Hindus ?

**Srijut GAURI KANTA TALUKDAR:** I am going to give the definition which has been given by the Hindu Mahasabha. Sir, the term "Hindu" includes and embraces all persons who profess a religion of Indian origin as well as all those persons who, out of conviction in the sublimity of the teachings of the Hindu faith, call themselves Hindus. Therefore, our brethren of the tribal communities are nothing but Hindus, and under the same definition any non-Indian or Indian professing a non-Hindu faith may become a Hindu if he accepts the Hindu faith out of conviction. And we have seen numerous instances where foreigners from Europe and America are becoming Hindus by accepting it out of their honest faith.

Now, Sir, it is a matter of great regret that following blindly the Christian Missionaries and their friends, the European writers and some of our own countrymen are calling the tribal peoples "animists". Sir, I vehemently protest against the use of the expression "animists" in the case of our brethren of the tribal communities. It is a misnomer, it is an insult levelled against these people to call them animists. After all who is an animist ? Is a man who worships God to be called an animist because in the mode of worship he does not follow yours or does not call God by the same name as you do ? Who has been using this expression ? Has it not been done by the Missionaries with the object of exploiting these peoples ? Is this not a surreptitious attempt to alienate a portion of our brethren from the Hindu-fold ?

**The Hon'ble the SPEAKER:** I hope the hon. member will finish his speech.

**Srijut GAURI KANTA TALUKDAR:** I am finishing, Sir. My Hon'ble friend, Mr. Chaudhuri has informed us that public opinion had been received when a Bill of similar nature was introduced in the Central Assembly and he must be in possession of the opinions as I find him quoting some of them. I, therefore, consider it unnecessary to circulate the Bill for eliciting public opinion. With these few words, Sir, I resume my seat.

**The Hon'ble Dr. MAHENDRA NATH SAIKIA:** As I have been particularly referred to, I think, it will be proper on my part to express my view on this Bill which does not in any way differ from that of the Ministry as a whole. Since the inauguration of the Provincial Autonomy we the scheduled caste people and the other backward people feel that we have entered into a new era. Since then we have seen that our cause has been taken up by others in some measures for the amelioration of the conditions of the people belonging to the scheduled castes, tribal and other backward people. This, at the same time, reminds me of a proverb which runs thus:—

“যাঁৰ বিয়ে তাঁৰ খবৰ নাই, পাড়াবাসীৰ ঘুম নাই”

**Mr. ARUN KUMAR CHANDA:** Because you are a bachelor.

**The Hon'ble Dr. MAHENDRA NATH SAIKIA :** In the old Council there were a large number of members from the Congress to which the hon. mover belongs, but I fail to find from the voluminous proceedings of the old Council days from the years 1921 to 1937, a single sentence which was ever uttered in the cause of the depressed class people, and now that the cause of the scheduled caste and tribal people has been taken up by the Congress and also other members belonging to other groups, if I have to thank anybody for taking up our cause, then I thank the Government of India Act of 1935, which has allotted seats for the tribal and scheduled caste people, without the support of whom the formation of Ministry is doubtful specially in Assam. The hon. mover had the frankness and goodness to admit that the scheduled castes people are untouchable to that extent that even they are not allowed to enter a temple in Assam. Surely this frank admission will help us in maintaining our status in the Government of India Act of 1935.

Sir, he may be liberal to that extent as provided in the Bill, but, Sir, I doubt whether he has obtained any opinion from his next door neighbour at Barpeta regarding this Bill. Unless some agreed solution is arrived at by circulating this Bill for eliciting public opinion thereon, I think, the very object of this Bill will be frustrated. In certain temples certain section of people may be allowed to enter because of this legislation, but in the rest of the province the doors of the temples will as, before, remain closed against the people for whom the Bill is meant for. Not to speak of making the temple doors open for these people by this Bill a situation may arise when the hon. mover himself will find his position untenable for introducing this Bill in this House without consulting the general public beforehand. So, Sir, I think it will be better if we first circulate the Bill for eliciting public opinion and then arrive at some agreed solution. Otherwise it will have no effect and it will not benefit those for whom it has been brought forward.

**Khan Bahadur Maulavi KERAMAT ALI :** Mr. Speaker, Sir. The hon. mover of this Bill has appealed to the Muslim members of this House to support his Bill. I can tell him at once that Islam has no untouchability in it and therefore the Muhammadan members cannot have any objection to the principle involved in this Bill (*hear, hear*), but (*loud laughter*) I must remind him that there is a very large and important section among the Hindu community who may vehemently protest against this piece of legislation. Perhaps my hon. friend Mr. Debeswar Sarma will support me when I say that those two great religious Institutions at Jorhat, I mean Auniati and Dakshinpat, would not easily agree to a law like this if it is passed. Is it not, therefore, desirable on the part of this House and also on the part of the Government to give them a hearing and see what they say, so that Government may be in a position to know their minds and then come to a decision? I therefore support the motion for circulation of the Bill.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Mr. Speaker, Sir. I would like to make a few observations about this Bill introduced by my friend Srijut Ghanashyam Das. I am a Muslim and to me all the human beings are equal, all are brothers (*hear, hear*). In the eyes of Islam there is no distinction between man and man. The Hindu Community is educationally much advanced, but I am simply surprised to see why they want to take shelter behind a legislation like this (*hear, hear*)? They could allow the untouchable people to enter their temples without any legislation and that would have been much dignified and graceful. By this legislation, as I understand, the hon. mover is giving out an air of superiority complex. The untouchable people are styled as Harijans and according to the interpretation made by Mr. Talukdar, Harijans mean "the people of

God". May I know whose people are those who are going to allow the 'people of God' to enter the temple? Untouchable people are given this term only with a view that we may honour them, but actually this is not the case. By this term a demarcating line is drawn between the so-called untouchables and the Caste Hindus. (*Laughter.*) I say, Sir, that this term is nothing but an insult to those who are styled as Harijans. By this legislation my hon. friend, the mover, is going to show some favour, but, Sir, I don't know in what light the people, who are said to be so-called Harijans, will take it. The word 'Mehtor' is known to all. The meaning of this word 'Mehtor' is 'great', but every one knows in what sense this word is used. Similarly we may call the untouchable Harijan, but every one knows what this word means. This term is nothing but an insult and I hope, Sir, an advanced community like the Hindus would allow all the untouchables to enter the temples. Harijans or so-called untouchables are human beings. They have been living in this country side by side with those enlightened people like the Caste Hindus and it is really regrettable, Sir, that after serving the Caste Hindus for so many centuries they are still denied the ordinary right of human beings. I support the amendment for the circulation of this Bill as there is still difference of opinion about it, and at the same time I ask the members of the Caste Hindu community to allow the Harijans or the so-called untouchables to enter the temples without passing any legislation by which they will add insult to injury to those unfortunate people.

**Babu AKSHAY KUMAR DAS:** Mr. Speaker, Sir. I was very much unwilling to take part in this discussion but, as I have heard the discussion in this House, I feel tempted to speak a few words on the subject. Many people have given many interpretations about the meaning of the term 'Scheduled caste'. Some have given the meaning of the scheduled caste as untouchable and some have given the meaning as Harijans and the explanation of the word 'Harijan' has also been given as the sons of God but I refuse to take this meaning of the word as sons of God. Harijans form the major part of the Hindu society and the Hindu society has been divided into two parts—the Depressed and the Caste Hindus. If these Harijans are sons of God then what are those who are Caste Hindus? (*Loud laughter.*) Are they not sons of God? I have taken my stand to supplement the statement of Hon'ble Dr. Mahendra Nath Saikia, Minister for Excise. He has said, Sir, that after the inauguration of the Provincial Autonomy in India, the scheduled caste people have been considered as a section of the Hindus by the Indian people. I can tell my Hon'ble friend that the scheduled caste people have gained their prominence not on account of the Provincial Autonomy but owing to the passing of the Government of India Act, 1935. Their existence has been recognised by the Communal Award (*laughter*). Of course, I am not supporting the Communal Award but what I mean is that the existence of the Harijans has been recognised by the Communal Award. Now Mahatma Gandhi has come to their rescue.

**Maulvi ABDUR RAHMAN:** May I, Sir, give a reply to one point raised by my friend, Babu Akshay Kumar Das?

**Babu AKSHAY KUMAR DAS:** I have no time to discuss about it. Now, Sir, after the Communal Award Mahatma Gandhi has given up his politics and has come to the field of social reform. I refuse to be called 'Harijan'; we may be called the 'Adi Hindus' of India and the Caste Hindus who claim as 'Aryyas' are foreigners to India (*loud laughter*) because they have come from the Central Asia and are foreigners in India. We are Adi Hindus and therefore we are called scheduled castes. The scheduled castes people are the real sons of India. It is quite interesting and pleasant to me to see that, as we have got the Council entry so also we are going to have temple entry. Just after the passing of the Constitution Act,

1935, all these things are coming to pass. The temples are public property, and I may tell the House that these temples have been made by large contributions from the scheduled caste people. Just as other people observe Hindu religion, so also these people observe Hindu religion. As a matter of fact these are the real Hindus who observe all the formalities of the Hindu religion.

**The Hon'ble the SPEAKER:** The hon. member will please say whether he is supporting the motion or not. I cannot allow the debate to take such a turn.

**Babu AKSHAY KUMAR DAS:** As regards the motion for circulation, Sir, I should say it is useless to circulate. By such a procedure the only thing that will come out will be that the Harijans should not be allowed temple entry. So it is useless to spend Government money or waste the time of the House. I would prefer that the fate of this Bill should be decided in this House here and now. I, therefore, press that the Bill should be taken into consideration.

**Mr. C. GOLDSMITH:** Sir, I congratulate the hon. mover of this Bill for his noble ideas. We Christians stand for equality in the sight of law and above all equality in the sight of God. This question of temple entry that has come before us affects only the Hindu population of Assam. This is one fact. Another fact is that it appertains to religion and religion, as I understand it, is out of the domain of legislation. Our people, the Christian community will fight tooth and nail against the State passing any legislation over the Christian religion. We consider that the State has no right to pass judgment on what a man should do or should not do in his relation to God. The State has no right over a man's conscience. So, this question which is entirely a religious one should not come in the form of legislation. It is a question where the Hindus are only concerned. It is a matter which should be settled among themselves outside the House. It will not be to the honour and self-respect of the Hindus to have this delicate question discussed where there are Muslims and Christians. Some will say this is a social question. But, as I understand it, this is not a social question but a religious one as it concerns temple entry where people go to worship God. In my view it is entirely a religious question.

**The Hon'ble the SPEAKER:** It may also be a civil right.

**Mr. C. GOLDSMITH:** It appertains to religion none-the-less. Therefore, I sincerely request you, Sir, to let us know definitely if this is a religious question. If it is, you will use your discretion and not allow this question to come to the House; because we, as Christians, protest to have religion brought under the domain of legislation. I support circulation of the Bill. But I believe and hope that the Hindu community will rise to the occasion and discuss this matter and stop at the stage of circulation and never allow it to come to this House.

**Maulavi ABDUR RAHMAN:** Sir, at the very outset I shall offer my hearty thanks to my hon. friend, Mr. Ghanashyam Das, who has so kindly brought this Bill before this House after so many days of dull monotony during which the House was sitting very idle. I find, Sir, that his Bill has at last given some life to this Hon'ble House. I am also much amused with the arguments both for and against the Bill which have been advanced.

I shall take up, Sir, one point and that is about the word 'Harijan' which some of the hon. members on the other side have used. So far as my knowledge goes, this word has very contemptuously been denounced.



**The Hon'ble the SPEAKER :** These points have been mentioned by other members who have spoken already. I will not allow this debate to continue as a discussion about the meaning of the word 'Harijan' and so on.

**Maulavi ABDUR RAHMAN :** One hon member was seriously upset about the meaning of the word 'Harijan' and that is why I referred to it.

I am also for circulation of the Bill, for the purpose of eliciting public opinion. I may submit before the House, as has been observed by some of my Muslim friends on this side of the House that our religion knows nothing about difference in religion. Of course there may be some social demarcation in the Muslim community, but there is no demarcation in Islam. I may cite an instance. If the Hon'ble Sir Muhammad failed to attend some particular prayer in time and he happened to be there after the arrival of his servant, then he will have to sit behind the servant. The Muslim religion does not make any difference between the master and the servant in the eye of God. So, while the spirit of the Bill is that every man should not only get equal opportunity at least at the time of prayer before God, but it is lamentable that in a highly cultured community, there should be these differences. The image of Durga can be worshipped by Mr. Mookerjee at his house but a scheduled caste gentleman has no entry there.

**Mr. BAIDYANATH MOOKERJEE :** Who gave the hon. member that information ?

**The Hon'ble the SPEAKER :** The hon member is straying too far away from the point.

**Maulavi ABDUR RAHMAN :** We wanted to give the reasons why the Bill should be sent for circulation, Sir. One of my hon. friends have said that the community itself should settle the matter by social arrangement. If socially they can make up the difference, such legislation ought not to have been required. As the community has not so long been able to make up its difference, it is all the more necessary that the Bill should be circulated for eliciting public opinion, because there might be persons who would be opposing such a measure. This being a religious matter—we cannot hastily enter into such legislation.

With these words, I support the motion for circulation.

**Mr. JOBANG D. MARAK :** Sir I want to say a word or two only I have got sore throat. I am a Christian and I should have nothing to say about this question. I belong to the high caste Christians (*laughter*). There are hundreds of denominations among Christians (*hear, hear*). Of course, I quite agree with Mr. Goldsmith that the Bill should have no place in this House and I fully support the Hon'ble Mr. Rohini Kumar Chaudhuri in his amendment for circulation for eliciting public opinion. But, one thing, Sir, the dispute between the Hindus and non-Hindus is, I think, quite unfair. India is called Hindusthan ; that means the dwelling place of Hindu people. They are indigenous people (*interruption and laughter*). Yes, these Rabhas and Cacharis, etc., are indigenous people. So we cannot deny that they are not Hindus. Others are immigrants (*laughter*). In the Census Report we see where these depressed Hindus stand. This cannot be denied. So, this question of Temple Entry Bill involves a different class of Hindu people. These Hindu people are not homogeneous people ; they are heterogeneous people. So this is a difficult question. If we force this legislation, it will be of no use. This is a religious question and if you do not accept this amendment, the Bill will be thrown out and Christians, Muslims and European group will support it.

**Maulavi Syed ABDUR ROUF :** Sir, I like to speak only a few words. I am quite in sympathy with the objects of this Bill. But, Sir, I think that this Bill is not at all worth considering. Firstly, this Bill has been introduced to provide entry of the Hindus to Hindu temples for religious purposes only. This 'entry' has been defined. It means entering into the temple for only religious purposes into all the quarters in it except those sacred places whereinto none but special officers have access to. Therefore, Sir, this Bill is meant for allowing entry for religious purposes only. Then again we find that in clause 5 it is stated : "Whoever is a Hindu will have the right to enter any Hindu temple at a time when the Hindus of any sect or caste are allowed entry thereto". Sir, the definition of the word 'entry' in clause 5 is not happy. Suppose some Hindus want to enter a particular temple for not religious purposes. According to this Act, though they are Hindus, they will not be allowed to enter that temple.

Then, again, Sir, other difficulties will arise. What is this entering for "religious purposes". That has not been defined. Well, the Mahapurushias say that they do not worship idols nor do they object to idols being worshipped. When a Bengali Hindu performs *Sakti puja* in his temple no Mahapurushiya can enter the temple because the Mahapurushiya does not go there for religious purposes. They come there for seeing sights. No Sakta will be allowed to enter a Mahapurushiya Satra. They will have the right to obstruct them even after the passing of this Bill because they cannot enter without religious purposes.

Then again, Sir, in Barpeta we see that even a Brahmin, who does not belong to the Mahapurushiya Sect, is not allowed to enter, not to speak of the gate of the temple but the major portion of the town. Even Mahatma Gandhi could not have a right to hire Mr. Ghanashyam Das's house meant for such purpose.

Now, if you allow a particular man to enter there only for religious purposes, but do not allow him the right to pass the night there: I do not see what is the utility of such a Bill (*A voice*: A temple is not a sleeping house). Even a Bengali Brahmin is not allowed to remain there. They will have no relief even after passing of this Bill.

Now, in the preamble we find that "whereas it is expedient to provide entry to the Hindu temples for all the Hindus for religious purpose in Assam by a legislative measure,.....etc". I ask why not by a change of hearts? What is the necessity for this legislative measure? **The real intention** has been omitted from the preamble. If you have the **courage to admit the truth** you must put in the preamble "whereas it is necessary to perpetuate the sense of inferiority complex amongst the Harijans, it is expedient to prove such and such," but you do not say that. You would not give them the civic right to enter there for any other purpose except religious. This shows that you treat them all the more worse. Sir, I have grave doubts whether my hon. friend has got the right to bring such a Bill in this House. During the last election we heard that the Congress people were Congress people, they were not Hindus. Well, they may be the best set of politicians in the Hindu community, but what is the guarantee that they are the best set of Hindus amongst the Hindu community? We must know the views of the Hindu community before deciding anything on the matter. Therefore, Sir, this Bill should be circulated for eliciting public opinion.

**Srijut GHANASHYAM DAS :** Sir, I have heard the Hon'ble Minister and some of the hon. members who have spoken on this Bill. Before I give reply to the Hon'ble Minister I should like to answer some of the hon. members,

Sir, my hon. friend Maulavi Muhammad Maqbul Hussain Chaudhury has charged me for bringing forward this Bill and has stated that in doing so I have assumed a superiority complex. Sir, I have never assumed any superiority complex. I consider myself a servant of the Harijans, and as a servant of theirs I have brought forward this Bill.

Sir, I have stated in my speech at the time of introducing the Bill that it is a bounden duty of every Hindu to think for other Hindus and to give them the same liberty, same civic rights and the same religious rights that they enjoy. Sir, I have found that some Hindus have usurped the right of other Hindus. So I have brought forward this Bill in this House. You, the members of the Legislature, are the repository of the rights of the members of all classes of the province. You are to decide whether you are entitled to give this privilege to some members from whom it had been usurped the other members of the Hindu community.

Sir, another objection has been raised by my hon. friend, Mr. Goldsmith. He has stated that this Bill is a religious piece of legislation and we, the legislators here, have no right to interfere in religion. But, I think, Sir, religion in Assam and the religion connected with the temple of Assam has involved certain civic rights, and we, the legislators here, have every right to look into and preserve those rights. Moreover, I have stated in my Bill that the temples have got some Government grants, and these grants were given by the Ahom Kings, who were the former rulers of the province, and those grants have been recognised by the British Raj. Sir, every member of the Hindu community has a share in those grants, because these are public grants. If you are legislators under the Act of 1935, you have surely to look after those grants, and if anybody dispossesses certain man from those rights, you can preserve them also. Therefore, Sir, this Bill, though in appearance a religious Bill, involve civic rights, as well as common rights. You have got to give relief to those persons who have been deprived of those rights.

My Hon'ble friend Mr. Brahma has said that he does not care whether he is allowed entry into a temple or not. That might be his personal opinion, but there are people who are religious-minded and who like to worship God inside a temple. For him the other people of his community cannot be deprived of that right. My Hon'ble friend, Dr. Saikia, has said that we have become the exponents of their cause because of the Act of 1935.

I deny that. If the Act of 1935 had not been there, the progress of the country still would not have been deterred. It is quite natural that along with the evolution of thought, along with the progress of society, along with the progress of the country, a feeling of fellowship would have developed, and naturally we would have hankered after the friendship of that society also, and even if the Act of 1935 would not have been in existence still we would have claimed that right for them.

Sir, he has pointed out that my position in Barpeta would be intolerable. I do not care for that (*laughter*). I have no reason to cry over that because the society of Barpeta does not consist only of so-called high class Hindus. He perhaps knows that Barpeta Kirtanghar is not for conservative people alone. We are the Bhakats; the kith and kin of the Hon'ble Dr. Saikia are also Bhakats. They have the same share and the same right as myself. Still they have been deprived of that right. Sir, I cannot tolerate that. I have brought forward this Bill not for my Hon'ble friend Dr. Mahendra Nath Saikia but for the people who really want it, who really have asked me to bring this Bill before the House. I have tried on several occasions for entry to the temple of these men, but I dare not, and these

people could not dare to enter the temples. Therefore, they want this legislation, and it is by legislation alone that they can get entry. Sir, have I done wrong in bringing this Bill before the House ?

Now, Sir, the Hon'ble Minister has objected to some minor points. These can be well refuted. Look into the principle of the Bill. Come to the question of civic rights—you should consider the religious stand point in the Bill. If you like to accept it, you can accept it ; if you like to refuse it—or throw it away—I have no objection. But I appeal to you all to accept the Bill—to give a remedy to these people who naturally want that this restriction should be removed. And do not take a dilatory process and a process of hoodwinking the public by bringing a motion for sending the Bill for eliciting public opinion. I cannot accept this, Sir.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir, I have listened very carefully to the speeches which have been delivered on the floor of the House by some of the supporters of the hon. mover of this Bill. I am sorry that no attempt has been made to meet the objections which I raised. It will be admitted that it is a very dangerous thing—or rather it is illegal—to introduce any legislation which will interfere with the religion of any community. We are all aware, and I think very painfully aware, that there are some people in the Hindu society who consider that it is a sacrilege if they have to admit into the temple certain classes of men. There are certain people who hold this view sincerely and honestly, and this class of people will feel very much wounded if we were to pass a Bill of this nature giving free entry to all classes of people into a temple. If the question were only in this form there would have been no doubt that this Assembly would be completely *ultra vires* in admitting a Bill, but my hon. friend, the mover, has got his Bill admitted by saying that this Bill aimed at a modification of certain rights which were created by the old Kings by the free gift of certain lands. It is only on account of these rights in which other people have also a share that this Bill came to be admitted in this House. But he says in his Bill that this Act will be in force throughout the whole of this province. The description he gives in his Statement of Objects and Reasons of the kind of land is only prevalent in the Assam Valley Districts, whereas the Bill refers to all classes of temples in the whole of the province. This objection, neither my hon. friend the mover of the Bill nor his supporters have tried to answer. My hon. friend Mr. Akshay Kumar Das gave the whole opposition away when he said that he did not like the circulation of this Bill because the public opinion was only too well-known to be against the Bill. As a matter of fact both my hon. friend Mr. Das, and I think all those who belong to his group, dread the public opinion on this Bill. Would it be right to take advantage of our position as legislators to foist this Bill upon the people when we know that public opinion was against it ? That is the question which we must consider. I hope, however, that my hon. friend Mr. Das was not correct in saying that the whole body of public opinion would be against the Bill. I hope that the opinion has considerably changed since 1934 which was the last occasion when public opinion was invited, and I want to know exactly the public opinion at present is. There is no doubt, individually speaking, that these temples and places of worship should be thrown open to all classes of Hindus or those who claim to be Hindus. But the only doubt in my mind is whether we would be justified in sponsoring a legislation of this kind and whether we shall be justified in taking recourse to law in forcing a certain kind of religious belief on all those Hindus who would protest against these theories. That is the question I want to be sure about.

Then, Sir, the mover said that he does not care what his fate will be after getting this measure passed here. That shows that he seems to be apprehending that he will become an unpopular figure or that he will be bullied and heckled by his own people in Barpeta for having this measure made into law. If this is really true that he will get into trouble on account of this legislation, why attempt it? If his feeling is so much as he dreads ostracism and personal trouble then he would be well advised to be armed with popular support in respect of this measure.

I know the hon. mover of the Bill very well. He belongs to an orthodox family. It may be that he personally does not believe in untouchability. But it is well-known that, not to speak of scheduled caste men, even I may not get entry into his kitchen but even near the precincts of his kitchen. If he is really serious he ought to agree to my motion for circulation of the Bill. If on the other hand he is only wanting to make a stunt of this and wants to show to the people at large that he had piloted such a measure and the Bill was killed and the credit for bringing it in may go to him and the discredit may go to others, it is a different matter.

So, I would ask the House to agree to the circulation of the Bill.

**The Hon'ble the SPEAKER:** The question is:

“That the Assam Temple Entry Bill, 1940, be circulated for eliciting public opinion thereon before the 1st August, 1940.”

The Assembly divided.

Ayes—53

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| 1. The Hon'ble Maulavi Saiyid<br>Sir Muhammad Saadulla.             | 8. The Hon'ble Khan Bahadur<br>Maulavi Sayidur Rahman. |
| 2. The Hon'ble Srijut Rohini<br>Kumar Chaudhuri.                    | 9. The Hon'ble Miss Mavis<br>Dunn.                     |
| 3. The Hon'ble Maulavi Munaw-<br>war Ali.                           | 10. The Hon'ble Srijut Rupnath<br>Brahma.              |
| 4. The Hon'ble Srijut Hirendra<br>Chandra Chakravarty               | 11. Srijut Jogendra Narayan Man-<br>dal.               |
| 5. The Hon'ble Khan Sahib<br>Maulavi Mudabbir Hussain<br>Chaudhuri. | 12. Babu Kalachand Roy.                                |
| 6. The Hon'ble Dr. Mahendra<br>Nath Saikia.                         | 13. Maulavi Abdul Aziz.                                |
| 7. The Hon'ble Maulavi Abdul<br>Matin Chaudhuri.                    | 14. Maulavi Abdul Bari Chau-<br>dhury.                 |
|   | 15. Maulana Abdul Hamid Khan,                          |

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| 16. Khan Bahadur Hazi Abdul Majid Chaudhury.   | 35. Maulavi Sheikh Osman Ali Sadagar.           |
| 17. Maulavi Abdur Rahman.                      | 36. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 18. Maulavi Syed Abdur Rouf.                   | 37. Mr. A. H. Ball.                             |
| 19. Maulavi Md. Abdus Salam.                   | 38. Mr. A. F. Bendall.                          |
| 20. Maulavi Dewan Muhammad Abbab Chaudhury.    | 39. Mr. F. W. Blennerhassett.                   |
| 21. Maulavi Dewan Ali Raja.                    | 40. Mr. N. Dawson.                              |
| 22. Maulavi Muhammad Amjad Ali.                | 41. Mr. W. R. Faull.                            |
| 23. Maulavi Ashrafuddin Md. Chaudhury.         | 2.4 Mr. D. B. H. Moore.                         |
| 24. Maulavi Badaruddin Ahmed.                  | 43. Mr. C. W. Morley.                           |
| 25. Khan Bahadur Dewan Eklmur Roza Chaudhury.  | 44. Mr. R. A. Palmer.                           |
| 26. Maulavi Ghyasuddin Ahmed.                  | 45. Mr. A. Whittaker.                           |
| 27. Maulavi Jahanuddin Ahmed.                  | 46. Mr. Benjamin Ch. Momin.                     |
| 28. Khan Bahadur Maulavi Keramat Ali.          | 47. Srijut Bhairab Chandra Das.                 |
| 29. Maulavi Muhammad Maqbul Hussain Chaudhury. | 48. Srijut Binode Kumar J. Sarwan.              |
| 30. Maulavi Matior Rahman Mia.                 | 49. Rev. L. Gatphoh.                            |
| 31. Maulavi Mabarak Ali.                       | 50. Mr. C. Goldsmith.                           |
| 32. Khan Bahadur Maulavi Mafizur Rahman.       | 51. Mr. Jobang D. Marak.                        |
| 33. Maulavi Muzarrof Ali Laskar.               | 52. Srijut Khorsing Terang.                     |
| 34. Maulavi Namwar Ali Barbhuiya.              | 53. Srijut Rabi Chandra Kachari.                |

## Nocs—39

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| 1. Babu Akshay Kumar Das.                   | 20. Babu Karuna Sindhu Roy.             |
| 2. Mr. Arun Kumar Chanda.                   | 21. Srijut Krishna Nath Sarmah.         |
| 3. Mr. Baidyanath Mookerjee.                | 22. Srijut Lakshesvar Borooah.          |
| 4. Babu Balaram Sirear.                     | 23. Srijut Mahadev Sarma.               |
| 5. Srijut Beliram Das.                      | 24. Srijut Mahi Chandra Bora.           |
| 6. Srijut Bepin Chandra Medhi.              | 25. Mr. Naba Kumar Dutta.               |
| 7. Babu Bipin Behari Das.                   | 26. Srijut Omco Kumar Das.              |
| 8. Srijut Bishnu Ram Medhi.                 | 27. Babu Nirendra Nath Dev.             |
| 9. Babu Dakshina Ranjan Gupta<br>Chaudhuri. | 28. Srijut Purandar Sarma.              |
| 10. Srijut Debeswar Sarmah.                 | 29. Srijut Purna Chandra Sarma.         |
| 11. Srijut Ghanashyam Das.                  | 30. Babu Rabindra Nath Aditya.          |
| 12. Srijut Gauri Kanta Talukdar.            | 31. Srijut Rajani Kanta Barooah.        |
| 13. Srijut Gopinath Bardoloi.               | 32. Srijut Rajendra Nath Barua.         |
| 14. Srijut Haladhar Bhuyan.                 | 33. Srijut Ramnath Das.                 |
| 15. Babu Harendra Narayan Chau-<br>dhuri.   | 34. Srijut Sankar Chandra Barua.        |
| 16. Srijut Jadav Prasad Chaliha.            | 35. Babu Shibendra Chandra Bis-<br>was. |
| 17. Srijut Jogendra Chandra Nath.           | 36. Mr. Fakhruddin Ali Ahmed.           |
| 18. Srijut Jogeschandra Gohain.             | 37. Srijut Bideshi Pan Tanti.           |
| 19. Babu Kamini Kumar Sen.                  | 38. Srijut Dhirsing Deuri.              |
|   | 39. Srijut Karka Dalay Miri.            |

The motion was adopted.

## Adjournment

The Assembly was then adjourned till 2 p.m., on Friday, the 1st March 1940.

SHILLONG,  
The 2nd April, 1940.

A. K. BARUA,  
Secretary, Legislative Assembly, Assam.

