

**Proceedings of the second Session of the first Assam Legislative
Assembly assembled under the provisions of the
Government of India Act, 1935**

*The Assembly met at the Assembly Chamber, Shillong, at 11 a.m., on Wednesday, the
4th August 1937*

✓ KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: I rise, on a point of information, Sir. Yesterday, we heard something of starred and unstarred questions. We have been told by the Hon'ble Speaker that supplementary questions are to be put when the questions are starred. Sir, if that be the fact, I am afraid, in the next session of the Assembly almost all the questions would be starred questions. According to the practice of the British House of Parliament, supplementary questions are not to be put on unstarred questions. If the replies to the starred questions are not satisfactory then motions are brought in on the subject. This means that the starred questions are of general public importance and of urgent and immediate nature. For our future guidance we want a ruling on this point from the Chair.

THE HON'BLE THE SPEAKER: I am afraid, the hon. member misunderstood me yesterday. I pointed out to the hon. members that the original object of this distinction of starred and unstarred questions was that the supplementary questions would be allowed only on the answers to the starred questions and there would not be any supplementary questions on the answers to the unstarred questions; but so far as the rule of this House is concerned supplementary questions are allowed on the answers of both starred and unstarred questions, and I would point out to the House that unless the starred questions are exhausted, unstarred questions would not come up. Yesterday I also made it clear that I would consider the question whether the unstarred questions which were put up for yesterday would be taken up to-day after the starred questions were finished. Now this Hon'ble House is aware that there is a Rule Making Committee appointed by this House and I think, the hon. member who raised the point of order is also a member of that Committee. In that Committee, this question was discussed and the members of the Committee also requested me to draft some rules relating to the manner in which starred and unstarred questions should be answered. This question would come up again in the Rule Making Committee and at that time the desire of the House would be considered and definite rules would be framed. Supplementary questions are to be put to question No.22 of yesterday's starred questions.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Trial of criminal cases in Nalbari

SRIJUT SIDDHI NATH SARMA asked :

*21. Is it a fact that a First Class Magistrate is sent from Gauhati to Nalbari every week to try criminal cases there ?

*22. If the answer to question *21 above is in the affirmative, will the Hon'ble Minister in charge be pleased to state—

- (a) How often the said officer goes to Nalbari ?
- (b) What works are done by the said officer at Nalbari ?
- (c) Whether a copy of resolution urging the Government of Assam to discontinue the holding of the Criminal Court at Nalbari on the ground stated therein, passed in a meeting of the members of the Lawyers' Association, Gauhati, held on the 2nd July 1937, and copies of similar resolution to the same effect from the public of the affected places, have been received by the Government of Assam ? If so,
- (d) What steps do Government propose to take in view of the public demand stated above ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

21.—Yes.

22.(a)—Once a week.

(b)—Trial of criminal cases.

(c)—Yes, both for continuance as well as against it.

(d)—The matter is engaging the attention of Government.

SRIJUT SIDDHI NATH SARMA : For how many days in a week this officer goes to Nalbari ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I want notice of that question.

SRIJUT SIDDHI NATH SARMA : Is the Hon'ble Minister in charge aware that there is no *Hazat* or lock-up at Nalbari ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : For whom, Sir ?

SRIJUT SIDDHI NATH SARMA : For the under-trial prisoners.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : There is a police lock-up, as far as I understand.

SRIJUT SIDDHI NATH SARMA : What is the size of that lock-up ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I had never been inside there (*laughter*).

SRIJUT PURNA CHANDRA SARMA : Will the Hon'ble Minister in charge of law and order please state why Government did not open any court lock-up as against the police lock-up ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The Hon'ble Minister in charge of law and order will answer that.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Will the hon. member please repeat his question ?

SRIJUT PURNA CHANDRA SARMA : By the word "Hon'ble Minister in charge of law and order" I mean the Hon'ble Minister in charge of courts and so I want an answer from him.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Will the hon. member please repeat the question ?

SRIJUT PURNA CHANDRA SARMA : Did it not occur to Government at the time of starting this court at Nalbari that there should also be a judicial lock-up as against the police lock-up ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I am not aware of it. As a matter of fact, no difficulty has been experienced in carrying out the work at Nalbari because, as far as I know, most of the *Hazat* prisoners are let off on bail and actually no such difficulty arises.

SRIJUT GAURI KANTA TALUKDAR : My information is that the *Hazat* prisoners are taken everyday from Gauhati to Nalbari in the morning and they are sent back in the evening and have to go without food except fried rice and *gur*. Thus the poor prisoners have to suffer very much. Now I want to know whether the difficulties of the prisoners who are sent from Gauhati to Nalbari for trial have been brought to the notice of the Hon'ble Minister and whether the Government propose to remedy this grievance ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have no information.

SRIJUT SIDDHI NATH SARMA : Is the Hon'ble Minister in charge aware that the prisoners are given fried rice instead of boiled rice and *dal* ?

THE HON'BLE THE SPEAKER : We should rather pass on to the next question.

Next Local Board Election

SRIJUT JOGENDRA NATH BARUA asked :

*23. When does the Government propose to hold the coming Local Board election ?

*24. Is there any Government proposal to raise the number of Local Board members, in each Board, considering the increased numbers of electorates ?

*25. Does the Government propose to do away with nomination to Local Bodies, in view of the introduction of Provincial autonomy, where the system of nomination has been abolished ?

*26. Will the Hon'ble Minister be pleased to introduce a Bill in the present session of the Assembly to do away with nomination ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

23.—The reply to question *23 is "the matter is under consideration". The reply to questions *24 to *26 is this that the whole question of the reconstitution of the Local Board is at present under the consideration of Government.

SRIJUT KRISHNA NATH SARMAH : Will the Hon'ble Minister in charge of Local Self-Government be pleased to state whether he received any resolution from the Jorhat Local Board regarding an increase in the number of rural members to double the present strength ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I again rise to a point of order, Sir. Does the question arise ? Question No.23 is "When does the Government propose to hold the coming Local Board election ?" After that no supplementary question concerning any resolution from a particular Board arises.

SRIJUT PURNA CHANDRA SARMA : Now, Sir, the question is this. The answer to questions 24 to 26 has been given at the same time just after question 23. Question 24 raises that supplementary question.

SRIJUT SIDDHI NATH SARMA : Is it the intention of Government to defer the election beyond 31st January 1938 ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Does that question arise, Sir ?

THE HON'BLE THE SPEAKER : That arises. The Hon'ble Minister has said that the matter is under consideration and the hon. member is entitled to know it.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : All right, Sir. The attitude of Government will be declared after this Session of the Assembly. We shall wait to see what this Assembly wants—whether they want postponement of the election or whether they want to have the election of the Local Board held under the present Act, and whether Local Boards should be reconstituted and the Act to be amended. When we have known the attitude of the Assembly in this Session, the Local Government will declare its policy regarding the new election.

MR. FAKHRUDDIN ALI AHMED : May we understand that the Hon'ble Minister has not arrived at any opinion up till now ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Sir, there are several Bills before us on this subject and what attitude the House will take regarding these Bills is not known. Until this is known Government cannot arrive at any conclusion at present.

BABU HIRENDRA CHANDRA CHAKRAVARTY : On a point of order, Sir. The Hon'ble Minister in charge of Local Self-Government in reply to question 23 says that the matter is under the consideration of the Government and again under questions 24-26, the answer is that the matter is under consideration. Instead of doing so, should he not say that all are under consideration ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The first question relates to the holding of the coming election and the second question relates to the reconstitution of the Local Boards. That is why two separate answers are given.

SRIJUT GAURI KANTA TALUKDAR : With regard to question 24 I want to put this supplementary question. Whether the Hon'ble Minister in charge of Local Self-Government has not yet made up his mind with regard to the necessity of increasing the number of the Local Board members ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I think, Sir, the number of the Local Board members will be increased when the Boards are reconstituted.

MAULAVI SYED ABDUR ROUF : Sir, may I know whether there will be distribution of seats in the Local Boards between different communities ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : When the Boards will be reconstituted a new distribution of seats will be made.

MR. FAKHRUDDIN ALI AHMED : Whether Government contemplate introducing joint electorate in the Local Board ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : This question has not been decided. Government will arrive at a decision after knowing the attitude of the Assembly regarding this.

MR. FAKHRUDDIN ALI AHMED : May we know the attitude of the Government in this matter ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have already answered, Sir.

MR. NABA KUMAR DUTTA : Will there be any seats reserved for women in the Local Boards ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : There is no such proposal.

MAULAVI ABDUR RAHMAN : About Scheduled castes ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : This will be considered along with others.

SRIJUT SIDDHI NATH SARMA : Under the provision of clause 2 of the Assam Local Board Elections (Emergency Provisions) Act, 1936, the

election of Local Boards in Assam will be held before 31st January 1938. Will the Hon'ble Minister in charge state whether the Boards will be reconstituted before that date:

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The position is this. If the attitude of the House is that the Boards should be reconstituted and special seats should be given to different communities, Government will have to introduce a Bill in the next Session of the Assembly to prolong the life of the present Boards, and perhaps in the next March session to introduce a Bill also to reconstitute the Boards and that Bill may take about a year to go through this House.

MR. FAKHRUDDIN ALI AHMED: Sir, am I to understand that Government have already decided to postpone the election for about a year?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already answered this question. Unless the House want to postpone the election Government may have to carry on with the election of the Local Boards under the present Act.

SRIJUT SARVESWAR BARUA: How does Government propose to consult this House? Is it by means of a motion?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: By the attitude of the House in regard to the Bill that will be discussed in this House perhaps today or in this Session.

MAULAVI SYED ABDUR ROUF: If there be distribution, what will be the basis—the strength of the voters or the strength of the population?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There are three factors that have to be considered in this connection. Firstly, the population, secondly, the local rates and thirdly, the area.

THE HON'BLE THE SPEAKER: When the Hon'ble Minister has to reply two or three questions together it would be proper and better if he asks my permission that he wants to reply them together.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: All right, Sir. I will do that.

SRIJUT JOGENDRA NATH BARUA: On a point of information, Sir. May I know, Sir, whether the Hon'ble Minister will be asked to answer questions Nos. 25 and 26. He has not answered them.

THE HON'BLE THE SPEAKER: I think he has answered the whole question which is under consideration and on the answers hon. members put various supplementary questions he has answered all the questions, I think.

SRIJUT GOPI NATH BARDOLOI: On a point of order, Sir. I suppose it was ruled yesterday that a particular question would be taken up individually and so far as clauses of a particular question are concerned they might be taken up together, so that there may be replies to all the questions from the Hon'ble Minister. We think that questions should be taken up one by one.

THE HON'BLE THE SPEAKER: I have seen when hon. members put questions that they arrange their questions in such a way as to give the impression that they would be dealt with as one question and they put numbers 1, 2, 3, and so on and sometimes 1 (a), 1 (b), 1 (c) so on, dealing with the same matter. Therefore, I think, it would be better when the same question is dealt with in several questions the answers to these questions may be given together.

SRIJUT PURNA CHANDRA SARMA: Sir, with regard to question 25, it deals with nomination. That matter we have not discussed when the question was answered.

Will Government do away with the principle of nomination?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Nominations are made for the sake of giving representation to unrepresented or under-represented communities, and if nominations are done away with, there should be special representation given to these minority communities, and if that principle is held then, Sir, the Government may have to give special electorates to minority communities.

Sub-Surveyor classes at Dacca

SRIJUT PURNA CHANDRA SARMA asked :

*27. Will Government be pleased to state (a) the amount contributed by the Government of Assam for education in the Sub-Surveyor classes at Dacca and (b) the number of Assamese young men taking their training there?

THE HON'BLE MAULAVI ALI HAIDAR KHAN replied :

27. (a)—There are no Sub-Surveyor classes at Dacca. There are courses for Overseers and Sub-Overseers. This Government makes no contribution towards the Overseer or Sub-Overseer classes as no seats are reserved in such classes for students from Assam.

(b)—The number of Assamese young men studying in the Sub-Overseer classes is not known.

BABU HIRENDRA CHANDRA CHAKRAVARTY: Do the Government propose to get the number of students studying in the Sub-Overseer class?

THE HON'BLE MAULAVI ALI HAIDAR KHAN: It will be difficult to find out the number of such students.

BABU HIRENDRA CHANDRA CHAKRAVARTY: Why should it be difficult to find out the number?

THE HON'BLE MAULAVI ALI HAIDAR KHAN: If it is absolutely necessary to find out the number, we might try.

SRIJUT PURNA CHANDRA SARMA: Was the matter enquired of the Principal of the College as to what number of Assamese students is there reading in the Sub-Overseer class in the Dacca College?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The question of Sub-Overseers does not arise. The question is the amount contributed by the Government of Assam for education in the Sub-Surveyor classes, and therefore no supplementary question arises.

MR. FAKHRUDDIN ALI AHMED: The Hon'ble Minister is quite competent to answer the question himself. I do not know why the Hon'ble Chief Minister is giving him shelter.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not sheltering anybody, but I, as Leader of the House, am concerned with the principle of asking supplementary question, rights and privileges of the House. This question deals with a particular class and the answer has already been given that no such class exists and that the Government of Assam does not contribute a single pice. According to the rules, Sir, another class cannot be substituted for the purpose of putting supplementary question.

SRIJUT PURNA CHANDRA SARMA : As an answer has been given by the Hon'ble Minister in charge of this Department, and as Sub-Overseers are mentioned in that answer, I have asked this question and I do not think that it can be ruled out as it asks for information as to whether any enquiry was made regarding the number of Assamese students reading in that class there.

THE HON'BLE THE SPEAKER : That question does not arise when it is not within the scope of the question.

SRIJUT PURNA CHANDRA SARMA : But in spite of that the Hon'ble Minister in charge gives a reply about Sub-Overseer classes, and it is for a matter of information that I want to know whether any enquiry was made as to the number of Assamese students reading in this class.

THE HON'BLE THE SPEAKER : I think it does not arise in this way. The question was about Sub-Surveyors' classes at Dacca, and in answer to that question the Hon'ble Minister in charge said that there was no Sub-Surveyor classes and that Government makes no contribution for Overseer or Sub-Overseer classes as no seats are reserved for Assamese students, and it was not the duty of the Hon'ble Minister to enquire how many Assamese students were reading in these classes. For that question he might require notice.

MAULAVI MUNAWWAR ALI : What is the use of fighting over a word ?

No answer.

SRIJUT PURNA CHANDRA SARMA asked :

*28. Will Government be pleased to state (a) the probable cost of starting Sub-Surveyor classes in the Jorhat Technical School and (b) do Government propose to start such a class at Jorhat in view of the increasing demand for trained people in the province in that line ?

THE HON'BLE MAULAVI ALI HAIDAR KHAN replied :

23.(a)—Without the preparation of a regular scheme, this cannot be constituted.

(b)—Government will consider the possibility of acting on the suggestion of the hon. member.

SRIJUT LAKSHESVAR BOROAH : Will the Hon'ble Minister order for a scheme to be prepared ?

THE HON'BLE MAULAVI ALI HAIDAR KHAN : Yes, I will have it done.

SRIJUT SIDDHI NATH SARMA : Has any scheme been prepared ?

THE HON'BLE MAULAVI ALI HAIDAR KHAN : No.

Representation of women in the Municipal Boards

Miss MAVIS DUNN asked :

*29. Is the Hon'ble Minister of Local Self-Government aware that there is a feeling among women that they should get a representation on the Municipal Boards ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

29.—Government is aware that there is such a feeling among some women in Shillong, but it is not known whether this feeling is shared by women of other places, and it is also not known whether the desire is for special representation or for getting an opportunity of taking their chance along with men.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI : Has any enquiry been made ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No enquiry has been made.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Will the Government make an enquiry?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not see any necessity for making an enquiry.

BABU HIRENDRA CHANDRA CHAKRAVARTY: Does Government admit that there is a feeling?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I think there is a feeling but the Government is not officially aware of it. We have not had any representation from any women in Assam.

SRIJUT RAJENDRA NATH BARUA: May I know if the Hon'ble Minister will be so very unkind to the fair sex?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am not at all unkind to the fair sex; on the other hand I am very kind to them. I have only stated the facts in answering the question.

MISS MAVIS DUNN asked:

*30. If so, does he propose to amend the Assam Municipal Act in order to enable women to be eligible for election to the Municipal Boards?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

30.—Under section 13 (1) of the Assam Municipal Act, a female is not eligible to become a member of a Municipal Board. The question of amending this section is under consideration.

Introduction of Vernacular as a medium of Instruction in High and Middle English Schools

SRIJUT PURNA CHANDRA SARMA asked:

*31. Will Government be pleased to state when they propose to introduce Vernacular as the medium of instruction in the High and Middle English Schools of Assam?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied:

31.—Vernacular is already the medium of instruction in Middle English Schools and has been introduced with effect from the current session as the medium of teaching in High Schools, where Bengali is the vernacular. But in High Schools in the Assam Valley where Assamese is the Vernacular the introduction of Assamese as a medium of teaching has had to be postponed until suitable Assamese text-books are available. Steps to compile such books have already been taken and the vernacular will be introduced as the medium of instruction as soon as possible. Even at present, however, Assamese is being largely used as the medium of instruction in the upper classes even though the text-books are in English, *e.g.*, Geometry is explained by the teachers in Assamese.

SRIJUT PURNA CHANDRA SARMA: Are Government aware of the Students' Welfare League in Calcutta which is going to apply text-books to the High Schools?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am not aware of that.

SRIJUT PURNA CHANDRA SARMA: Was any reference made to the Government by that League?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I do not remember.

SRIJUT SIDDHI NATH SARMA: Will the Hon'ble Minister enquire

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
Yes, Sir, I shall be glad to do so. When there are suitable text-books available they will be introduced with effect from the next session.

SRIJUT LAKSHESVAR BOROOAH : May I know what the Hon'ble Minister proposes to do to help authors or associations in order to produce text-books in Assamese ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
Yes. We have provided funds in the budget and if they are passed by this House the authors will be subsidised.

MAULAVI MUHAMMAD AMJAD ALI : What steps have been taken up till now ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
We have provided funds for the publication of text-books this year.

MAULAVI MUHAMMAD AMJAD ALI : Is it sufficient ?

THE HON'BLE THE SPEAKER : That is a matter of opinion.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
Government are prepared to revise the curriculum in order to readjust it to the requirements.

SRIJUT PURNA CHANDRA SARMA : What steps have been taken in regard to this ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
No steps have yet been taken for want of suitable text-books.

SRIJUT KAMESWAR DAS : May I know the authority which prepares the curriculum for the Matriculation examination at present ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
The authority prepares it.

SRIJUT KAMESWAR DAS : Who is the authority that now prepares it, is it the University or the Local Government ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
The same authority which prepares the Matriculation curriculum.

SRIJUT KAMESWAR DAS : Sir, the answer is not clear. I want to know what is meant by the same authority, whether the University prepares the Matriculation curriculum or the Government.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
It is the University that fixes the curriculum and we readjust the curriculum in order to suit our requirements.

SRIJUT KRISHNA NATH SARMAH : Is there any representative for Assam to prepare the curriculum for the Assamese text-books ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
There are Members on the Senate nominated by this Government.

SRIJUT KRISHNA NATH SARMAH : Does the Hon'ble Minister know when the University is preparing the curriculum ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :
I want notice of that question.

SRIJUT PURNA CHANDRA SARMA asked :

*32. Do Government propose to revise the curriculum of all schools to adjust it with the new standard created by introduction of Vernacular as the medium of secondary education ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

32.—The curriculum up to class VI needs no change. For the Upper classes it will, of course, be adjusted to comply with the Matriculation Regulations.

UNSTARRED QUESTIONS

Amount of Agricultural loans issued to the people of Cachar

MAULAVI MUZARROF ALI LASKAR asked :

1. Will Government be pleased to state—
 - (i) The total amount of Agricultural loans issued to the people of Cachar after the flood in 1929 ?
 - (ii) The total amount realised out of the loans up to May 1937 ?
 - (iii) The amount realised as interest ?
 - (iv) The amount realised as process fees ?
 - (v) The amount realised during the twelve months from June 1936 to May 1937 ?
 - (vi) The total amount of expenditure including cost of establishment incurred during the twelve months (June 1936 to May 1937) ?
 - (vii) The number of officers with designations, clerks and peons engaged for the purpose during the twelve months (June 1936 to May 1937) ?
2. Will Government be pleased to lay on the table all the reports of the Loan officers, Deputy Commissioner, Cachar, and the Commissioner, Surma Valley and Hill Division, in connection with the realisation of loans in Cachar submitted to Government during the year preceding May 1937 ?
3. Has Government considered the desirability of granting a remission of the entire outstanding amount of Agricultural loans in Cachar ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

1. (i)—Rupees 6,77,452.
- (ii)—Realised Rs.5,79,197 and remitted Rs.19,081.
- (iii)—Realised Rs.33,364 and remitted Rs.114.
- (iv)—Rupees 3,411.
- (v)—Principal Rs.29,591 and interest Rs.996.
- (vi)—Rupees 1,961 is the cost of the *extra* establishment employed on this work. The cost of the Officers has not been included, as being on the cadre, they would have to be employed in any case and performed various miscellaneous enquiries in addition to loan collection work.

OFFICERS

- (vii)—One Extra Assistant Commissioner for 1 month 11 days.
 Three Sub-Deputy Collectors for 11 months.
 One Sub-Deputy Collector for 6 months 12 days.
 One Sub-Deputy Collector for 4 months 13 days.

CLERKS

- One clerk for 10 months.
 Two clerks for 2 months.
 One clerk for 17 days.
 Three clerks for 1 month.

PEONS

- Seven peons for 2 months.
 Nine peons for 1 month.
 Eleven peons for 3 months.
 Fifteen peons for 1 month.
 Nineteen peons for 4 months.

MAULAVI MUZARROF ALI LASKAR : From the answers to my question it appears that the cost of collection has gone out of all proportion to the amount realised.

THE HON'BLE THE SPEAKER : Does the hon. member want to start a discussion on it ?

MAULAVI MUZARROF ALI LASKAR : No, Sir. I am asking if that is so, in the circumstances, do the Government propose to discontinue the collection permanently ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Does the hon. member mean to suggest that the entire loan should be remitted ?

MAULAVI MUZARROF ALI LASKAR : That is the idea of my question.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : May I refer to the answer to question No. 3 : " Government have called for reports from both Commissioners".....

THE HON'BLE THE SPEAKER : We have not come to that question yet.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

2.—Government regret that they are unable to lay on the table regular official correspondence on the subject.

BABU HIRENDRA CHANDRA CHAKRAVARTY : May I know the reason why Government is unable to publish the correspondence ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : It is not the practice to lay on the table official correspondence.

BABU HIRENDRA CHANDRA CHAKRAVARTY : Am I to understand by " Official correspondence " that regular official correspondence and reports are identical ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : A report is something different from correspondence.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : Is there any bar to placing on the table this correspondence and are they such secret documents ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : We consider that they are not public documents.

MR. ARUN KUMAR CHANDA : Are we entitled to draw the inference that the result of placing these documents on the table of the House will be to compromise the position of these officers of Government ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Neither the letter nor the rules on the subject authorise such an inference.

MAULAVI MUZARROF ALI LASKAR : Am I to take it, Sir, that the answer to question 2 is not properly given ? The question is with regard to the report of the Commissioner and the Deputy Commissioner but the answer speaks about the regular official correspondence.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Are we to understand, Sir, that report and correspondence mean the same thing ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Correspondence and report do not mean the same thing. But as I have already said, we have not got the report of the Commissioner, who will also forward the report of the Deputy Commissioner.

MR. ARUN KUMAR CHANDA : Will the Hon'ble Minister be entirely guided by the report of the Commissioner or will he also keep his mind open to the views of the children of the soil and the elected representatives ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : It is very difficult to say whether the conclusions arrived at by the Government will be exactly in accordance with the conclusions of the Commissioner or the Deputy Commissioner. So far as the views of the members of this House are concerned, Government will surely give them due consideration.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

3.—Government have called for reports from both Commissioners on the subject and will review the position towards the end of the period for which collection of agricultural loans has been suspended.

KHAN BAHADUR MAULAVI MAHMUD ALI : Will the Hon'ble Minister in charge make an enquiry into the conditions of the people to whom the Government granted agricultural loans from 1929 onwards ?

THE HON'BLE THE SPEAKER : This question will more properly come in connection with a latter question (12).

Uderbund Pargana in Cachar District

MR. ARUN KUMAR CHANDA asked :

4. Will Government be pleased to state whether the Uderbund Pargana in the district of Cachar is attached to the Sonai Circle ?

5. Is it a fact that this arrangement has been a long-standing public grievance ?

6. Do Government propose to take any action to remove this grievance ?

7. Will Government be pleased to state if Government propose to revise the revenue assessment in the district of Cachar in the near future ?

8. If the answer to the above question be in the affirmative, will Government please state whether any estimate of the increase of revenue that will follow such revision has been made ? If so, what are the bases for such estimate and what is the extent of the estimated increase ?

9. Will Government lay on the table the Commissioner's reports on the state of agricultural prosperity relating to the triennium prior to the last general revision and the last three years ?

10. Is it a fact that public demand in this as well as other provinces is for decrease in land revenue on the grounds of economic depression as also on the ground that land is heavily taxed in relation to other sources of revenue ?

11. Will Government be pleased to state—

(a) what is the total amount of loans granted in Cachar to relieve the distress caused by the floods in the year 1929 ? (b) out of the above (a) what amount has been realized ? (c) what amount has been remitted ? and (d) what amount is still unrealised ?

(e) of the amount realized, (i) how much represents the principal ; (ii) how much represents the ordinary interest ; (iii) how much represents the penalty interest, process fees, etc. ; (iv) how much was paid after issue of process ; (v) how much after attachment ; and (vi) how much by sale of property ?

12.(a) Will Government be pleased to state whether Government has made inquiry or inquiries about the capacity of the debtors to repay the agricultural loans without depriving themselves of the bare necessities of life and even incurring fresh debts ?

(b) If so, will Government please lay on the table reports of such inquiries ?

13. Is it a fact that plough-cattle also were attached and sold during the realization operations, now suspended ?

14. Will Government be pleased to state whether the actual cost in the shape of salaries of the collecting staff for loan realization and their travelling allowances was reimbursed out of the realizations, for the period of last three years ?

15. Will Government be pleased to state if the Government are in possession of any statistics to show whether the general economic conditions of the cultivators of Cachar have improved or deteriorated as compared to the quinquennium before 1929 ? If so, what are they ?

16. Do Government propose to write off all arrears of the agricultural loan in view of the present financial position of the people ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

4.—Yes.

5 & 6.—The question of attachment of Udarbund pargana to the sadr circle instead of Sonai circle of Cachar has been raised more than once in the past and Government are aware that the existing arrangement entails some inconveniences to the inhabitants of Udarbund pargana. As however the removal of these inconveniences would entail either the splitting of the Silchar tahsil into two or the permanent retention of an extra officer at the headquarters of Silchar tahsil—both of which projects would be expensive—it was decided when the question last came up in 1936 that the redistribution of various parganas should be considered at the time of resettlement of the district.

7.—The proposal for resettlement operations to be undertaken in the district of Cachar is still under consideration of Government.

8.—Under section 6 of the Land Revenue Re-assessment Act, 1936, Government appointed a Special Officer to prepare a forecast report as to whether resettlement was desirable and what its probable financial effect would be. This report has since been received and no orders have yet been passed on it. When a decision has been reached, the report will be published in the Gazette under section 6 of the above mentioned Act, if it is decided to undertake resettlement.

MR. ARUN KUMAR CHANDA: Will the Hon'ble Minister be pleased to state when the report of the Special Officer was received ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I want notice, Sir.

MR. ARUN KUMAR CHANDA: Has the Hon'ble Minister seen it ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I believe so.

MR. ARUN KUMAR CHANDA: May I have an idea of the time that the Hon'ble Minister is going to take over the matter ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think, Sir, by about the end of September or the beginning of October.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

9.—There are no other reports on the state of agricultural prosperity than those contained under the headings—"Weather and crops", "Prices of food" and "Material condition of the people"—in the Land Revenue Administration Reports submitted by the Commissioners every year. The hon. member is, therefore, referred to the Land Revenue Administration Report of the years 1915 to 1918 and 1933 to 1936.

MR. ARUN KUMAR CHANDA: May I know what is the index number in the fall in prices of stable crops, that is to say, of the extent to which it has fallen?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not in a position to say, Sir.

MR. ARUN KUMAR CHANDA: Shall I be incorrect in saying, Sir, that it is 30 per cent.?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I want notice of that question, Sir.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

10.—Government have received many copies of resolutions in the last few years asking for a decrease in the land revenue on the ground of economic depression, and a remission of land revenue ranging from 1 to 3 annas in the rupee has been given in all temporarily-settled areas since the year 1932-33. Government have no information whether a similar demand has been put forward in other provinces.

11 & 12.—The hon. member is referred to the reply given to question No. 1 asked by Maulavi Maza ro' Ali Laskar at this session of the Assembly. Penal interest was remitted after 1931 but it is not possible to give the figures of the amount realised after the issue of process after attachment and after sale of property.

MR. ARUN KUMAR CHANDA: The answer to question No. 12 is not covered by the reply of the Hon'ble Minister.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As to the capacity of the debtors to repay the agricultural loans without undue hardship to them, we are making enquiries.

MR. ARUN KUMAR CHANDA: Will the report of those enquiries be made public, or will they be treated as confidential, as in the case of the correspondence with the Commissioners and Deputy Commissioners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The report of the Commissioner will be laid on the table of the House in due course if so desired and that will be duly taken into consideration.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

13.—Government have no information. No specific complaints have been received.

MR. ARUN KUMAR CHANDA: May I know, Sir, on whose report the answer to this question has been made?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We have replied that no specific complaint has been received and that we have no information.

MR. ARUN KUMAR CHANDA: Did the Deputy Commissioner report anything on this point?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No report has been received.

MR. ARUN KUMAR CHANDA: Does the Hon'ble Minister want to give us an impression that no complaint reached him personally?

MR. FAKHRUDDIN ALI AHMED: Does the Hon'ble Minister want notice of the question?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : If there is any specific complaint, that can be duly enquired into. But we have no such complaint.

MR. ARUN KUMAR CHANDA : Has the Hon'ble Minister enquired of the Deputy Commissioner if any specific complaints were made on this matter or not ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The hon. member did not ask for such an enquiry.

SRIJUT PURNA CHANDRA SARMA : Was it not thought necessary that such an enquiry should be made ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have nothing to add, Sir, to what I have already said.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

14.—The amount of loan recovered is in excess of the actual cost of the collecting staff entertained during the last three years.

15.—Government have no such statistics to show the general economic condition of the cultivators of Cachar. The percentage of revenue collection however is probably an index in such matters. In the three years 1926-27, 1927-28 and 1928-29 the percentages of revenue collection in Cachar were respectively 98, 94 and 86. In the three years 1933-34, 1934-35 and 1935-36 the percentages were 46, 53 and 70. The figures for 1936-37 have not yet been received but are likely to exceed those for 1935-36. These figures would seem to show that the district is recovering from the depression.

MR. ARUN KUMAR CHANDA : Shall I be incorrect, Sir, if I suggest that this would be an index to the harshness that has been employed in the collection of Government revenue ?

THE HON'BLE THE SPEAKER : The hon. member is asking for an expression of opinion.

MR. ARUN KUMAR CHANDA : Is the Hon'ble Minister aware that successive floods and draught have caused immense distress to that district ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : In the remote past, Sir ?

MR. ARUN KUMAR CHANDA : In the Hon'ble Minister's time.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have not heard, Sir. At any rate the hon. member has not been pleased to send me on any information about it.

MR. ARUN KUMAR CHANDA : May I know if the Hon'ble Minister has anything more in his mind when he says—"that the percentage of revenue is probably an index in such matters."? In other words, does the Hon'ble Minister realise that the percentage of revenue collections which shows a certain rise in recent years might have been due to other factors ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have no reason to suppose that, Sir.

MR. ARUN KUMAR CHANDA : Does not Government consider the cost of collection prohibitive in proportion to the realisation made during the period under review ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have already answered that question, Sir. We have shown the figures.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

16.—The hon. member is referred to the answer given to the question No.3 asked by Maulavi Muzarraf Ali Laskar at this session of the Assembly.

MR. ARUN KUMAR CHANDA: Does not Government consider that in view of the heavy nature of the collection expenditure, it is far better that these outstanding arrears should be remitted?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So far, Sir, the Government have not taken that view. But if the realisation has been suspended and Government is going to consider this question, the point raised also will be taken into consideration at the time of considering whether total remissions should be given.

Ministers' advice to Governors in the field of their special duties

MR. ARUN KUMAR CHANDA asked :

17. Will the Hon'ble Chief Minister please state if he has gone through the speech broadcasted by His Excellency the Viceroy on the 21st June last and if his attention has been directed to that portion of it where it is said that Ministers can advise Governors in the field of their special duties?

18. Did the Hon'ble Chief Minister state in the last session of the Assembly on being asked if he had advised His Excellency the Governor regarding the Ministers' Salaries till a Bill was passed, that he had no right to do so?

19. Does the Hon'ble Minister now propose to advise His Excellency regarding every matter in the governance of the province?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

17.—Yes.

SRIJUT MAHI CHANDRA BORA: On a point of information, Sir. Here the question has been addressed to one Hon'ble Minister as Chief Minister. May I know whether the Instruments of Instructions or the Act as it now stands provide for the appointment of some Assistant or Subordinate Ministers and one as the Chief Minister? The word "Chief Minister" does not occur in Instruments of Instructions or in the Act.

THE HON'BLE THE SPEAKER: You may ask that question to Mr. Chanda.

SRIJUT MAHI CHANDRA BORA: What I want to know is whether the hon. member is entitled to address one of the Ministers as Chief Minister.

MR. ARUN KUMAR CHANDA: I notice that the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla at any rate is occupying or arrogating to himself a position which gives me the impression that he might be styled as Chief Minister and he does not object to it!

BABU HIRENDRA CHANDRA CHAKRAVARTY: Does the hon. member intend that the question should be disallowed on the ground that he has used a word which is not to be found in the Instruments of Instructions or the Act?

THE HON'BLE THE SPEAKER: Because I know that there is one as Chief Minister and therefore I admitted the question. Now it seems Mr. Chanda is also in doubt.

MR. ARUN KUMAR CHANDA: I seek the protection of the Chair. Am I to be cross examined although I am not put in the position of a Minister? (*laughter*).

SRIJUT MAHI CHANDRA BORA: I want a ruling on this point, Sir.

THE HON'BLE THE SPEAKER: You will have it.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

18.—No.

MR. FAKHRUDDIN ALI AHMED: Are we to understand that His Excellency the Governor fixed the salaries of the Ministers in consultation or with the advice of his Chief Minister?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Does this question arise from the present question? The present question is "Did the Hon'ble Chief Minister state in the last session of the Assembly on being asked if he had advised His Excellency the Governor regarding the Ministers' salaries till a Bill was passed, that he had no right to do so". I say my answer is 'No' and I am backed by the official proceedings of the last Assembly.

MR. FAKHRUDDIN ALI AHMED: I want to know whether the Chief Minister tendered his advice when His Excellency fixed the salaries of the Ministers, or was his advice sought by His Excellency when the salaries were fixed? This supplementary question does arise under this question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have nothing to add to what I have said in the last Assembly.

MR. FAKHRUDDIN ALI AHMED: May I know what the Hon'ble Chief Minister said in the last session of the Assembly?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The proceedings are in the Library. I should go further and say that the hon. member has got a copy of the proceedings as a member of the Assembly.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

19.—He will advise whenever he is entitled to do so under the Government of India Act, 1935.

BABU RABINDRA NATH ADITYA: What does the Hon'ble Minister mean by "whenever"? Is he not entitled to advise the Governor in all matters?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Whenever the Minister is entitled according to the Government of India Act, he will assert his power and advise His Excellency the Governor.

SRIJUT SARVESWAR BARUA: Has there been any occasion in the past when the Hon'ble Chief Minister advised His Excellency?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: In what matter?

SRIJUT SARVESWAR BARUA: In matters within the discretion of His Excellency the Governor.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, until my advice was sought.

SRIJUT SARVESWAR BARUA: In matters within his individual judgment ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :
Yes.

SRIJUT SARVESWAR BARUA: May I know on what occasion ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :
It is too long a list to enumerate off-hand.

MR. ARUN KUMAR CHANDA: Then who will answer those questions ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :
I as the representative of His Excellency.

MR. ARUN KUMAR CHANDA: Does the Hon'ble Chief Minister possess any general authority from His Excellency to answer those questions ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :
His Excellency the Governor has asked me to be his spokesman in this Assembly on such occasions.

Sunamganj Local Board

MAULAVI ABDUL BARI CHOUDHURY asked :

20. Will Government be pleased to state :

(a) Whether a resolution of the Sunamganj Local Board passed in January 24, 1935, recommending an increase and redistribution, in the number of its members on the basis of population amongst the different communities, was received by the Government ?

(b) If so, do Government propose to take action on the lines suggested in the said resolution, in the next election ?

21. Are the Government aware that there is complaint from the public that grave injustice was done to the Mahomedan community in the matter of the distribution of seats in the Sunamganj Local Board ?

22. Has the attention of the Government been drawn to the resolution passed in the Sunamganj Subdivisional Muslim Conference held at Mainpur on February 24, 1936, demanding immediate action on the above-mentioned resolution of the Sunamganj Local Board ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

20. and 21.—The hon. member is referred to the reply to a similar question asked at this session by Maulavi Dewan Md. Ahabab Choudhuri.

BABU HIRENDRA CHANDRA CHAKRAVARTY: The Hon'ble Minister in reply to this question has referred to a question which is not yet known to this Assembly.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I regret for the mistake. It is not my mistake. All the answers are arranged by some officials. The replies will be found at questions No. 122 and 123. They should have been put first.

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

22.—The reply is in the negative.

THE ASSAM LOCAL RATES (AMENDMENT) BILL, 1937

THE HON'BLE THE SPEAKER : The first Bill stands in the name of Maulana Abdul Hamid Khan. He has intimated to me that he would not like to ask the Bill to be introduced.

THE SYLHET TOWN TENANCY BILL, 1937

THE HON'BLE THE SPEAKER : The next Bill stands in the name of Maulavi Namwar Ali Barbhuiya.

MAULAVI NAMWAR ALI BARBHUIYA : I do not like to move it, Sir.

BABU KARUNA SINDHU ROY : I beg, Sir, to move for leave to introduce the Sylhet Town Tenancy Bill, 1937.

(The motion was put and carried)

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN : According to rule 48 of the Legislative Assembly Rules it is laid down that if such motion be carried, the Secretary shall read the title of the Bill and the Bill shall thereupon be deemed to be introduced in the Assembly.

THE HON'BLE THE SPEAKER : We have not yet come to that stage.

BABU KARUNA SINDHU ROY : I beg, Sir, to introduce the Sylhet Town Tenancy Bill, 1937.

(The Bill was introduced).

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

BABU KARUNA SINDHU ROY : The Statement of Objects and Reasons of this Bill clearly indicates the necessity for such a legislation. It is really a matter of surprise that the necessity of the protection which this Bill seeks to afford to a class of urban people was not felt by the Government so long. The Sylhet town is growing in importance by leaps and bounds, and the precarious rights to the residential quarters with which a great bulk of the urban people live in Sylhet should no longer be allowed to exist. Government officers, business men, members of the legal profession and other professions and such other persons as are being daily drawn to this town by the educational facilities and various other amenities offered by it and who have taken their residence in the town for the best part of their lives and are contributing very largely to its gradual development, need protection against the landlordism that is rampant in the town of Sylhet, subjecting these people to various forms of *zooloom* at the hands of the landlords.

Conditions in Sylhet town are quite different from the conditions that prevail in other towns of this province. Most of the other towns are on Government lands and the residents thereof who get settlement from Government and build their houses, are given permanent and heritable right subject to enhancement of revenue at a graduated scale ; but in the Sylhet town the landlords who do not pay anything to the Government in the shape of revenue or local rate do seldom give any permanent right to those who take settlement from them, and in the majority of cases it would appear that residents build good houses, investing their hard earned money only to be ejected at the end of the term of the lease, or to agree to payment of exorbitant rent and that also for another short period. There are also numerous cases of residents making considerable improvements on the lands which they occupy only to enure for the benefit of the landlord in getting higher rent after the term of the lease expires.

Sir, is it justice and equity that a class of people who live in the town of Sylhet and have contributed so greatly to its development from a mere bamboo plantation, as Sir Henry Cotton described the town of Sylhet in 1897 when he first visited the town as Chief Commissioner of Assam, giving it an urban appearance, should be always at the tender mercy of the landlords? Ejectment suits, against residents that happen to be in the town of Sylhet, by landlords are not rare, and these ejectment suits are only devices that are adopted by landlords for compelling the tenants to submit to their demands for high and exorbitant rents. Recently a number of ejectment suits were started, some of which have been disposed of and others are still pending decision in the original Court. The prospect of the Sylhet Town Tenancy Bill modifying the landlords' rights to arbitrary ejectment and enhancement of revenue has led to the institution of the above suits, and besides, the service of notices for ejectment suits by some landlords, and Sir, the reason is not far to seek. It is to coerce the tenants to submit to the landlords' dictates by threat of ejectment suits.

Sir, the object of the Bill, as it would appear from its various clauses, is modest. It is only to give protection to tenants against arbitrary ejectment and arbitrary enhancement of rent, and although the Bill seeks to give occupancy right to the tenants, the other provisions more than compensate the landlords for the modification of their right that is affected by the occupancy right given to the tenants: There is the right of pre-emption given to the landlord in case of transfer, and there is also the right to enhance the rent according to a principle which is humane and which obtains in all tenancy legislations in India. Arbitrary enhancement and rack-renting to be allowed to exist in any form is certainly against civilized notions which should guide the affairs of this nature. The Bill only aims at legislation for placing on healthy basis the relative rights of landlords and tenants in the town of Sylhet. The immediate passing of this Bill cannot be too strongly urged. The provisions of the Transfer of Property Act do not afford any protection to the tenants in the town of Sylhet and I would only finish by placing before the House the observations of a trial Court in ejectment suit No. 194 of 1936, relating to a holding in the town of Sylhet. The learned Court found that under the existing law he was unable to give any relief to the tenant and how he keenly felt his inability to grant any relief to the tenant from his judgment. I quote a few sentences from his judgment in order to impress upon this hon. House how a Court of justice, sitting in the very town of Sylhet and having a clear knowledge of the conditions prevailing there estimated the nature of the hardship to which tenants are subjected by the landlords. The sentences are—

“There has been recently a large number of suits for ejectment from residential lands in this town with immense hardship to tenants, but under the law, as it stands, the Court is unable to grant any relief to them. I would only add this that I would allow six months' time to the tenant to remove his house”.

Sir, the disastrous consequences that would follow if the Bill is not immediately passed can better be imagined than described. The prospect of such a Bill would certainly spur on the landlords to take recourse to all devices which would place them in a position to resist the operation of the provisions of this Bill after it is passed, and the easiest way for them would be to eject all the tenants who are on the lands they hold with precarious rights during the period that would elapse between the introduction of the Bill and its final stage of its being placed on the Statute Book. Signs are not wanting and I have said before, numerous ejectment suits are pending and others will soon be institute dafter the expiry of the period of notices served for ejectment.

Sir, I therefore move that the Bill be taken into consideration.

THE HON'BLE THE SPEAKER: The motion moved is that the Sylhet Town Tenancy Bill be taken into consideration.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I beg to move that this Bill be circulated for eliciting public opinion before 31st of October, 1937. Sir, I have listened to the speech of the hon. mover very carefully and I can admit at the outset that I am in entire sympathy with some of the points which he has raised in course of his speech; but Sir, we cannot deny that this Bill is rather of a revolutionary character and is purely one-sided. Sir, a Bill of this nature is generally to be conceived in a spirit of compromise, *i.e.*, the interest of both the landlords as well as tenants has to be carefully thought of. Now Sir, no where in India excepting perhaps in Madras, there is a law similar to it. There is no legislation in force which allows the occupancy right in respect of land in the town and what is more, Sir, is that this Bill provides that occupancy right should accrue after an occupation of 10 years only. Another objectionable feature of this Bill is that it aims at giving retrospective effect which means as soon as this Bill is passed into Act, all tenants occupying lands even prior to the passing of the Act will come under the operation of its provision. Then thirdly there is rather a monstrous proposal that the Civil court will be in a position to compel the landlords to sell the property of the tenants at whatever price the court may be pleased to fix. All these points, Sir, should be duly considered. I have been informed that in some cases the tenants are becoming even richer and far better off than the landlords. So this is not the case in which extra sympathy is needed and the Bill should not be hurried through. We should rather have sometime to make enquiry and after looking into both sides of the question we should be able to decide which provision of this Bill we shall have to accept and which to reject. If the hon. member who has moved this Bill is pleased to withdraw this Bill, I can, on behalf of Government, give him an assurance that we shall go into the whole question carefully and we shall have also an officer appointed to go into the whole situation and as soon as the enquiry will be completed Government will themselves bring in a legislation which will try to protect the best interests of the landlords as well as of the tenants. If the hon. mover persists in the carrying of this Bill, I have no other option than to ask the House to accept my motion for circulation of the Bill for eliciting public opinion and when public opinion is received, we can give our best consideration to it. The hon. member perhaps knows that in two or three towns of the Assam Valley Districts there are lands belonging to temples. For a number of years, people are living on the land belonging to those temples but no difficulty has yet been experienced by any one and no demand has been put forward for a legislation of this character. Under the circumstances, I think, it will perhaps be advisable for the House to take sometime to study the situation and come to a decision instead of hurrying through this Bill as the hon. mover wants to do.

THE HON'BLE THE SPEAKER: The motion moved is that the Sylhet Town Tenancy Bill, 1937, be circulated for obtaining opinion by the 31st October.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Sir, if the Bill is circulated for eliciting public opinion, I think, immense mischief will be done to the tenants of Sylhet. Sir, recently there have been some cases by which the tenants have been very hard hit. After this Bill has been sent to the Assembly, over 200 notices for ejection have been served on the tenants. The position of the tenants is such that they are always forced to give their votes at the dictates of their landlords. I should rather say that the condition of the tenants is very miserable, and, unless the Bill is immediately sent to the Select Committee, there will be no limit to their miseries. So, I beg to move that the Bill be referred to a Select Committee

consisting of the following Members :—

1. The Hon'ble Revenue Minister,
2. Khan Bahadur Dewan Eklimur Roza Chaudhuri,
3. Srijut Gopinath Bardoloi,
4. Srijut Lakshesvar Borooah,
5. Maulavi Abdul Matin Chaudhuri,
6. Babu Karuna Sindhu Roy,
7. Babu Akshay Kumar Das,
8. Babu Lalit Mohan Kar,
9. Mr. F. W. Hockenhull,
10. Maulavi Jahanuddin Ahmed,
11. Srijut Purna Chandra Sarma,
12. Srijut Mahi Chandra Bora,

No. 2.

At page 167, after item " 16. the mover of the amendment " in the 17th and 36th lines, *insert* the following, namely :—

" Five members will form a quorum "

THE HON'BLE THE REVENUE MINISTER
Town Tenancy Bill be referred to a Select Committee consisting of the following members :—

1. The Hon'ble Revenue Minister,
2. Khan Bahadur Dewan Eklimur Roza Chaudhuri,
3. Srijut Gopinath Bardoloi,
4. Srijut Lakshesvar Borooah,
5. Maulavi Abdul Matin Chaudhuri,
6. Babu Karuna Sindhu Roy,
7. Babu Akshay Kumar Das,
8. Mr. F. W. Hockenhull,
9. Babu Lalit Mohan Kar,
10. Babu Harendra Narayan Chaudhuri,
11. Mr. Arun Kumar Chanda,
12. Maulavi Jahanuddin Ahmed,
13. Srijut Purna Chandra Sarma,
14. Srijut Mahi Chandra Bora,
15. Maulavi Munawwar Ali, and
16. the mover of the amendment.

See Co. No. 2

SRIJUT GOPINATH BARDOLOI : When my name has been referred here as a member of the Select Committee, I would like to speak a few words in connection with this Bill. The Hon'ble Revenue Minister wanted this Bill to be circulated for eliciting public opinion. From the speech he has just now delivered we could not really understand whether he was committed to the principle of the Bill or not. I was really wanting to hear as to what his position was in respect of occupancy right which this Bill really purports to give to the tenant. My position is, Sir, that this Bill will only validate the leases, which have already been given. For all practical purposes I suppose the landlords have given the land over to the tenants on certain terms or certain conditions of tenancy and that if the landlords could part with their land, I mean to say, part with the occupation of the land for a period of 10 years I can well imagine, that they could part with it by giving certain rights to the tenants also. If that be the recognised principle which is adopted by this Bill, I mean to say, the principle of giving certain rights of tenancy to these tenants, I submit that it is possible to have the matter discussed in the Select Committee. There is however another side of the matter which I find really overlooked and that is the interest of the landlords. I have tried to go through the Bill as carefully as it is possible for me to do and I have found certain clauses there which really require revision, modification and probably require omission also. In view of that I think instead of sending it for circulation for eliciting public opinion, which will, I think, be a very dilatory method, we can as well adopt the motion moved by my hon. friend, Maulavi Ashrafuddin Md. Chaudhuri, with the amendment that the Select Committee should be given powers to make such amendments as they may deem fit and proper.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : That goes without saying.

SRIJUT GOPINATH BARDOLOI : I mean this will enlarge the powers of the Select Committee to the extent of looking into the interests of the landlords also. If this motion is accepted we can not only accommodate the landlords but accommodate the tenants also. My point is that if this committee has representatives of the landlords as well as of tenants, I think it will be possible to have it and as a matter of fact the list that my hon. friend has submitted is fully representative of both interests in the matter and therefore I consider that with this personnel of the Committee we can really try to adjust the interests of both landlords and tenants in reference to the terms of the Sylhet Tenancy Bill. My amendment will be, Sir, that the Bill be referred to a Select Committee with powers to make such amendments as they may deem fit and proper.

RAI BAHADUR PROMODE CHANDRA DUTT : With all respect to the Hon'ble Leader of the Opposition, I think that this ought not to be done for the simple reason that the Select Committee has power to do everything. This might on the other hand subject the Select Committee to restrictions. Once we are committed to this principle, one may raise the question whether the Select Committee can go into questions other than these.

Mr. BAIDYANATH MOOKERJEE : Sir, this Bill is a new and novel one. It does not limit itself to Sylhet town. There is a provision in the Bill that the operation of the Bill may be extended to other municipal areas

of the Province simply by notification in the Gazette. So, Sir, on such an important Bill public opinion must be elicited. The provisions of the Bill are drastic and revolutionary. Even the proprietary right of the proprietors is at stake. A refractory tenant may purchase even the proprietary right through the assistance of the Court simply by paying the price which will be fixed by the Court. Sir, this is an one sided Bill intended only to benefit the tenants and very little regard has been paid towards the proprietor's right. In any case, the public of the different towns of the Province ought to know what is being done here. There exists no such Act in India, except in Madras so far as my information goes, where the conditions are quite different. As the Bill has not been published either in the Gazette or in the Press the public is in utter darkness as regards the contents of the Bill. Sir, in the fairness of the thing I think the Bill ought to be circulated to elicit public opinion so that we may consider it before arriving at a decision.

✓ MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Sir, I wholeheartedly support the amendment brought by my hon. friend Maulavi Ashrafuddin Md. Chaudhuri and I have got something to say about the personnel of the Select Committee proposed by my friend. Mr. Baidyanath Mookerjee, an hon. member of this House, is interested in the town lands of Sylhet and I propose that his name be included in the personnel of the Select Committee proposed.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Sir, I accept the proposal.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I rise in support of the motion that has been moved by the Hon'ble Minister for the circulation of the Bill, for the purpose of eliciting public opinion. As has just been said by Mr. Baidyanath Mookerjee this Bill is not so innocent as it looks. The title of the Bill is Sylhet Town Tenancy Bill but it affects the people of the whole province as a matter of fact, because by section 2 the operation of the Act might at any time be extended to any municipal town in the Province. Now I find there is an attempt to rush through this legislation. Of course, the necessity of such legislation is recognised on all hands but what shape it should take, I think it is only fair that the public all over the province should be consulted in the matter as regards the provisions. Of course, it may be that the Select Committee may affect some modifications by omitting some provisions or adding some provisions but as regards the principle of the Bill I think it is only fair that the public should be consulted. I find that this Bill has not even been published in the Gazette yet. So the rest of the Province does not know that such a legislation is going to be passed by the Assembly this Session. The Legislature has of course the power to do it but I think a responsible legislature ought to be fair to all the interests concerned; interests of the landlord should also be looked into. So I think it will be only fair to have this Bill circulated for eliciting public opinion instead of rushing it through this House.

✓ MAULAVI ABDUR RAHMAN: Sir, I rise to support the motion brought by hon. friend Maulavi Ashrafuddin Md. Chaudhuri regarding the Sylhet Town Tenancy Bill.

Sir, I fail to understand the meaning of the word "revolutionary" mentioned by Mr. Mookerjee in opposing the motion, and I must say that the absence of any such legislation for towns like Sylhet does not give any credit to the Legislatures. The hon. Mr. Mookerjee has said that the introducing of this Bill, which gives certain rights to raiyats living in towns, will embitter the relations between landlords and tenants. But, Sir, while the Tenancy Act has been introduced, I do not see why we should not give the people living in towns also the privilege of enjoying its provisions. By passing this Bill the Legislature will do a great thing not only to safeguard the interests of people living in towns, but also to establish a relationship between landlord and tenant. The Hon'ble Revenue Minister also does not deny the principle of such legislation, and his only objection is that it should be circulated for eliciting public opinion. The hon. mover has said that the people living in towns have to undergo any amount of oppression at the hands of the Mirasdars, specially at the time of elections. I fully endorse this statement and say that the people living in towns have no independence of their own ; they are liable to be ejected at any moment according to the sweet will of the Mirasdars. Whenever the raiyat has the misfortune to incur the displeasure of the Mirasdar he has no escape. At present although a gentleman may be living in a town for generations, he is not allowed to build a *pucca* house. Such is the condition of the people living in towns. I would therefore appeal to the House to give some rights and concessions to the people living in towns. Sir, how the independence of the people living in towns is jeopardised can well be understood when I say that at the time of elections these people cannot even cast their votes against the wishes of their Mirasdars—experience has shown that where they have gone against the wishes of the Mirasdars in the matter of election they have lost their holdings.

So with these words I support the Bill and request the House to pass it.

BABU HIRENDRA CHANDRA CHAKRAVARTY: Sir, In supporting the amendment for circulation of the Bill for eliciting public opinion moved by the Hon'ble Revenue Minister, I would like to say a few words.

Sir, it might be that a few cases of hardship may have prompted my hon. friend the mover to introduce this Bill. But I do not see why for the bad treatment of a particular person all should be condemned and this House should be asked to pass a legislation which will effect also the landlords who have certainly very cordial relations with their tenants. There are two proposals before the House, one for reference to a Select Committee, and the other for circulation for eliciting public opinion. The hon. mover has said that the report of the Select Committee should be submitted by the 11th of August, and the Hon'ble Revenue Minister has suggested that public opinion should be received by the 31st October. For a compromise I would suggest that my hon. friend the Maulavi Sahib should agree that the Select Committee is to report by the 31st of October, so that in the meantime the Hon'ble Revenue Minister might circulate the Bill for eliciting public opinion, so that on receipt of public opinions the Select Committee may know what they should do. I would therefore request the Maulavi Sahib to agree to my request that the Select Committee may submit their report by the 31st of October.

MR. FAKHRUDDIN ALI AHMED: Sir, on a point of order. My friend has just mentioned that the Bill be referred to Select Committee and

also that it be circulated for eliciting public opinion. I am doubtful whether we can do so under the rules ?

THE HON'BLE THE SPEAKER : No, this cannot be done. If the Bill is circulated for eliciting public opinion it will be necessary then to move another motion for referring it to Select Committee.

BABU HIRENDRA CHANDRA CHAKRAVARTY : If my hon. friend the Maulavi Sahib agrees to change the date by which the Select Committee is to submit its report, Government can ask for public opinion.

THE HON'BLE THE SPEAKER : Is the hon. mover agreeable to change the date ?

MAULAVI ASHRAFUDDIN MD. CHAUDHURY : I regret that I cannot agree to that.

MAULAVI ABDUL MATIN CHAUDHURY : Sir, the only question before the House is whether the Bill should be taken into consideration or whether it should be circulated for eliciting public opinion, or whether it should be referred to a Select Committee. I think there is not much support for the proposition that it should be taken into consideration at once, and the only issue remaining is, whether it should be circulated for eliciting public opinion, or whether it should be referred to a Select Committee. For myself, Sir, I am not very much convinced by the arguments that have been advanced for the circulation. (*hear ! hear !*) The only argument so far advanced is that this Bill may be extended to other towns, and so opinions ought to be invited from the public outside. I think the main intention of the sponsor of this Bill is to confine it to the town of Sylhet, and that is why it is called the Sylhet Town Tenancy Bill. That the Bill may be extended to other Municipal towns is a matter of detail which can be threshed out in the Select Committee. As regards the town of Sylhet there are two hon. members of this House who represent the town of Sylhet—one is in the Cabinet itself. Besides this hon. member, there are six or seven other hon. members of the House who belong to the town of Sylhet. The main issue before the House is very simple. The issue is whether there should be a tenancy at-will or, there should be occupancy right for the tenants in the Sylhet town. For a decision of that simple issue it is not necessary to postpone the Bill for an indefinite period. The Bill as it stands affects only some twenty thousand people. There are six hon. members of the House from the town of Sylhet who are representing different interests and are competent to ventilate public opinion on this issue. Ordinarily I should have liked that the Bill be circulated for eliciting public opinion. But the position at Sylhet is rather peculiar. Since notice of this Bill has been given, there has been a number of ejection suits against the tenants and if you further delay the passage of this Bill, the whole object of it will be frustrated. In this view, I support the motion of Maulavi Ashrafuddin Md. Chaudhuri for referring it to the Select Committee.

BABU KAMINI KUMAR SEN : Sir, I beg to support the amendment put forward by the Hon'ble Minister in charge for circulation for eliciting public opinion. The argument put forward by the promoters who are for the Select Committee is that if the Bill is not rushed through, some of the tenants may be injured within the time. But as the hon. member Mr. Mookerjee has already said, the Bill though in name it is the Sylhet Town Tenancy Bill, it will affect the tenants of the Municipal areas of the whole of the province. It is a novel piece of legislation, except that only in Madras, there is a somewhat similar piece of legislation and there is no other district or province where a legislation like this is on the Statute Book. At the same time, Sir, the public have not yet been given any opportunity

to know even the contents of the Bill. The Bill has not even been published in the official Gazette. Only to protect some tenants, the larger interests of the general public who will be affected thereby should not be minimised and should not be lost sight of. I do not see the difficulty of agreeing to the proposals for circulation because the hon. member has proposed that it should be done before the 31st October. So, Sir, if by this process of circulation a few days are taken to get the opinion of the public all throughout the province as they are likely to be effected thereby, I do not think we should grudge that delay. My friend the hon. Mr. Abdul Matin Chaudhury has said that it is only the Sylhet town that is affected by the Bill. But the provision in Section 2 says that it may be extended to other towns simply by a notification; and if a legislation is passed with regard to the Sylhet town only, I do not see any reason, rather it will be most fair, to extend the provision of this Act to other towns whenever any demand comes at least for uniformity's sake. There is practically no legislation for adjustment of the rights of tenants and landlords and everybody admits that there should be some adjustment. But that is no reason why it should be rushed through within this session without even letting the public know the provisions of the Bill.

Another point I should like to say is this. My friend Maulavi Abdur Rahman raised objection to the term 'revolutionary' which has been used even by the Hon'ble Minister in charge. Sir, I may refer to section 17. It says "A tenant who is entitled to compensation under clause 14 against whom a suit for ejectment is instituted and pending may, within 15 days after the commencement of this Act or 15 days of service of summons, apply to the court for an order to sell the land at a price to be fixed by the court". I do not know how to describe this provision as anything else than revolutionary. There are some other provisions in the Bill which lead one to think that the provisions have been one sided and hard on the landlord whose interests are also to be looked after by this hon. House.

With these few words, I support the motion for circulation for eliciting public opinion within 31st October.

✓ MAULANA ABDUL HAMID KHAN : মাননীয় প্রেসিডেন্ট মহোদয়, সিলেট টাউন প্রজাবন্ধ আইনের Amendment Bill, সম্বন্ধে মাননীয় সদস্য মৌলবী আব্রাহামুদ্দিন চৌধুরী সাহেব যে প্রস্তাব আনিয়াছেন, আমি তাহা সমর্থন করিতেছি এবং বলিতেছি যে সিলেট টাউন প্রজাবন্ধ আইন জমিদারের জুলুমের একটা প্রধান অঙ্গ স্বরূপ। ইহার আমার অভিজ্ঞতা আছে। গ্রামে গ্রামে নিরক্ষর দরিদ্র চাষী প্রজা বহু কষ্টে যে ছেলেদের লেখা পড়া শিখায়, তাহার উকিল, ডাক্তার, মোক্তার বা ব্যবসায়ী হইয়া সহজে রসত বাসা স্থাপন করেন। ইতিমধ্যে যখন জমিদারের জুলুম সামাজিক ভাবে প্রজার উপর আরম্ভ হয় সেগুলি গ্রামের দরিদ্র প্রজাগণ তাহাদের ছেলে, বন্ধু বা আত্মীয় সহর বাসী উকিল, মোক্তার বা ডাক্তার সাহেবানের নিকট আশ্রয় তিক্ষা করেন। তখন একদিকে গবীর প্রজাবর্গের প্রতি যে অত্যাচার করা হয় তাহা দমনের প্রতি নিজের কর্তব্য আর অন্যদিকে তাহারা দেখেন—“এই যে বড় বড় বিল্ডিং এত টাকা খরচ করে করিছে—জমিদারের বিরুদ্ধে যদি বাই তাহা হইলে এসমস্ত হইতে বঞ্চিত হইতে হইবে।” ইহার অভিজ্ঞতা আমার আছে। এক একটি case এ একশ টা টাকা পর্যায়

উকিলের পাওনা হয়। গরীব রায়তগণ উকিলকে দিতেছে। উকিল বা বাবিলের সাহেব বলিতেছেন—‘তোমার প্রতি অভ্যাচার হইয়াছে—আমি বুঝিতেছি, তোমার সহায়তা করা দরকার। কিন্তু আমি যদি তোমার সহায়তা করিতে যাই তাহা হইলে জমিদার বাড়ী হইতে উচ্ছেদ করে দিবে—সেই ভয়ে আমি যাইতে অক্ষম’। অতএব আমি বিবেচনা করি দরিদ্র প্রজাদিগকে রক্ষা করিতে হইলে প্রথম সহরের উকিল, ব্যারিষ্টার এবং ডাক্তার দিগকে জমিদারের অভ্যাচার হইতে মুক্ত করা দরকার। নিরক্ষর দরিদ্র প্রজা নিজেকে এতদিন পর্য্যন্ত রক্ষা করিতে সক্ষম হইবে না যতদিন পর্য্যন্ত সহরের শিক্ষিত—মহুযাছ প্রাপ্ত বাহাব’—তাহাদের প্রতি দৃষ্টি না করিবেন। আমি বিবেচনা করি যে এই Bill আর পার্লিমেণ্টের ভিতর বিতরণ করিবার কোন দরকার করিবেনা। পল্লী গ্রামের গ্রামবাসীগণ বুঝিতে পারিতেছে যে সহরের শিক্ষিত সমাজের সহায়ত্ব না পাইলে কখনও তাহারা জমিদারের এই অভ্যাচার হইতে মুক্তি পাইবেনা। অতএব এই Bill এর পার্লিমেণ্টের ভিতর circulation এর কোন দরকার হইবেনা। Select Committee তে পাঠানোর প্রস্তাবই বোধ হয় সঙ্গত সমর্থিত হইবে। বিলম্ব করিবার কোন প্রয়োজন আবশ্যক বলিয়া মনে হয় না। Select Committee তে যাহা সিদ্ধান্ত হয় তাহাই ভাল হইবে।

BABU RABINDRANATH ADITYA : I gave notice of a similar amendment but as the hon. member Maulavi Ashrafuddin Md. Chaudhuri has already made an amendment, I think I shall speak on this. I shall support the amendment that has been moved by him. So far as I understand from the speech of the Hon'ble the Minister of Revenue, I think he also accepts some of the provisions of this Bill.

I do not know which of the provisions of the Bill he accepts and which of them he wants to reject. Whatever it may be, if he accepts the principle of the Bill that some status should be given to the tenants of the Sylhet town, whatever difficulties there may be can be looked into by the Select Committee, which consists of representatives of different interests from different districts of Assam and which will be quite competent to look to the interests of all persons and all localities affected by the Bill.

This Bill, Sir, stands on a different footing from other Bills. Because once it is put on the legislative anvil, the vigilant landlords will take full advantage of any delay in putting it on the Statute Book. The result will be that the Bill, when enacted, will have little scope of operation. It is for this reason that we say that it should be referred to a Select Committee, so that the tenants of Sylhet may be saved from utter ruin. With these words, Sir, I support the amendment of Maulavi Ashrafuddin Md. Chaudhuri.

MR. C. GOLDSMITH : Sir, I support the amendment of the Hon'ble Minister for circulating the Bill for eliciting public opinion. I am for the protection of the tenants. Therefore I do not support the statement that only few are concerned. Whether they are few or many, the tenants should be protected. In this particular case the tenants may require immediate protection. But, as the Bill says, the provisions thereof may be extended to other municipalities, and so other people belonging to those municipalities have every right to give their opinion. Therefore I am in support of that amendment. Another reason is that the Select Committee will report within

a short time. The Select Committee must know the facts and for that purpose circulation of the Bill will be necessary. I therefore agree with and support the amendment of the Hon'ble Minister.

MR MAULAVI ABDUL AZIZ: I rise, Sir, to support the motion for reference of the Bill to a Select Committee. I do not think that the circulation of the Bill for the purpose of eliciting public opinion will serve any useful purpose, considering the fact that immediate relief is required in the Sylhet town area for which purpose the Bill is primarily introduced. The people there, many of them, have been served with notice of ejection, and unless something is done immediately, they stand the danger of being ejected. It has been recognised that they should have the occupancy rights which the agricultural tenants of the rural area have, and the town tenants should have been given this right long ago. These people living in towns have, many of them, big houses and other permanent structures made by them. And they stand to lose much if they are ejected.

The Hon'ble Minister in Charge took exception to the retrospective character of the Bill. But I submit, Sir, if it is not recognised, the benefit of the Bill would be lost. The Bill should recognise, Sir, the rights of the people residing in towns equally with those of the people living in the rural areas. In this advanced age it will be a misfortune if the rights are not given to the towns-people and if the relations between these tenants and their landlords are not defined.

I submit, Sir, that the motion for circulation of the Bill for eliciting public opinion is meant only to stifle the Bill or delay it, and it will serve no useful purpose. No doubt the purpose of circulating the Bill is to gather opinions. But after all the Bill will come for final decision on the floor of this House and it is unfair of the hon. gentlemen who favour circulation to disbelieve us here. I find from the list of members proposed for the Select Committee that the landed interest has been sufficiently represented in it. They can be trusted to take care of such interest in the committee. We are not here Sir, to benefit some classes and to interfere with the others.

The Bill provides that it can be applied to other places. For instance, it can be applied to Goalpara. The conditions of the two districts are almost similar. I do not see how the landlords will be adversely affected by inclusion of the other towns of the districts of Sylhet and Goalpara.

Sir, in the absence of a legislation like this the relation between landlord and tenant in towns will be undefined. So it is an additional advantage to the landlords and as for the tenants it will be a safeguard against oppression by the former.

Of course there are certain provisions which appear to be drastic. But, Sir, there will be no difficulty about that. After certain additions and alterations in the Select Committee the Bill will come before this House and we shall have the opportunity of considering the *pros* and *cons* of the Bill along with the recommendations of the Select Committee. With these words, I support the motion for reference of the Bill to the Select Committee.

THE HON'BLE THE SPEAKER: The House stands adjourned till 2 p.m.

(After lunch)

THE SYLHET TOWN TENANCY BILL, 1937. (contd.)

RAI BAHADUR PROMODE CHANDRA DUTT: With regard to the discussion that has taken place, may I make a suggestion. I think that will meet the point raised. If the hon. member who has moved for reference of the Bill to the Select Committee extends the time for reporting up to the

31st October, and if in the meantime the Hon'ble the Revenue Minister undertakes to circulate the Bill for eliciting public opinions by the 15th October, then all the opinions can be placed before the Select Committee and the House can decide the matter. I think that will meet the point.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government is quite agreeable to this suggestion put forward by my hon. friend.

THE HON'BLE THE SPEAKER: It is now for the hon. member who has moved the motion for reference of the Bill to Select Committee to say whether he agrees to the suggestion that has been made regarding the extension of the date up to 31st October. In the meantime, on the initiative of the Hon'ble the Revenue Minister the Bill will be circulated for eliciting public opinion.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: I think, Sir, our original proposal was to send the Bill to the Select Committee....

THE HON'BLE THE SPEAKER: ...and the report to be submitted by the 11th August. Are you agreeable to the extension of the time?

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: With regard to the time I am agreeable. With regard to other matters....

THE HON'BLE THE SPEAKER: You need not say anything.

RAI BAHADUR PROMODE CHANDRA DATTA: Sir, the Hon'ble Minister gives an assurance to the Assembly that he will circulate it for eliciting public opinion and if that is accepted by the House, this question does not arise.

We are only concerned with the extension of the time.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Yes, Sir, I agree to the extension of time.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, I am inclined to think that the title of the Bill is misleading as it stands. It is called the Sylhet Town Tenancy Bill, 1937. If you go through clause 2 of the Bill, you will find that the Local Government may, by previous notification published in the local official Gazette, extend the operation of this Act to any other municipal areas in the province of Assam. Therefore, this Bill, if passed, will be operative also in the districts of the Assam Valley. Therefore this Bill does not effect Sylhet alone. I may tell you at once, Sir, that in the Assam Valley no interest has been taken as far as this Bill is concerned, because they were under the impression that this Bill will only affect the town of Sylhet. No mention of this Bill has been made in any of the newspapers of Assam. Therefore none of the people who may be affected in the Assam Valley districts has been apprised of the fact that a Bill like this is being introduced here. I am afraid the hon. member who is in charge of this Bill does not intend that its effect should be made operative in the Assam Valley, because in the names he has selected for the Select Committee, he has put down only the name of Srijut Gopinath Bardalai alone from the Assam Valley District and all other names appear from the Surma Valley.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: That has been withdrawn.

KHAN BAHADUR MAULAVI KERAMAT ALI: In that case, if this Bill is intended to be operative also in the Assam Valley districts, then in selecting the personnel of the Select Committee, names of more members from the Assam Valley should also be included.

THE HON'BLE THE SPEAKER: The hon. member has not suggested any names.

KHAN BAHADUR MAULAVI KERAMAT ALI: I may suggest the name of Srijut Rajendra Nath Barua.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: I am afraid the list is going to be too long.

THE HON'BLE THE SPEAKER: There are more names.

Srijut Gopinath Bardaloi.

Srijut Sarveswar Barua.

Maulavi Jahanuddin Ahmed.

Srijut Purna Chandra Sarma.

RAI BAHADUR PROMODE CHANDRA DATTA: I suggest that the name of Babu Kamini Kumar Sen be added.

THE HON'BLE THE SPEAKER: I think the list is going to be inordinately long.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: In order that every town be represented in the Select Committee, I think there should be one member from Karimganj and another from Habiganj. In that view, I suggest Khan Sahib Maulavi Mudabbir Hussain Chaudhury from Habiganj and Babu Kamini Kumar Sen or Maulvi Mubarak Ali from Karimganj.

MAULAVI ABDUL MATIN CHAUDHURY: May I suggest the name of Maulana Abdul Hamid Khan to be substituted in place of my name?

THE HON'BLE THE SPEAKER: Let me put the question to the House.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Sir, I am not agreeable to the substitution of Maulana Abdul Hamid Khan in place of Maulavi Abdul Matin Chaudhury.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, has the Hon'ble Revenue Minister withdrawn his motion for circulation?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not wish to press my motion for circulation.

THE HON'BLE THE SPEAKER: The motion for circulation stands withdrawn. The Committee consisting of the following members is to submit its report before the 31st October next.

1. The Hon'ble Revenue Minister.
2. Khan Bahadur Dewan Eklmur Roza Chaudhury.
3. Srijut Gopinath Bardaloi.
4. Srijut Lakshesvar Barooah.
5. Maulavi Abdul Matin Chaudhury.
6. Babu Karuna Sindhu Roy.
7. Babu Akshay Kumar Das.
8. Mr. F. W. Hockenhuill.
9. Mr. A. K. Chanda.
10. Maulavi Jahanuddin Ahmed.
11. Srijut Purna Chandra Sarma.
12. Srijut Mahi Chandra Bora.
13. Maulavi Munawwarali.

No. 3.

At page 176, after item " 20. Maulavi Ashrafuddin Md. Chaudhury " the 49th line, insert the following, namely:—

" Five members will form a quorum ".

20. Maulavi Ashrafuddin Md. Chaudhury.

The motion was carried.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN: What is the quorum?

THE HON'BLE THE SPEAKER: Five.

THE ASSAM LOCAL RATES (AMENDMENT) BILL, 1937

MAULAVI ABDUL MATIN CHAUDHURY: Sir, I beg to move for leave to introduce the Assam Local Rates (Amendment) Bill, 1937.

THE HON'BLE THE SPEAKER: The motion before the House is that leave be granted to Maulavi Abdul Matin Chaudhury to introduce the Assam Local Rates (Amendment) Bill, 1937

The motion was carried.

→ See Co. No. 4

MAULAVI ABDUL MATIN CHAUDHURY: I beg Sir, to move that the Assam Local Rates (Amendment) Bill, 1937, be taken into consideration. This Bill is intended to amend the Assam Local Rates (Amendment) Act of 1932. The last Council has been responsible for enacting several measures in the teeth of very vehement public opposition with the help of the solid official block. Of all the unpopular measures that were passed in the last Council, there is not another measure which has roused greater discontent, shown more disregard to the public opinion and which has inflicted more unwarranted burden on the people than the Local Rates (Amendment) Act of 1932. By this Act, Sir, Government was empowered to increase the Local Rates to the maximum of annas 2-8 pies per rupee of the annual value of the land. In having got the power Government did not let the grass grow under feet. Last year, they issued notifications applying the Act to North Sylhet subdivision of the Sylhet district. This year, the present popular Ministry following their predecessors of the pre-reformed days issued notification extending it to the Karimganj and South Sylhet subdivisions and I understand, that they will apply the Act to Sunamganj and Habiganj next year. It is to amend the Act of 1932 under which these notifications were issued that I move this Bill.

Now I would like to go little back to the history of this Act. When in 1931, the Bill was circulated for eliciting public opinion, there was such a volume of protest against this measure that any responsible Government would have hesitated to enact that Bill, but, Sir, Government was not responsive. Many memorials were submitted to Government. Members from Sylhet and Goalpara particularly my friends Maulavi Munawwarali, Rai Bahadur N. N. Chaudhury, Maulavi Abual Majid Ziaoshshams and Kumar Pramathesh Chandra Barua protested against this Bill very strongly, but all was unavailing. Government conscious of the strength behind them *viz.*, a solid official block, turned a deaf ear to it. Not only that, most unfortunately, Sir, they exploited the Valley feeling. They played one Valley against the other and carried that Bill. It is, Sir, to undo the mischief that has been done that I have introduced this Bill.

Now to go back to the main question, what was the justification of the Bill that we are going to amend? This Bill imposed additional burden of taxation on the people. Does the economic condition of the country justify this measure? Are our people in a position to bear additional burden of taxation? These are the considerations that did not weigh with the Government. They wanted more money and that the patient long suffering animal the tax payer must be fleeced to pay the money. The ground on which this Act was passed is rather curious. It was argued that the temporarily-settled districts bear heavier incidence of taxation in the matter of Local Rates than the permanently-settled districts and therefore to equalise the burden, the incidence of taxation should be increased in the permanently-settled districts. Now assuming for the sake of argument that the temporarily-settled districts are heavily taxed, I think, proper course for the Government would be to relieve the temporarily-settled districts of their burden rather than impose additional burden on the permanently-settled districts. The tenancy system of Sylhet is rather peculiar. It is not a district of big landlords and tenants. Intermediate between them there are thousands of small Mirashdars and Talukdars and peasant proprietors, who pay land revenue direct and are assessed Local Rates. These are the people who have been very hard hit by depression, and they are now victimized

by enhanced Local Rates. They cannot realise rent from their own tenants and this fresh demand from Government is more than what they can meet. Sir, I have got personal knowledge and experience of the difficulties, trials and tribulations of these poor middle class of people in the district of Sylhet and I feel very much for them. I am surprised that Government are taking this opportunity at this particular time to impose fresh burden on these people. But remedy lies in the hands of the House and I hope the House will show their sympathy to this deserving class of people by supporting this Bill.

THE HON^{BLE} THE SPEAKER : The motion moved is that the Assam Local Rates (Amendment) Bill, 1937, be taken into consideration.

THE HON^{BLE} SRIJUT ROHINI KUMAR CHAUDHURI : Sir, I rise to oppose this Bill. The Government after due consideration has decided that the Bill in the present form cannot be accepted. The hon. members of this House know that how lightly the permanently-settled districts of this Province, particularly Sylhet has been treated in this matter. Sir, the annual letting value of the district of Sylhet was determined at Rs. 2 per acre sometime in the year 1879, and since then although the annual letting value has considerably risen, in fact, the rate at which the local rate has been realised remained at Rs. 2 per acre until this existing Act was brought into force. Now, Sir, Government has taken in the past due consideration of the economic condition and has been very slow in the matter of bringing the Bill actually into force. It is only last year that the Act was introduced in North Sylhet and it was from 1st of April 1937 that it has been introduced in Karimganj and Maulvibazar. In two other subdivisions the Act has not yet been introduced. This will go a great deal to show that Government is not oblivious of the condition—the economic condition—of the people of the province. On the other hand, the hon. members have to consider another aspect of the question. People—the raiyats of the temporarily-settled districts—have to pay a rate of revenue very much in excess of what they pay in the permanently-settled areas. Consequently although in the temporarily-settled districts the rate of local rate is only one anna per rupee they have to pay for the same area of land very much more in excess as local rate. For instance we can fairly fix the annual value in the temporarily-settled districts at no less than Rs. 6 per acre and for Rs. 8 for the same area of land they pay annas 6 as local rate whereas for the same area of land in the permanently-settled districts they pay lesser amount of revenue and so they pay less as local rate. Now, Sir, what is the result of this state of things ? In the past although the people in the temporarily-settled districts had to pay larger sums as local rate they could not get as much benefit in proportion to the sums we paid to Government, *i.e.*, they could not get proportionate help in the shape of grants to the local bodies. If we are taking the same standard of payment in the matter of grant to local bodies—in the local board at Sylhet—then, Sir, Government grant would have been very much less than what they actually pay and that would have gone to a great extent to maladministration and improper administration of Local Boards in the district of Sylhet. Now, Sir, the position is this. If we are going to repeal the Local Rates Act of 1932—which if this motion is accepted will practically mean—then either the Local Boards in Sylhet will have to stop their legitimate functions or the Local Boards in the Assam temporarily-settled districts will have to suffer because a large sum of money will have to be granted out of Government grant to maintain the Local Boards in Sylhet. That is the position to which we have been driven now. It is for the hon. members of this House to consider this, if they can concede to the motion of my friend, Mr. Abdul Matin Chaudhury, they must be prepared either to have their grants to

Sylhet Local Boards reduced or must be prepared to have the grants of Local Boards of Assam Valley Districts considerably reduced. Now that position I hope the hon. members of the House will appreciate when they cast their vote on this motion. The next question is clear that although the people in the permanently-settled district of Sylhet have been lightly treated in this matter, are they really unable to pay the local rate which has been imposed upon them.

Now, Sir, as I have said before, Government had been in the past very carefully watching the situation and they had never been unduly harsh where it was possible to avoid harshness. It is for these reasons although, Sir, at the time of moving this Bill originally—I remember my hon. friend Srijut Sarveswar Barua supported me—we asked that the Bill should not be brought into operation till 1934, they never brought the Act into force until they found that the condition was such that this assessment could be safely made. I however realise and Government realise that there is still some trace of the economic depression and from that economic depression the landlords on whom this burden will directly fall, have not entirely recovered. But if we come to some sort of arrangement whereby we can reduce the maximum to a little extent Government would be quite prepared to consider that proposal. But, Sir, we cannot agree to such special reduction as has been proposed in this Bill. So I will ask the hon. members of the House who are in favour of the proposed legislation to consider whether it will not be reasonable, whether it will not be fair to the persons who are paying higher rate. Hon. members who are in favour of this Bill—may by sheer majority carry the Bill—but I ask them, I appeal to them, to be fair to the poor raiyats of the temporarily-settled districts if they give their vote in favour of this Bill. I ask them to consider the case fairly between Sylhet and the other districts. I say, Sir, the people of the temporarily-settled districts have already been overtaxed; as they say; they need water-supply, they need other necessities of life which the Local Boards can give them—they need all the amenities and help which the Local Boards can give them, and if we were to reduce the slender resources of these Boards they will not be able to give them these amenities. So I would ask the House to reject this Bill altogether in the interests not of the Government, because not one pie of it will come to the coffers of the Government, but to go to the help of the heavily-taxed people of the temporarily-settled districts so that the normal administration of the Local Boards may be carried on.

With these words I oppose this motion; but I assure the hon. mover that if he wants, on account of the present economic depression, to compromise with us for a short time, the Government will be prepared to consider his proposal.

MAULAVI MUNAWWARALI: Sir, I heartily congratulate the Hon'ble Revenue Minister on the eloquence which he has waxed on the floor of the House this afternoon. What a metamorphosis? He is not the same Mr. Rohini Kumar Chaudhuri, but he has used the same theme and he has used the same argument that the then Finance Member had recourse to in 1932 in supporting the Local Rates Bill. He is rightly afraid of the weight of vote against his motion and with a view to prejudice the votes he has imitated his chief in the same manner as his Chief did in 1932.

THE HON'BLE THE SPEAKER: Order, order. The hon. member has used the words "prejudice the votes". The language is not parliamentary, as it conveys an imputation.

✓ MAULAVI MUNAWWARALI: Much harsher language is used in Parliament, Sir. He complains why the tax in the permanently-settled areas should be lighter than in the temporary settled areas. That is the burden of his theme,—that the taxation is lighter in the permanently-settled districts in the province than in the temporarily-settled districts; but has he taken as much care to sift and to square the position with respect to the capacity of the people to pay. Can he say that these people are lightly taxed, that they are under-taxed, that they are not taxed to the utmost capacity to which they could be taxed? Has he examined the position from the stand point of justice and equity? Without doing that he has mentioned the case of the temporarily-settled districts in the Assam Valley which he says are taxed heavier than the permanently-settled districts. Is that an argument? He ought to have met the question on its own merits. I do not say that the people of the temporarily-settled districts are not heavily taxed, but what I say is that the people of the permanently-settled districts are not able to pay this tax. I do not remember supporting the imposition of any unjust taxation against them, not a single member from the permanently-settled districts, ever opposed a proposal for the reduction of any iniquitous tax. History is there, and I think history has belied the Hon'ble the Revenue Minister when he is on the Government benches.

Then there is again the threat—(that threat was never given so bluntly before as it has been given to-day—) the threat of starvation of Local Bodies by withdrawal of Government grants, etc. What will happen? The Surma Valley (I mean Sylhet) Local Boards will starve, and the Brahmaputra Valley Local Boards will also starve, if this Bill is carried. I think this threat will carry no weight with any member of this House, because starvation only comes in with stagnation. But is there stagnation? Has the Government diligently explored all the resources of the province and tried all other ways and means to raise the finances of the province? Alas, without doing this they are going to tax the people!

Sir, then the Hon'ble Revenue Minister said that although the Act was passed in 1932 they did not enforce it till some time after on account of the economic depression. But this argument is a most forceful argument against the Act itself, that is to say, the Act was not justified; for, had it been justified it would not have been kept in abeyance. But now the popular leader—one of the responsible leaders—in order to give effect to this legislation has delightfully taken steps to give effect to very Act which had been kept so long in abeyance.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The Act has already been in force in Sylhet.

✓ MAULAVI MUNAWWARALI: It was in force only in one subdivision, and a peculiar and special reason was advanced for that which cannot be made applicable to other subdivisions. It remained for a responsible Minister, wholly and solely responsible to the Legislature and to the people, to morally and delightfully give effect to this iniquitous Act. It affects the landlords, the holders of the lands merely. Is it so? But as Ruskin says "bags and crags have the same results on rags" And who are the rags? The poor people who are down-trodden, who are poor beyond all description. Does the Hon'ble Revenue Minister realise this phase? I think he does not, otherwise he would not have so merrily opposed this Bill—I do not know if he had not a pinch of conscience in making his lively speech. As I have also tabled a similar motion for introducing a similar Bill for amending the Assam Local Rates Act of 1932, I cannot but support this Bill with all the emphasis that I can command, and I am sure that the bogey of reduction of grants to Local Boards will not scare away anybody here in this House.

Sir, the Bill is so simple, and it has come in so simple a garb that it is at once intelligible to all of us and I request the hon. House to pass this Bill into Act in this very sitting of the Assembly.

BABU KAMINI KUMAR SEN: It seems to me, Sir, that the Hon'ble Minister in charge of Revenue has tried to create a wrong impression by saying that if this bill is passed Sylhet people will be benefited while the Assam local boards will be the sufferers. If I am rightly informed, I think the procedure as regards the local rates is that every local board gets the whole proceeds from the local rates of that subdivision and not of another subdivision. So if this Bill is passed it is only the Sylhet local boards that will suffer and Assam will not in the least be affected. So the question of any suffering on the part of the Assam local boards does not arise at all.

Apart from the question of economic crisis which is admitted even by the Government, recently in their communique published on the 4th June restoring the school fees to the original rate, where it is said that the economic crisis is still continuing, I now like to raise another point regarding this assessment of local rates under the Amendment Act. This mode in which local rates have been assessed in the district of Sylhet, has been most arbitrary, illegal, and unfair. I say, there has been no enquiry at all to ascertain what is the actual area in a taluq, the actual land under cultivation or the actual area lying fallow or waste. No attempt has also been made to determine the actual outturn received by the landlords generally. Only a few of the landlords' papers have been consulted to determine the rate prevalent and that has been the basis in determining the rates for the purposes of this assessment.

Now coming to the larger estates, I mean the estates that pay more than Rs. 100 as land revenue, or estates which comprise more than 400 acres land, there is an express provision in the Land Revenue Manual. I think the provision is referred to in the first proviso to section 2 of the Assam Local Rates Regulation, 1879 as amended by Act VI of 1926. That proviso lays down that in larger estates the annual value will be determined by the actual rents received by the landlords, and that fallow and waste lands will be left out of consideration. But, Sir, in the district of Sylhet, I understand there are about one thousand larger estates. These larger estates comprise perhaps more than half the area of the Sylhet district. It is admitted by all, and I think it will be admitted by the Government even, that within the area covered by the larger estates there are innumerable hills, large tracts of fallow lands yielding no return to the lands. But, Sir, I am informed that almost all the larger estates had been fully assessed and that at the enhanced rate. It is evident, therefore, that the assessment made without collecting these data have been most arbitrary and based on an insufficient data. Therefore, I say Sir, that this assessment should not stand and should not be allowed to continue.

As regards the economic crisis, I learn from the Hon'ble Revenue Minister that the Government is ready to make a deduction on the present rate owing to economic crisis. But I think Sir, the original purpose for deferring the operation of this Bill would be better served if it is deferred till the time the economic crisis is fully over.

With these few words, Sir, I wholeheartedly support the Bill of my hon. friend Maulavi Abdul Matin Chaudhury.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY VIDYABENODE: Sir, I beg to support the motion, made by my hon. friend Mr. Matin Chaudhury. Almost an identical Bill stands in my name in to-day's agenda. But as the ballot favoured the hon. mover of this motion, I consider it advisable to support his Bill rather than move mine.

Sir, the question of local rates is not a new one. It has a history of more than 58 years. When in 1932 the Assam Local Rates (Amendment) Act imposed a heavy taxation on the shoulders of the people of Sylhet and Goalpara, thousands of the people of Goalpara and Sylhet prayed to the Government for postponement and reduction of rates. But alas, the then Government paid no heed to their grievances. The Act was passed in spite of the opposition of the people affected. Just at this critical juncture when we are struggling for our existence the imposition and increase of our local rates have broken the economic backbone of the people. Sir, the permanent settlement was introduced in 1793 by Lord Cornwallis. It was decided by the British Government that lands would be settled permanently on a fixed rate. But that right has been infringed by introducing the Local Rates Regulation which has been aggravated by the Assam Local Rates (Amendment) Act of 1932. The Government have recognised the local rates as part of revenue and this is an infringement of the permanent settlement. It is a question of principle. There is a fundamental difference between the Bengal Road Cess Act and the Assam Local Rates Act in that whereas in Bengal it recognises the principle that it would be an infringement of the permanent settlement, in Assam in this Local Rates Regulation it is contravened.

It is, therefore, necessary that the Act should be repealed. Moreover in view of the general distress and the continued depression prevailing in the country and the perfunctory nature of the enquiry made by the revenue authorities in arriving at the principle of the present rates of assessment of local rates I hope that the hon. members would lend their unanimous support to this amendment Bill.

BABU LALIT MOHAN KAR : Sir, local rates concern the landlords and the tenants equally. It is, therefore a sheer injustice to enhance it at a time when the country is passing through an unprecedented economic depression. The hon. members of the House remember that this enhancement was passed in the teeth of unanimous opposition of the local rates payers.

Now, Sir, you have already heard that the enquiry made by the Revenue authorities for determining the principle of assessment for the purpose of enhancement of local rates has been most perfunctory, and that no attempt has practically been made by the Government to find out the extent of the area lying waste and unproductive in the estates—small or big. I hope this House will agree with me, that, the economic condition of the country does not justify the imposition of such an enhancement still now, and I also hope that the hon. members of this House will unhesitatingly give its assent to the Bill.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Sir, I wholeheartedly support the Bill introduced by my hon. friend Mr. Abdul Matin Chaudhury. In 1793 when the permanent settlement came into existence, it was given to understand that the revenue of the permanently-settled estates would not be increased. But by the Local Rates Regulation of 1879 the Government made a departure from their previously adopted policy and imposed a rate of 1 anna 4 pies per rupee of annual letting value of lands for all permanently-settled estates. Government enhanced the rates further in spite of vehement protest of the people of Sylhet by an Amendment Act in 1932 which has come into force in North Sylhet, Karimganj and South Sylhet subdivisions. This has caused a great deal of hardship to the landlord classes of Sylhet in these days of financial depression. The conditions of the *raiyats* of the district of Sylhet is not unknown to the Government. The Act gives the landlord classes power to realise local rates from the tenants also. So it will

undoubtedly aggravate the hardships of the poor *raiya*s who are already hard hit. The present Bill is intended to go to the old rate, *viz.*, 1 anna 4 pies in the rupee of the annual value of permanently-settled lands. The Government have recognised the hardship of the people when they negatived the proposed enhancement of school fees. So I believe, Sir, that Government can have no objection to this Bill, especially when the present Ministers at the dawn of the new era are given all the powers of administration. With these few words, Sir, I support the Bill and commend it for the consideration of the House.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Sir, with all the emphasis I can command I support the Bill as introduced by my friend, Maulavi Abdul Matin Chaudhury. The Hon'ble Revenue Minister has given us, Sir, a show of his bygone days. He has tried to introduce into this House, Sir, a ghost, which we from this side of the House believe has been banished from the arena of practical politics. Believing so, as we do, we do strongly protest against his eloquence in drawing up differences amongst the temporarily settled areas and permanently-settled areas. It is no ground that if one of my fingers has been cut one finger of the Hon'ble Minister also should be cut. We from this side of the House protest against all undue taxation, be it for the people of the temporarily-settled area or for those of the permanently-settled area. The only criterion and the only aspect from which we should view and judge the question is whether the people affected are in a position to pay the tax, and the question whether the temporarily-settled area is over-taxed does not arise.

Sir, under the Act of 1932 the Government has been given enough power of rule-making, and the local officers have been given enough power; and there has been, so far as we are concerned, classification of lands into A, B and C according to the sweet will and desire of the local officers. We know in various estates, half of which is under water all throughout the year and is never under cultivation, and does not yield a single farthing of benefit, either to the landlords or to the tenants still they are compelled to pay land revenue over and above local rates, for these lands. In regard to some other places where rivers cross, as between two taluqs the accretions are demanded by Government and Government retain the right of fishery and the possessor and the landlords of different taluqs have to pay the land revenue and also the local rates. I would ask the House to judge and say whether the Hon'ble Revenue Minister is justified in making an appeal which he did.

Another reason, Sir, he brought before the House and gave it to understand that the Local Boards of the Surma Valley will be starved. We have here as hon. members two Local Boards Chairmen of the Sylhet district. One is Mr. Kamini Kumar Sen and he has supported this Bill. Another is Khan Sahib Maulavi Mudabbir Hussain Chaudhury, and he was on his feet in support of the Bill, I understand. Apart from this, Sir, the question is whether it should be the starvation of the local board or the starvation of the human soul. People can ill-afford to have money for education and other things when they have not enough to eat.

Another factor which should be considered is that the Act was passed in 1932; but its application has been postponed from day to day. The greatest argument that the tax should go is that it was postponed from 1932 to 1936.

Another point, Sir. The Hon'ble Revenue Minister has said that he has given due consideration to the mark left by economic distress. The Government say that the economic distress is almost gone and that there are only some foot-prints of it left, and that it is because of this that the Act has

been applied in some subdivisions first and in others next. It then comes to this that the economic distress is passing from some subdivisions and is present in others. When the Act is going to be applied in South Sylhet and Karimganj, it means that there is no economic distress in these subdivisions, while it is present in the subdivision of Habiganj. I would ask hon. members to consider the question and see whether it is possible. The economic distress is a country-wide, rather a world-wide factor, and how can a subdivision be isolated? I do not know from what point of view Government look at things.

I put before the House an appeal with all the emphasis at my command that it will kindly take into consideration the Bill of my hon. friend, Maulavi Abdul Matin Chaudhury, so that the people affected may get the necessary relief. I believe they will forget all bogies of temporarily and permanently-settled areas, starvation of local boards, etc., and without being scared by them, will do proper justice to the people who are in real need of it.

SRIJUT GAURI KANTA TALUKDAR: On a point of information, Sir. I want to know from the Hon'ble Revenue Minister, what is the principle of distribution in granting aid to different local boards. From the hon. Babu Kamini Kumar Sen we understood that the contributions to different local boards are made on the basis of the actual contribution paid by the people of the particular local board. If that be so, we want to know from the Hon'ble Minister, whether that is the correct position?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, there are several grants given to each local board in the province of Assam. There are medical grants, primary education grants, general purposes grants and communication grants. These grants are given from the Government provincial revenue. The local rates are only for the local boards. The real revenue of the local boards is from the local rates.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know whether it is a fact that the lesser the income from the local rates, the greater is the contribution of Government.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sometimes Government had to give financial aid to the local boards that were in financial distress, and that has been stated very clearly by Sir Abraham Laine when he discussed this Bill in the old Legislative Council, I will now read that statement:—

“I pointed out further that in the case of the permanently-settled areas the arbitrary fixation of Rs.2 an acre as annual value, which was adopted fifty-three years ago and is still in force, has little or no application to the circumstances of the present day, with the result that in the past we have had to make good the deficit by disproportionate grants from the provincial exchequer to the Local Boards in these areas in Sylhet.”

THE HON'BLE THE SPEAKER: At 3-30 p.m., we shall have to adjourn the House.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Sir, I have got to disapprove of the principle that has been advanced by the Hon'ble Minister in charge of Revenue. 'Divide and rule' has been his policy in this matter. He is trying to incite the Assam Valley people against the Surma Valley people in the matter of enhancement of local rates. It is no good saying that because other people are overtaxed in the Assam Valley so the people of Surma Valley should also be overtaxed. Sir, we have got here an authoritative statement of one of the Chairmen on this point. There are also several resolutions from some hon. members of the Assam Valley for reduction of land revenue by 50 per cent. and they wish that the Surma

Valley members will sympathise with them in this matter. Naturally, therefore, the hon. members from the Assam Valley will also feel the burden of additional tax on the middle class people of the Surma Valley.

MR. FAKHRUDDIN ALI AHMED : Sir, I shall be very brief in what I have to say in regard to this Bill. The Hon'ble Revenue Minister is threatening us. He is trying to create a division between the Assam Valley and the Surma Valley without any justification whatsoever.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I said about temporarily-settled districts.

MR. FAKHRUDDIN ALI AHMED : Now, Sir, his threat is that if we support the principle of this Bill the people of the temporarily-settled areas will get smaller grant from the Government. I do not quite see the logic of this argument. If the contribution has to be given to a particular local board by the Government it will have just to be considered whether such a board is really in need of it or not. Should such a board be in fact in need of contribution, it should not be given at the cost of another local board, but it should be made possible by reducing the top-heavy expenditure of the Government and by reducing the salaries of the Ministers. The fact which we should realise is whether the people of these areas where reduction is aimed have capacity to pay and will suffer or not, if the increased rate is allowed to continue. The same principle will have to be considered when the question of reduction of land revenue comes up. My friend the Hon'ble Revenue Minister, is simply trying to create a division for a future purpose. As a matter of fact Government have not given any other justification or reason on which this Bill should be opposed. Therefore I whole-heartedly support this Bill.

RAI BAHADUR PROMODE CHANDRA DATTA : There has been enough discussion about this Bill.

THE HON'BLE THE SPEAKER : I think the hon. member would be brief.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : Yes, I shall be very brief. I shall touch only the very important points.

First of all, I must say that I am sorry to hear that the Hon'ble Minister is playing the devils in a man. He wanted to set up one hand against the other. There is no justification in saying that if one hand is burnt the other hand should equally be burnt. Rather the opposite should be the case. If the people in the temporarily-settled areas are over-taxed, I should say that the Hon'ble Minister should have come forward with a Bill to relieve them of the burden of taxation rather than tax the people of the permanently-settled areas.

Then, Sir, most of the members do not know what is the implication of this Act—I mean the Local Rates Act, 1879. First of all this Act was enacted by a irresponsible Government and it was most arbitrary and at the same time inequitous, and I am sorry to find that this inequitous and unjustifiable Act is going to be perpetuated by a Government which is popular which is of the people and by the people and for the people.

Then, Sir, as the hon. Maulavi Muhammad Ahab Chaudhury said the Local Rates Act itself was an infringement on the right, title and interest conferred upon the people of the permanently-settled areas. It may be argued why there was no objection on the part of the people of the permanently-settled areas when it was first enacted in 1879.

RAI BAHADUR PROMODE CHANDRA DATTA : There was a very great agitation.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : There was agitation, but the then Government was not a responsible Government and placed no weight upon the public opinion.

Since the operation of that Local Rates Act it has been argued and we are still hearing that argument that when once we have allowed our right to go there is no justification in opposing another infringement on the rights conferred by the Permanent Settlement Act. This is no logic. If we had once allowed one anna in the rupee of the annual value and that does not mean that we should be allowing two annas, three annas and so on until the rupee is exhausted.

Then I should like to mention the irregularities of this Act and the anomalies and the change which has been perpetuated by the Amendment Act of 1932. First of all, Sir, my hon. friend has already referred that we have got in Sylhet some large estates and small estates; large estates are those that have got more than 400 acres in area and pay land revenue of more than 100 rupees. It has also been provided in the Local Rate Act with regard to large estates that only the cultivated portion and such portion from which the landlord derive an income would be taxed. As a result most of the larger estates have been partially taxed and small estates have been fully taxed. Amongst large estates a differentiation has been made. In some pargannas having similar class of land and having the same rate of rent some of the large estates have been fully assessed and others have been partially assessed. Again, Sir, a large number of estates which were regarded as large estates in 1879, now owing to the opening of separate accounts and at the same time owing to civil suits and compromises have fallen into the category of smaller estates, the former assessment of local rates remaining the same. I can cite instances of many estates that have come to the category of small estates but with regard to local rate it has been assessed as large estates.

Then again, Sir, some estates.....

SRIJUT KAMESWAR DAS: On a point of order, Sir. Is not the rate in question in this present Bill and not the mode of assessment?

THE HON'BLE THE SPEAKER: That comes. The hon. member is showing the inequity of rate and the manner of assessment.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Then, Sir, many of the estates have got *ejmali* lands and what is the result? I would refer the hon. members to the local rate register. He will find that each of these estates have been assessed to local rate for the whole area of the same piece of such *ejmali* land irrespective of shares that has been assigned to each of the estates. Then again, Sir, if any of the hon. members cares to consult *thak* map of the Sylhet district, he will at once find that many of the *taluks* overlap each other in area but each *taluk* has been assessed to local rate for the whole area.

A Voice: How can the hon. member say that the rate is not just as the *thak* area—that the rates are different?

THE HON'BLE THE SPEAKER: The point is that there are lands which are joint amongst many *taluks* and assessment has been made on each estate on the whole area.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Again according to Land and Revenue Regulation, Sir, proprietors can open separate accounts, with the result that many of the separate accounts have lands much more than what has been stated in the petition for opening such lands. In separate accounts, in stating the area, they have stated 10 *hals* in place of 50 *hals* and sometimes much less. The result is the owner of the separate account is enjoying 50 *hals* and paying local rate for 10 *hals* only. If

any-body comes forward with a prayer that a separate account or an estate be surveyed, and local rate be assessed on the actual area he is asked to make a deposit in advance of a sum much more than what is needed for the purpose in contravention to section 10 of the Local Rate Act of 1879.

Sir, these are the main anomalies that have been created under or by the said Act, and now that Act has been amended in 1932 with a view to increase the taxation at any rate by 100 per cent. In these circumstances, I think, that the Local Rate (Amendment) Act that has been introduced in this House and that is before the consideration of the House should have the whole hearted support of the hon. members.

MAULAVI ABDUR RAHMAN: Sir, in order to enlighten the House how the local rates are distributed by the Government I rise to speak a few words. Sir, I thought my friend Khan Sahib Maulavi Mudabbir Hussain Chaudhuri will speak on this point as he has got personal experience of it as Chairman of the Local Board. As has been said by my hon. friend Babu Kamini Kumar Sen, the local rates realised from each subdivision are actually consumed by the Board of that particular Subdivision and they are not allowed to be taken from the Board of that Subdivision to any other Board. On this point, I should like to give a very vivid example. Two of the big Mahals of Habiganj were auctioned and these were purchased by the Government. Then, Sir, the local rates were stopped by Government for being contributed to the Board and the Board had to make a reference to the Deputy Commissioner of Sylhet and I understand Government have to contribute the amount that were realised out of those two mahals as local rates to the Habiganj Local Board. Now the argument advanced by the Hon'ble Revenue Minister that the Local Boards of the other Valley would suffer if any reduction is being caused by the introduction of the present Bill in the Boards of the Surma Valley falls to the ground, I think. This argument cannot stand because of the fact that the local rates realised from each subdivision are spent for the purpose of that particular Board only. With these few words, Sir, I beg to support the amendment.

KHAN BAHADUR MAULAVI MUFIZUR RAHMAN: Sir, I rise to whole-heartedly support this amendment. I would speak a few words for the information of the hon. members of this House. From the answers to the unstarred questions at page 26, the hon. members will find that there are altogether 49,968 permanently settled estates in Sylhet. Of these, 49,014 estates comprise less than 400 acres of land and pay revenue below Rs.100. Local Rates are assessed also in all the estates which are below 400 acres of land without any consideration of their wastes and unproductive lands. There are thousands of big estates with waste lands. About 50 people applied for the survey of their waste and unproductive lands. The average rent in class I Parganas is Rs.4 or over per acre. Those gentlemen who applied for the survey of waste lands were required to pay annas 4 per acre as survey fees. The result was that out of one thousand big estates only 10 estates were surveyed. I hope all the hon. members will bear this in mind and support the amendment.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have to speak a few words in this connection. First I will make a statement before the House in regard to the percentage of the local rates in Assam Valley and also in Surma Valley and the local rates obtaining in Mymensingh district in comparison with the district of Sylhet. I cannot do better than read from the speech which Sir A. J. Lainé delivered at the time when this Bill was discussed. He said: "I will illustrate my argument by quoting the statistics of the incidence of local rate per square miles and per head of the population in the district of Mymensingh as compared with the district of Sylhet. Mymensingh with

an area of 6,299 square miles contributes no less than Rs.6,87,255 by way of local rates as compared with the contribution of Rs.2,72,486 from the district of Sylhet for an area of 5,680 square miles. In other words the incidence of local rates in Mymensingh is Rs.109 per square mile as compared with only Rs.48 in Sylhet.

MAULAVI MUNAWWARALI: On a point of order, Sir. Is the Hon'ble Minister in order?

THE HON'BLE THE SPEAKER: He is not giving way.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: "Similarly, if we take the incidence per head of population we find that the average contribution paid per head in Mymensingh is nearly 40 per cent. higher than the average contribution paid in Sylhet. The result is, Sir, that whereas in Mymensingh the Local Government's grants-in-aid to local bodies constitute only 27 per cent. of their total income, in Sylhet the Assam Government has hitherto contributed no less than 64 per cent."

MAULAVI MUNAWWARALI: Is it justifiable on the part of the Hon'ble Minister to speak about a district which is in Bengal where the condition is quite different from that of the districts in Assam?

THE HON'BLE THE SPEAKER: Let us hear what he says.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: "Is this fair, Sir, to the provincial exchequer and to the general tax-payer? Is it fair to the local boards in the Assam Valley? If we compare the incidence of local rate taxation in Sylhet with its incidence in the temporarily-settled districts of the Assam Valley, the same disparity will appear. In Sylhet, for instance, the incidence of local rate per square mile of settled land works out at Rs.59 per square mile. In Darrang it is Rs.72, in Nowgong Rs.83, in Lakhimpur Rs.86, in Kamrup Rs. 102 and in Sibsagar Rs.103."

MAULAVI MUNAWWARALI: The Hon'ble Minister is comparing Calcutta with Sylhet. (*Loud laughter.*)

THE HON'BLE REV. J. J. M. NICHOLS-ROY: "Similarly the incidence per head of population works out to a rough average of 2 annas and 7 pies for the five temporarily-settled districts of the Assam Valley, as against 1 anna 7 pies only for Sylhet. In other words the average amount of local rate paid per head in our temporarily-settled districts is approximately 63 per cent. higher than the average paid per head in Sylhet."

(The debate was postponed for want of time.)

ADJOURNMENT MOTION REGARDING THE FASTING RESORTED TO BY SRIJUT BEPIN CHANDRA CHAKRAVARTY IN CONNECTION WITH THE LOCK OUT IN THE DHUBRI MATCH FACTORY

MR. FAKHRUDDIN ALI AHMED: Sir, I move that the House do adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the imminent danger to life by fasting, resorted to by Srijut Bepin Chandra Chakravarty, leader of the Dhubri Match Factory Workers' Union, as the culmination of the lock-out of the said Factory, due to refusal of the employers to concede to the legitimate demands of the workers regarding wages, hours of work, etc.

Sir, the Hon'ble Members on the Treasury Benches have their own worries and anxieties these days and I am awfully sorry if I have been responsible for increasing their worries since yesterday. But I shall keep them no longer in suspense and say at the outset that the purpose of my adjournment motion is not to censure the cabinet for the lock-out which has culminated in the fasting of Srijut Bepin Chandra Chakravarty, but to acquaint the members of this House and the Hon'ble Ministers with the actual state

of affairs in that Match Factory with a view to bring about a settlement of the dispute between the workers and the employers and to attend to the needs and miseries of the workers who have been suffering as a result of this lock-out. Then, Sir, my purpose is also to criticize and censure the Government for action which have no doubt aggravated the misery of the people who have been victimised by this lock-out. Sir, I shall be failing in my duty if I do not place before this House a history of this Match Factory and the strikes which have been occurring in Dhubri from time to time. I do not know if the hon. members are aware that this Match Factory at Dhubri was started some time in 1926 with about 500 workers. Things went on quite well till 1930-31 when the world wide depression had its affect on the Factory. As a result of this depression the management of the Factory had to reduce the wages of the workers and also bring about a retrenchment in the strength of the workers. This reduction and retrenchment brought the first dispute at Dhubri between the workers and the management. It went on for a certain time and ultimately the workers of Dhubri Match Factory surrendered. Sir, again a second dispute arose between the workers and the management some time in the year 1933-34 as a result of further reduction in the wages and in the strength of workers. Again the result was the same because the workers were not till then organised, there was no one to look after their interest and the workers had no other alternative but to surrender. The third dispute arose in 1935-36 on the same ground between the workers and the management. This time, through the efforts of some people in Dhubri, a Union was brought into creation among the workers, and, therefore, a compromise was effected between the management and the Union on the following among other terms:—

First, that the proposed cuts in wages will be withdrawn by the management.

Secondly, that further reduction of workers will be stopped by the management.

Thirdly that no action will be taken by the management against any of the strikers.

Fourthly, wages will be increased by the management in some of the Departments ; and

Fifthly that fine funds will be utilised by the management for the welfare of the workers.

Sir, this settlement was arrived at between the Workers' Union and the management in 1935-36. Things went on quite nicely for a few months ; but this agreement unfortunately was soon broken by the management. The management first reduced the production in the Factory though they had agreed not to reduce the same. The production was reduced not for want of supply, but to bring about a corresponding increase in their Calcutta Factory ; and what was more, they went to the extent of using the label, which were meant to be utilised at the Dhubri Factory. With this decrease in production a cut in wages to the extent of one-third, and also reduction in the number of workers was introduced by the management.

Then, Sir, the workers had also been agitating for the increase in pay of the Darwans. But the management, disregarding the demands put forward by the workers, brought some new Darwans from Calcutta at a much higher rates of pay than those prevailing at Dhubri Factory at the time. As a result of these and many other injustices the representatives of the Union tried to bring the workers' grievances to the notice of the management, which not only ignored these grievances but also turned deaf ears to them. Ultimately when the Managing Director of the Company came to Dhubri, the representatives of the Union approached

him and on this representation the workers were sent for by the Managing Director. The workers, according to the direction, stopped their work at about 12 on 14th December 1936, went to the Manager's Bungalow and, on being asked by the Managing Director, narrated their grievances. The Managing Director, after hearing them, did not consider any of their grievances and did not agree to accede to any of their demands and there was therefore natural resentment among the workers. Then Sir, as they were returning to work on that very day an immediate notice was issued to them that the work will be stopped in the Factory and that they need not join the work till further notice. So, Sir on the 14th December 1936 under the instructions of the Manager and the Managing Director a lock-out at the Dhubri Factory was brought about and since that time till now the lock-out has continued. On the 30th April 1937 the Company tried to bring a few workers from United Provinces and other places and made an attempt to start the work in the factory with new hands. It is not for me to state here what production the Company got out of these new hands employed since 30th April 1937. The only thing worth our consideration is that the management showed utter disregard to the old workers by this action of theirs. Then, Sir, on the 21st May 1937 four men belonging to the Union were arrested and I think it would be much better for me if I keep silent about this matter for the present as the cases against these men are still pending. After these men were arrested, our popular Government took immediate action and appointed 20 special constables including the office bearers of the Union and this appointment of special constables not only aggravated the situations, which had been brought about by the lock-out of the management but also perpetrated another act of injustice. To acquaint themselves with those facts and situation a number of workers of this Union went all over Assam and many of us have since read about it in the newspapers. On these representations a public meeting was held at Gauhati and a resolution was passed against this action of the Government after which the Government withdrew the said order of the Deputy Commissioner.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of information, Sir. May I know when the public meeting of Gauhati was held.

MR. FAKHRUDDIN ALI AHMED: About a month ago.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does the hon. member say it was 3rd of July?

MR. FAKHRUDDIN ALI AHMED: I cannot give the exact date, it was about a month ago. This order was withdrawn after the resolution of the said public meeting at Gauhati was sent to the Government, and the Hon'ble Revenue Minister is perhaps aware of this resolution which was forwarded to the Hon'ble Chief Minister.

Sir, this was the situation when the said public meeting at Gauhati was convened, and when all these facts were brought to our notice by the representatives of the Union I took upon myself the responsibility of going to the spot and to find out what actually the trouble was. So last week, I think, it was on the 25th of last month, I went to Dhubri, and I directly approached the workers and the people who had been victimised by this lock-out, and I learnt from each and everyone of them that the grievances which had been represented by Union's representatives were actually their grievances and that they were in fact in utter distress and suffering was a result of this lock-out.

THE HON'BLE THE SPEAKER: The Hon. member's time is nearly up and he has not yet come to the strike.

✓ MR. FAKHRUDDIN ALI AHMED: I am coming to it, Sir. As a result of this lock-out a number of people are suffering and there is sickness prevalent among the workers. Not to confine my enquiry to one side of the story, I saw the Manager of the Match Factory as well, and I asked him about all these things. He, of course, denied all the allegations, but on being asked whether he would be prepared to refer the whole matter to an arbitration and abide by its decision declined the offer of arbitration which the workers willingly accepted. When my attempt, the attempts of the workers, and of the Union failed to bring about any settlement of this dispute due to the unwillingness of the management Srijut Bipin Chandra Chakravarty resorted to fasting in order to bring this matter to the notice of the Government and the Public in Assam.

Sir, this is a grave matter. We are not concerned with the fasting and whether the person is justified in resorting to fasting or not, but the poor man.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I think the hon. member has strayed far away from the motion. The motion says "imminent danger to life by fasting resorted to by Srijut Bepin Chandra Chakravarty" but he now says that he is not concerned with fasting.

THE HON'BLE THE SPEAKER: The hon. member should be allowed to go on.

MR. FAKHRUDDIN ALI AHMED: I do not understand the purpose of my hon. friend in objecting to the way in which I have been treating the matter. He knows it very well that this fasting of Babu Bepin Chandra Chakravarty is for a definite purpose and unto death till something is done to bring a relief to the suffering of the workers, resulting from the refusal of the management of the Dhubri Match Factory to redress their grievances. Babu Bepin Chandra Chakravarty has done all that was possible for him. He approached the Government, and, I think my Hon'ble Friend went to Dhubri and in trying to bring about a settlement suggested that the matter be referred to an arbitration. The Workers' Union and Babu Bepin Chandra Chakravarty accepted this suggestion and agreed to abide by the decision of the Arbitration Board, but when this suggestion was referred to the Management through the Deputy Commissioner of Goalpara, it was rejected and I think my Hon'ble friend cannot deny the statement.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I deny the Statement, Sir. (laughter.)

MR. FAKHRUDDIN ALI AHMED: It may be very easy for him to deny the statement to-day as there is nothing in writing, but the circumstances are such that they will speak for themselves and the Deputy Commissioner could not have acted without the authority or instructions of the Government.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of information. Does the letter of the Deputy Commissioner contain any reference that the letter had been written as a result of my instructions?

MR. FAKHRUDDIN ALI AHMED: That may not be so, but it refers to arbitration. He cannot deny his visit to Dhubri.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not deny my visit to Dhubri.

MR. FAKHRUDDIN ALI AHMED: Therefore, I place this matter before the House for discussion and taking necessary steps in order to bring about an amicable settlement between the workers and the Management, and thus save the life of Srijut Bepin Chandra Chakravarty which is being endangered as a result of the fast.

THE HON'ble THE SPEAKER : The motion moved is that the Assembly do now adjourn.

(A voice.)

On a point of information. I want to know what is the connection of Babu Bepin Chandra Chakravarty with the Match Factory, and for how long he is connected with them, and what is his native place ?

MR. FAKHRUDDIN ALI AHMED : Babu Bepin Chandra Chakravarty is the Secretary of the Workers' Union, and he has been there for some time in connection with the Union's work at Dhubri. It is not for me to say what his native place is. All that I am concerned with is that he is connected with the workers, resides at Dhubri and his life is in danger.

MAULAVI GHYASUDDIN AHMED : Sir, I think I should make a statement in connection with the Dhubri Match Factory affairs. My hon. friend Mr. Fakhruddin has related only a part of the story and has not given out the other part. In this connection I should like to say that there is a dispute as to the word to be used whether it should be lock-out or strike. My hon. friend calls it a lock-out but the Management call it a strike, but there is a dispute as to which term is correct. As regards the hunger strike of Babu Bepin Chandra Chakravarty I should like to state that he is not a member of the Workers' Union at Dhubri. He is a man of Bengal and came to Dhubri at the time when there was a strike in the Match Factory in Dhubri some years ago, but after the strike there was satisfactory a settlement and he went to another Match Factory to try the experiment of Dhubri there, but in that he failed. On the previous strike one of the terms of settlement between the workers and the management was that the present Manager who was in another factory should be brought to Dhubri, when he was brought the workers began working for some time, and after some time they began disrespecting the Manager. On 13th December 1936 one of the managing Directors came from Bombay to settle matters. He assured the workers that their demands would be met and requested them to go to the factory at once to work. They went to the factory and kept silent for some time. This was on the 14th December morning, when the authorities found that the workers were not willing to begin work they shut the doors of the factory and since then the workers are out of employment. Some months passed on without any settlement and ultimately we sent a letter to the Manager on the 1st of May being requested by the leading gentlemen of the town to bring about a settlement. We received a reply on the 10th May and we again addressed a letter to the Manager the next day requesting the Manager to come to some sort of decision with the representatives of the workers, the Manager and the Deputy Commissioner with a view to arrive at some amicable settlement. On the 17th May three representatives of the Workers' Union, myself, Maulavi Jahanuddin Ahmed and Srijiut Jogendra Narayan Mandal, Members Legislative Assembly went to the factory and held preliminary discussions. The first point workers represented was that there should be no victimisation. On that point the negotiations broke and we informed the Deputy Commissioner that perhaps we could not proceed further as neither the Manager nor the workers agreed to any *via media* and we had to stop our negotiations. After sometime Babu Bipin Chakravarti came to Dhubri in connection with this deadlock. In the meantime there were two criminal cases, one resulting in a final report by the police and another is still *subjudice*. Then he hastened to Gauhati. All along we were consulting what measure should be taken in order to bring about a compromise. But the attitude taken by the workers and the Manager could not give us any clue as to how we could come to a

settlement. Our Deputy Commissioner met the workers several times during this period and stressed on them that there should be no act of indiscipline. In this respect the Deputy Commissioner showed his utmost forbearance. On return from Gauhati Bipin Babu held a meeting at Dhubri in the last week of July. I was also present in that meeting. We requested the workers and also the public to find ways and means so that we may have some hope of settlement. I also requested the Manager and asked him to give some hope of settlement. His reply was that he already had taken 150 workers and that it would not be possible for him to discharge these persons again. If they were discharged again they would create troubles and in future, he feared, he would not get a single man even to clean his machinery. When Mr. Majid was there the original proposal of settlement was that the Manager would take 260 men immediately and 10 he would chuck out for good, and the remaining 80 will be given works gradually. This the Manager said because there was very little demand for matches in the market and that he was unable to employ so many hands then. But the Workers' Union did not agree and insisted that there should not be a single victimisation among them. Thus the efforts for compromise failed.

I left Dhubri on the 30th and when I was coming I saw Mr. Bepin Chakravarti. He was lying down in bed and starving. We thought that the management would take a lenient view ultimately but both the parties did not come to any agreement.

My friend says that Mr. Chakravarti is the Secretary of the Match Factory Workers' Union. But I can say that he is not. He sometimes visits Dhubri and watches the development of the dead-lock. He has been living at Dhubri since May last.

SRIJUT GAURI KANTA TALUKDAR : Sir, I rise to support this adjournment motion. I find Sir, that some hon. gentlemen have taken objection to this motion on the ground that the gentleman who has undertaken this grim fast showing sympathy thereby with the workers of the Dhubri Match Factory, is not in any way connected with the workers. I am sorry to find that that attitude should have been taken. He may be a leader of the Union or may not be. He may or may not have any connection with the workers. At any rate he is a man. And whatever his connection with the workers may be, he is a human being and every human being has a right to feel for the sufferings of every other human being whether he is a Muhammadan, a Hindu or some one else. And the question—from what part of the country he comes and what part he plays with the workers—does not arise here. Now, Sir, we know that these suffering workers were recruited mostly from Bihar, United Provinces, and Bengal. And this House will also be interested to know that they have been recruited from these distant places at the cost of the Company. If these people, who number about 350, were actually suffering and starving along with their wives and children, should not this House have pity on them, feel for them. We have been informed that these poor, helpless people have already sold their utensils, fowls and all other earthly possessions and are living on public doles. The sight of their miseries touched the tender heart of Srijut Chakravarti. And he has undertaken this fast with a view to draw the attention of the Government and the public towards the miserable plight of the workers at Dhubri. I earnestly request this Hon'ble House not to view this matter with indifference, because, as has been said, Srijut Chakravarti is a Bengali and he is not himself a worker.

Sir, what I fail to understand is the attitude of our 'popular' Government looking at this serious situation with equanimity. At present the question is not — how this serious situation has arisen at Dhubri and which of these contesting parties is right and which party is in the wrong. We cannot enter into that matter now. That will be a subject matter for discussion and decision by a Board of enquiry, which ought to have been constituted long ago. We do not care to know which party is wrong. The fact remains that the employers and the workers of the Match Factory are contesting over certain differences between them, which they have not been able to settle till now. And as its culmination there is this fast.

Now, Sir, this lock-out is going on since December 14th last. Have the Government taken any notice of that? They cannot say that they are ignorant of what has happened at Dhubri. They have got a large number of spies all over the country. Even if there were none almost all the papers of the province are giving harrowing descriptions of the workers' miseries. I may point out and say, Sir, that one of our Hon'ble Ministers had been to Dhubri recently. He has admitted that he had been there, and I am quite certain that, as a responsible member of the Government, he must have taken notice of what was happening there. And we must also assume that he has consulted the Deputy Commissioner at Dhubri. But what is the result? If we are allowed to read the letter which has been written by the Deputy Commissioner to the leader of the Workers' Union it will disclose that the Hon'ble Minister must have known about the state of affairs. The Government cannot plead that they have no power to interfere in this matter. They cannot absolve themselves by saying that it is a private individual's affair. I say this mighty Government can easily settle the matter only if they are so inclined. In Bengal also when the jute strike was on, the Ministers were very reluctant to interfere on the ground that it was a private individual's affair, but ultimately on public pressure they did interfere and settle the dispute.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I did not quite follow, Sir. Did the hon. speaker accuse the Deputy Commissioner?

SRIJUT GAURI KANTA TALUKDAR: No, Sir. What I said, was that the Hon'ble Minister must have got some information. I said that the Government must have been cognisant of the facts and circumstances of the case, and they ought to have taken serious steps to bring the dispute to an end. We are told that the Government is the guardian of the people. And that, I believe, is true. Here there are two parties amongst its subjects fighting over certain differences. One of them is a mighty Swedish Company which can continue the fight for years together. The Company has branches all over the country and they can well afford to have a lock-out as long as they like. But can the helpless and homeless workers recruited from distant provinces continue without work? How long can they live on public donations and charity. This being the case, the Government should have taken the earliest opportunity to ease the situation and to end the dead-lock and should not have observed an attitude of neutrality. But I must also confess that our Government has not been altogether inactive. It is active when it finds it necessary. Our Government has not been slow in punishing as many as 20 public men of Dhubri by making them special constables for the fault and folly of their openly showing sympathy with the helpless workers. And perhaps it would have punished more men similarly if there had not been raised a huge protest at Gauhati. Now this act of punishing the weaker party

on the part of the Government should not go unnoticed. May we not ask the Government whether they have got no duty to perform towards the workers? Is the Match Factory mightier than the British Government? Cannot the Company be brought down to submit to the decision of an impartial Board of arbitration? It has been earning lakhs and crores of rupees through the labour of these men and we see in our midst these men undergoing untold miseries and we do not raise our little finger to protest against it. I submit, Sir, that there is no justification for our Government keeping quiet.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: We cannot follow the speaker, Sir, at this rate. Let the hon. member speak a little slower.

SRIJUT GAURI KANTA TALUKDAR: I am sorry. This is my first speech in this Assembly. I shall try to go slower. So, Sir, I accuse this Government of indifference and I would ask the hon. members of the House to take serious notice of their callousness and indifference. I want that the Government should exercise as much vigilance in such cases as they do in the cases of the terrorism. We see, Sir, that there are lots of people to help the capitalists, but there are very few people to help the weak and the poor. And that is the reason, Sir, why I want to take this Government to task for their callousness and indifference. I request that this House will join with us in condemning the Government on their callousness and in not trying to save the precious life of this gentleman, Mr. Chakravarti. I am afraid he will not break his fast and will die if something be not done to ease the situation. He has been fighting for a principle with a view to remove the grievances of the suffering people. We have also got a duty to perform. And I want to see that the Government move without a moment's delay and try and settle the dispute between the parties and thus save the life of Mr. Chakravarti. With these words, Sir, I support the motion moved by my hon. friend Mr. Fakhruddin Ali Ahmed.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: I rise on a point of explanation, Sir. I said that the effect of a strike generally is very serious upon the strikers than upon the employers. On that basis I wanted to know whether it is *bona fide* or not. It does not follow from this that I was callous or unmoved.

THE HON'BLE THE SPEAKER: There is no question of *bona fides* or *mala fides* in what the hon. member said. What he said was that a human being is suffering and therefore it is the duty of Government to stop it.

MAULAVI ABDUL HAMID KHAN: মাননীয় প্রেসিডেন্ট মহোদয়, আমোলাতন্ত্র গবর্ণমেন্টের স্থানে বর্তমান যে অভিজাততন্ত্র গবর্ণমেন্ট হইয়াছে, সেই অভিজাততন্ত্র গবর্ণমেন্ট খুবড়ীর দরিদ্র অন্নবস্ত্রহারা ম্যাচ্ ফেক্টরীর ধর্মঘটের খবর নান্নাথিতে পাবেন কিন্তু দরিদ্রের প্রতিনিধি পূর্ণ এই House সে খবর হইতে বঞ্চিত থাকি কখনও সম্ভবপর নয়। খুবড়ীর ম্যাচ্ ফেক্টরীতে প্রায় ৩০০ মজুর কাজ করে। এই ৩০০ মজুরের মধ্যে প্রায় ২৫০ জন মজুর মুসলমান। সেই মুসলমান বিহারী হউক, পাঞ্জাবী হউক বা যে কোন প্রদেশেরই হউক—সে মজুর—সে দরিদ্র—সে ভিখারী; তাহার প্রতি অত্যাচার করা হইয়াছে কিনা তাহাই আমাদের দেখিবার বিষয়। তাই অস্বগ্রহ করে সে দিকে লক্ষ্য রাখিবেন। ১৯৩৪ সনের ফেব্রুয়ারী মাসে প্রথম এই ম্যাচ্ ফেক্টরীতে strike হয়। তখন শ্রমিকদের ইউনিয়নের সহিত মালিক দিগের একটা নিমাংসা হয় এবং স্থির হয় যে তাহাদের বেতনের হার

কমাইতে পারিবেন। কিছুদিন পূর্বে খুবড়ীর ম্যাচ ফেটেরীর কর্তৃপক্ষ কি করেন, না, তাহারা খুবড়ীর ম্যাচ ফেটেরীর labour কমাইয়া কলিকাতার ফেটেরী হইতে ম্যাচ তৈয়ারী করাইয়া আনিতে আরম্ভ করেন। তাহাতে মজুরেরা সেই মিলে যে জায়গায় এক সপ্তাহ কাজ করিয়াছিল সে জায়গায় সপ্তাহে তিন দিন চারদিন মাত্র কাজ করে। এই তিন চার দিনের মজুরীর দ্বারা তাহারা কোন প্রকারে পেটের ভাত চালাইতে অক্ষম হইয়া মালিকদিগকে বলে “বাহাতে আমরা সপ্তাহ কাল পূর্ণ কাজ করিতে পারি তাহার ব্যবস্থা করুন”। মালিকেরা বলে—“আমরা কিছুতেই রাজী নই। তোমরা যে সমস্ত লোক বাদ দিতে চাও তাহারা চলে যাক”। মজুরেরা আপত্তি করে—“আমরা তমাস কাল সপ্তাহে তিনদিন চারদিন কাজ করে দোকান হইতে শ্লথ করে কোন রকম চালাইয়াছি—এখন দোকানদারের টাকা পরিশোধ না করে কেমন করে দেশ ত্যাগ করি! যদি সত্ত্বপন্ন হয় আমাদের পথের খরচ বাহাই হউক তাহা দিন এবং দোকানদারের বাকী টাকা পরিশোধ করুন, তাহা হইলে আমরা দেশে চলে যাই; তাহাতে আমাদের আপত্তি নাই।” তাহাদের এই দাবী মালিকেরা অগ্রাহ করেন এবং সঙ্গে সঙ্গে মজুরদের শতকরা দশটাকা মাহিনা ছাটাই করে দেন। এই ছাটাইর বিরুদ্ধে তাহারা বলে—“কলিকাতার যে সব মজুরের ছাটাই করা হইয়াছিল তাহা পুনরায় পূর্ণ করা হইয়াছে। গবর্ণমেন্ট যে কম্পচারীদের বেতন শতকরা দশটাকা পাচ টাকা ছাটাই করিয়াছিলেন তাহাও পূরণ করা হইয়াছে। আমাদের জনাও যে কম করা হইয়াছিল সেটা পূর্ণ করে দেওয়া হউক।” তখন মালিকদের পক্ষ হইতে মজুরদিগকে বলা হয় “মেনেজিং ডিরেক্টর এখানে আসিবেন। তাহার কাছে তোমাদের দাবী সম্মিলিত ভাবে প্রদান কর। তিনি এই দাবী পূর্ণ করিতে চেষ্টা করিবেন।” তারপরে তাহারা মেনেজিং ডিরেক্টরের কাছে তাহাদের সম্ভাব অভিযোগ সম্বন্ধে নিবেদন করে। তখন তিনি বলেন “তোমাদের প্রতি আগ্রহ যথেষ্ট সহানুভূতি আছে; তোমাদের আপত্তি গ্রহণ করে তাহার যে মন্তব্য তাহা লিখিত ভাবে বেলা ৩টার সময় প্রদান করিব।” সেদিন বেলা ৩টার পরেও আর তিনি কোন লিখিত উত্তর দিলেন না। তিনি circular জারি করিলেন এবং মালিকেরা কারখানার তালাচাবি বন্ধ করিয়া দিলেন। মজুরেরা আপত্তি করিল—“আমাদের কি অপরাধ হইয়াছে।” কিন্তু মালিকেরা কোন কথা শুনিতেন না। তাহারা সম্ভবত্ব ভাবে আপত্তি করিল তখন খুবড়ার Superintendent of Police মহোদয়ও তথায় ছিলেন এবং তিনি দেখিয়াছিলেন যে তাহারা কোন রকম গণ্ডগোল করে নাই। ৮ মাস কাল তাহারা ভিক্ষা করে কোন প্রকারে জীবন নির্বাহ করিয়াছে। তাহারা হিন্দু মুসলমান সকলের নিকট করুণ নিবেদন করিয়াছে, প্রত্যেককে প্রার্থনা করিয়াছে—তাহাদের দুর্দশার কথা জানাইয়াছে। কিন্তু এই গবর্ণমেন্ট আজ পর্যন্ত এই মজুরদের প্রতি দৃষ্টিপাত করেন নাই। আমাদের স্থানীয় প্রতিনিধিদের মধ্যে তাহারা এখানে আসিয়াছেন তাহারা এই গণ্ডগোল মিটাইবার জন্য

চেষ্টা করিয়াছিলেন কিন্তু কিছু করিতে পারেন নাই। এখন একজন মহানুভব বিদেশ হইতে আগত নেতা মজুরদের জন্য নিজের প্রাণ তুচ্ছ করে অনসন ব্রত আরম্ভ করিয়াছেন—ইহা out of sympathy র দ্বারাই করা হইয়াছে। যে কর্তব্য আমাদের ছিল, যে কর্তব্য প্রত্যেক আসামবাসীর ছিল, সেই কর্তব্য পালন করিবার নিমিত্ত অগ্রদেহ হইতে মজুরদের প্রতি সহানুভূতি সম্পন্ন একজন মহৎ ব্যক্তিকে আসিতে হইয়াছে (hear, hear) ইহা বড়ই দুঃখের কথা। আমি আশা করি গরীবের প্রতিনিধি মহোদয়গণ এই অনসন ব্রত এবং এই ধর্মঘট বা lock-out এর প্রতিকার করিবার জন্য এবং মনুষ্যত্ব রক্ষা করিবার জন্য অগ্রসর হইবেন। দেশের মজুর বা কৃষকেরা যদি মুছে যায়, দেশ যদি মুছে যায় তাহা হইলে এই গবর্ণমেন্টের অস্তিত্ব থাকিবেনা এবং প্রতিনিধিবর্গেরও কোন মূল্য থাকিবেনা। দেশের এই জর্জরিত অত্যাচারিত মজুর আজ দ্বারে দ্বারে ভিক্ষুক—তাহা আমি স্বচক্ষে দেখিয়াছি। আজ তাহারা দ্বারে দ্বারে ভিক্ষা করিতেছে। গ্রামের লোক তাহাদের প্রতি সহানুভূতি প্রদর্শন করে তাহাদিগকে একমুষ্টি চাউল দিয়াছে এবং তাহাই বরে আনিয়া কোন প্রকারে তাহারা জীবন নির্বাহ করিতেছে।

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: মাননীয় মহোদয় কি জানেন যে কোন তারিখ থেকে ইনি অনসন ব্রত অবলম্বন করিয়াছেন?

MAULANA ABDUL HAMID KHAN: আমি শিলঙে আসিয়াছি প্রায় দশ দিন পূর্বে। আমি এখানে খবর পাইয়াছি।

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: তাহলে আপনি জানেন না?

MAULANA ABDUL HAMID KHAN: না।

তারপর আমি এবং মাননীয় মৌলভা গিয়াসুদ্দিন সাহেব, জাহানুদ্দিন সাহেব এবং ফকরুদ্দিন সাহেব গত ২৫ জুলাই তারিখ তাহাদের অবস্থা দর্শন করিবার জন্য তথ্য গিয়াছিলাম। ম্যাচ ফেক্টরীতে শয্যার গিয়া দেখিয়াছি যে বরে বরে লোক শয্যাগত হইয়া পড়িয়া আছে—তাহাদের না আছে জল, না আছে ঔষধের ব্যবস্থা। তাহাদের মেয়েদের উপর অত্যাচার করা হইয়াছে বাহাতে তাহারা এদেশ হইতে চলে যায় (shame, shame)। বড়ই দুঃখের সহিত বলিতে হইতেছে যে, Autonomy শাসন তত্ত্ব পেয়ে আমরা মনে করিতেছি যে আমরা যথেষ্ট কিছু পাউয়াছি, কিন্তু তাহাতে মজুর এবং কৃষকের উপকার করিবার ক্ষমতা যদি গবর্ণমেন্টের না থাকে তাহা হইলে Autonomy বা দায়িত্বশীল শাসনতত্ত্ব আমাদের দিগকে দিগছে বলে মনে হয়না (hear, hear) সুতরাং আমি অনুরোধ করি আপনারা সম্মিলিত ভাবে দরিদ্রের প্রতি সহানুভূতি প্রদর্শন করে মানবতাকে রক্ষা করণ, ধর্ম বা ন্যায়কে রক্ষা করণ। ইহাই আমার শেষ অনুরোধ।

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, I rise to oppose the motion for adjournment of the House. I do so because I have always considered that a motion for adjournment of the House, if carried, means a censure on the Government. But we are assured by one of the most generous movers of adjournment motions—I mean the mover of the adjournment motion to-day that he does not intend to censure the Government.

MR. FAKHRUDDIN ALI AHMED : Not for the lock-out but for the omissions and commissions of acts of the Government which have aggravated the situation culminating in the fast of Babu Bipin Chandra Chakravarty.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Then, Sir, I can take this as an addendum to his speech. The hon. mover of the adjournment motion has treated us with an excellent speech : there is no doubt about that. But he has missed the main point. Where does the question come in for a censure motion and what does he expect Government to do ? In his anxiety to outdo his Congress colleagues, we read in the report, that three of them including himself were to go there and hold an enquiry, I now learn that the gallant member went there alone and it is natural that the speech should be half complete because, Sir, he wanted to complete the enquiry about the strike which lasted for more than 24 months in less than 24 hours. There is a saying amongst Assamese that goes to show that if a step-mother is found to be more affectionate than the mother then we immediately take it that the woman is a witch.

BABU DAKSHINARANJAN GUPTA CHAUDHURI : On a point of order, Sir. Is the word 'witch' parliamentary, Sir ?

THE HON'BLE THE SPEAKER : Let me see how he makes the point.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I find, Sir, that he has tried to outdo two representative members of this House from that particular locality. They were present throughout and were persistent in their attempt to bring about an amicable settlement. But instead of staying there for sometime more my hon. friend left the place. Therefore, Sir, the unfortunate position with which we are faced to-day is that we have an incomplete speech. We have no recommendation or advice from the hon. member who was given the greatest distinction of presiding over a public meeting in an advanced town like Gauhati. He has also given us a decennial history of the strikes in the town of Dhubri. I dare say, that will be an excellent reading in the elementary history and I hope members of the text book committee will take this into consideration. I am bound to say that the history which he has given is quite inaccurate and I may have to give the House a short resume of what actually took place. Sir, may I be given some more time than 15 minutes ?

THE HON'BLE THE SPEAKER : No.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, there is a rule—rule 84 of the Assembly Rules which gives discretion to the Chair to allow Hon'ble Ministers to exceed the time. It is at page 21.

MAULAVI ABDUL MATIN CHAUDHURY : May I point out that that rule refers to resolutions. It is mandatory.

THE HON'BLE THE SPEAKER : Very well, the Hon'ble Minister may have five minutes more.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, my hon. friend mentioned yesterday that Bepin Chandra Chakravarti was an employee of the Match Factory. Now he has admitted that he has nothing to do with the Match Factory.

Sir, my hon. friend Srijut Gaurikanta Talukdar has very generously put it that we must all feel for human beings. There is no doubt about that we should all feel for human beings, and we certainly regret that a fellow creature has been fasting for some reason or other. But what can Government do in a matter like this. If an employee gives up work because he has not got proper wage, can the Government compel the Factory owner to take the man in? Can this be done by Government? What can we do? Can we compel the Manager of the match Factory to take in this man because this man is going to die? Can Government take that step? If the Government cannot take that step, I do not understand what else is expected by the hon. mover of the adjournment motion and his supporters. The only course which can be taken is that certain instance is provided in section 3 of the Trade Disputes Act. Section 3 says that a Board of conciliation may be appointed by the Government but that board shall be governed by the majority of both parties. There is no provision to enforce the decision of the board of conciliation. The board is formed by Government only for the purpose of attempting to bring about a settlement between the workers and the employees, but if that attempt of the board fails, Government is entirely powerless. Now, if that be the case what could Government have done? Supposing they form a board of Conciliation, what can Government do if its decision is not enforced. Most probably a number of people of that locality and I am glad to be able to say and I am sure hon. members will give due compliment to those who have been trying to bring about a settlement between the workers and the factory manager—most probably a number of people will come forward to help in the matter. But what else can we do? Government is entirely powerless howsoever it might like to bring about a settlement. It is therefore my hon. friend introduced his speech by saying that it is not his intention to censure the Government.

SRIJUT GAURI KANTA TALUKDAR: On a point of information, Sir. May we ask the Hon'ble Minister whether there has been any attempt made to constitute a Board to see that the dispute can be settled? Have Government made any attempt? I want to know from the Hon'ble Minister whether Government has attempted to form a board to settle this dispute?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government have not constituted any board because they have seen that various attempts which were made by the representatives of the people have brought about no effect and there was also no law which could have helped us in enforcing the decision of the Board of Conciliation. The local officers have done all that they could do to prevent the breach of peace and to preserve the public tranquillity. Most of the hon. members of this House know that Mr. Majid who was the Deputy Commissioner of Goalpara then sympathised with the condition of the poor labourers. When I visited Dhubri, I understood that the general impression was that the Deputy Commissioner acted with the greatest forbearance and did not take any step to which exception could be taken by the public. Now, Sir, I will relate the circumstances which compelled him to appoint some workers as special constables.

SRIJUT PURNA CHANDRA SARMA: Is the Hon'ble Minister in charge of Constables aware that the Deputy Commissioner recruited some twenty constables? (*laughter*).

THE HON'BLE SRIJUT ROHINI K. MAR CHAUDHURI: Sir, I am afraid, we have all become short of hearing. I expect to speak fairly, loudly with a view to get a kind return but I have not been getting this. Sir, I

may tell the hon. members of this House that Babu Bepin Chandra Chakravarty first came to the town about two years ago when there was strike in another factory of this very Company, and collected a fairly large amount of money for the relief of those strikers. But there was a general discontent amongst the labourers at Dhubri when they found that they got no sort of assistance from that gentleman who had collected a large amount of money from the Dhubri strikers. I do not know how far this fasting was due to bring about a settlement between the parties or whether this was due to the pangs of conscience because the Dhubri strikers were demanding of the return of their contributions.

THE HON'BLE THE SPEAKER : The Hon'ble Minister will get only five minutes more.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, in spite of the best efforts it has not been possible for the public there to bring about an amicable settlement. The Government officer who was in charge of the district tried his best but failed. Under the circumstances, I must protest against the charge of unkindness, which has been made against the proprietors of the Dhubri Match Factory. The strikers were allowed to live in their quarters. They were not turned out. The proprietors had to depend entirely on those very labourers. They could not bring labourers from outside because they could not give them accommodation. The strikers were occupying the quarters which were meant for the labourers. The demand was that the proprietors of the Match Factory were compelled to take back all the strikers. They had to look for local labour. About 150 men from Dhubri were taken as labourers. They came from the different parts of the district. They are still working there and living in their own houses probably. If these 150 men were discharged what would be their condition ? The hon. members of this House will, I hope, consider their position also. Then Sir, my hon. friend Maulavi Abdul Hamid Khan could not tell me the date when the gentleman started his fasting. My hon. friend the mover has said that special constables were withdrawn as a result of the resolution passed at a meeting held at Gauhati. That meeting, if I remember aright, had taken place on the 8th or 9th July at Gauhati but before that meeting had sat Government had received a certain report from the Deputy Commissioner and the order was actually passed for the withdrawal of the special constables. The Deputy Commissioner realised that there was no necessity for the continuance of this special constables. These special constables were recruited because there was no other means of preventing the assaults which were made on the persons who had some sympathy with the proprietors of the Match Factory. But the Deputy Commissioner took great care about the special constables. They were appointed to maintain the peace of the town, Sir, I say that whatever Government have done, they have done with the best of motives. The Deputy Commissioner did not take any drastic step. Babu Bepin Chandra Chakravarty is not allowed to go to some towns of Bengal but the Deputy Commissioner did not issue any order against him. Rather he tried to bring about an amicable settlement, but no settlement could be brought about. When I visited Dhubri I did not give any specific proposal for any arbitration Board but I asked the workers that if they wanted to have any Arbitration Board they could inform the Deputy Commissioner. I said this in course of an informal conversation in the presence of my hon. friend Maulavi Ghyasuddin Ahmed and two or three other members of the legislature. That is all I have to say and after hearing all these, I hope the hon. members will not agree to censure the Government in a matter in which Government does not deserve it.

MAULAVI ABDUL MATIN CHAUDHURY : On a point of information, Sir. May I know from the Hon'ble Minister when he went to Dhubri did he actually propose to the workers to appoint Conciliation Board and did they refuse ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I only suggested to them that if they agree to a Conciliation or Arbitration Board then it will be better. This is what I advised them.

MAULAVI ABDUR RAHMAN : Sir, I beg to speak a few words in connection with the motion that has been placed before this House by the hon. member Mr. Fakhruddin Ali Ahmed. Sir, after we have heard sufficiently about the motion from both sides I think very little room has been left to bother about the *pros* and *cons* of the motion. The motion itself is so simple and so innocent that it requires no eloquence, no argument at all. Sir, any amount of argument I think cannot distort the facts—the facts remain as they are. Sir, after the elaborate statement from the hon. mover as well as from the hon. member from that side, I mean Maulavi Ghyasuddin Ahmed, I think the House could fully understand what the real affair there is. I think the House will agree with me when I say that this adjournment motion does not go to inflict any reflection on the Government. This was fully explained by the hon. mover ; his motion does not go to inflict any reflection upon Government because of their not taking any active part, but he simply wanted to enter into a discussion on a matter which is important or rather which is touching with the lives of a certain number of people. Sir, after we have heard the eloquent speech of Maulavi Abdul Hamid Khan I think every body in this House could not check their feeling, and that all the people as well as the Government have got some sort of duty so that there might be some sort of arrangement between the strikers and that of the Management. Sir, it is a fact that some people are starving from non-employment in the factory as they used to have been previously to their going on strike and as a consequence of that strike it is also a fact that a certain gentleman—I do not mind whether he comes from China or he comes from Egypt or from any place in this earth, but he is a human being—entered into a hunger strike. Why ? In order to draw the attention and sympathy of the public in general and Government in particular. Sir, after receiving that information why the Government failed to take any urgent action in the matter ? There can be no denial of the fact that this gentleman went on hunger strike and there were reports about it in the newspapers and it is also said that some of the hon. members have actually seen the reports in certain newspapers of the country. Sir, if that be the fact, Government's duty was to take immediate measure and end the matter so that the life of a man at least could be saved. When it was known, Government ought to have been trying their utmost to bring about a settlement. Of course, it is said that the Deputy Commissioner of the place tried his level best to bring the matter to an end with the co-operation of Members of Legislative Assembly and other gentlemen living in the locality. But, Sir, while there was no settlement, while the Government as well as the leading men of the locality could not come to a settlement why the Government allowed the state of affairs to remain as it was. If we allow the matter to remain as it is, the lives of so many men and workers must be in danger. It has been stated by hon. member Maulavi Abdul Hamid Khan that these workers are actually starving, they are begging from door to door and there are certain people who are instigating to oppress them. If that be the case then, for humanity's sake, for the sake of saving the lives of so many human beings Government should be active and enthusiastic and make some sort of

settlement between the parties. Sir, unless the Government come forward what can the people of locality do? From my friend Maulavi Ghyasuddin Ahmed we could know the local people were trying their utmost and they have done their best. Unless there is some sort of interference by Government no settlement can be affected. Government must be trying their best to bring about a speedy settlement of the matter so that a number of people, who are quite helpless, may be saved.

This will save not only the life of the particular gentleman who had gone on hunger strike but also of those who are out of service and who are left to the mercy of the people at large.

With these few words, I commend the motion for the consideration of Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of information, Sir. Can the hon. member suggest any method?

MAULAVI ABDUR RAHMAN: It is not for me, but for Government. If they cannot do it, let them say so. (*Hear, hear*).

MAULANA ABDUL HAMID KHAN: মাননীয় প্রেসিডেন্ট মহোদর, আমি মৌলবী গিয়াসুদ্দিন সাহেব, মৌলবী জাহাঙ্গির সাহেব এবং যোগেন্দ্র মণ্ডল এই তিনজনের সহিত মিলে খুবড়ীর ম্যাচ-ফেক্টরীর lock out সম্বন্ধে ব্যবস্থা করিবার জন্য মাননীয় Chief Minister সাহেবের কাছে চিঠি লিখিয়াছিলাম। মাননীয় Chief Minister সাহেব আমাদের কাছে চিঠি লিখিয়াছিলেন আমার অসুখের জন্ত বর্তমানে যাইতে অক্ষম।

আগামী এনেকুবা বৈঠকের পর খুবড়ীতে উপস্থিত হইয়া মিমাংসার জন্ত চেষ্টা করিব।

MR. F. W. HOCKENHULL: Sir, Up to now the House has been left very much to hear arguments regarding the strike but no facts have been placed before us as to what led to it. No data has been placed before us. We do not know what the terms were which the labour was receiving, or what the terms are for which the strike was called, and what are the terms that the Management offered. There are no details before us, and we should be grateful if the hon. member would furnish us with these to enable us to form our judgment as to the merits of the conditions obtaining on which a long strike of this kind must have been arranged.

MAULAVI JAHAN UDDIN AHMED: I think, Sir, that Government can take action under Section 3 of the Trade Dispute Act and appoint an Arbitration Board and give the workers some relief. This is my suggestion, before the House.

SRIJUT HALADHAR BHUYAN:—মাননীয় সভাপতি মহাশয়, মই বাস্তবিকতে সেই বিভাগব মন্ত্রী মহাশয়ৰ পৰা শুনি আচৰিত হৈছে। যে গভৰ্ণমেণ্ট নিকপায় হৈ পৰিছে আৰু তেখেতে suggestion বিচাৰিছে। এটা powerful Government ৰ মন্ত্রী মহাশয়ে যদি জৰীয়া প্রজ্ঞাক রক্ষা কৰিবৰ নিমিত্তে কোনো বিধান কৰিব নোৱাৰে তেনেহলে সেই মন্ত্রী পদ তেখেতে নাৰাখিলেই হয় (*hear, hear*)। ইমান mighty গভৰ্ণমেণ্টেৰ যদি এনেকুবা আইনৰ স্তাৰ হৈছে তেনেহলে এই House ক অসুখোৰ কৰিলেই হয় যে তেনেকুৱা আইনৰ অতি দৰকাৰ, নহলে তেখেতে নিজে এই House ৰ আগত তেনে

আইনৰ আঁচনি এখন দাঙি ধৰিব পাৰে। সেই বুলি সেই নিৰীহ দুখীয়া মানুহ বিলাকক
 মৰিবলৈ দিব নোৱাৰি। যদি গৱৰ্ণমেণ্টে ভূমিকম্প, আকাল, বান পানী আদিত লৰালৰিকৈ
 লোকৰ দুখ নিবৃত্তি কৰিবৰ নিমিত্তে তৎপৰ হ'ব লগীয়া হয় তেনেহলে দুখীয়া বিলাকক মানুহক
 অন্তৰ্দেশ্য পৰা আনি কুলি খটুৱাইছে সেই দুখীয়া মানুহ বিলাকক তেওঁলোকে অলপ উপায়
 নকৰিলেও এইটো কৰিব পাৰিলে হেঁচন যে Repatriation Act মতে গৱৰ্ণমেণ্টে খৰচ
 দি পঠিয়াই কোম্পানীৰ উপৰত Civil suit কৰি সেই টকা আদায় কৰিব পাৰিলেহেঁচন।
 গৱৰ্ণমেণ্টে কৰোঁ বুলিলে বহুতো কৰিব পাৰে। কিন্তু বাস্তবিকতে বৰ দুখেৰে সৈতে
 কবলগীয়া হৈছে যে বাইজৰ নিৰ্কাচিত মানুহৰ পৰা গঠিত মন্ত্ৰী সভাই এনেকুৱা নিৰ্দিষ্ট ভাবে
 উদ্বৰ দিব পাৰে—কিছুমান দুখীয়া মানুহৰ দুখ নিবাবণ কৰিব নোৱাৰে—ই বাস্তবিকতে
 দুখৰ কথা। ইয়াত আমাৰ বাইজে ভোটদি যি বিলাক মানুহক তেওঁলোকৰ দুখ সুবিধাৰ
 নিমিত্তে আলোচনা কৰিবলৈ পঠিয়াইছে সেই বিলাকৰ মাজেৰে মন্ত্ৰী মহাশয়ো এজন; যদিও
 এটাইবোৰ ক্ষমতা পোৱা নাই, কিন্তু যি কন ক্ষমতা পাইছে সেই কন ক্ষমতাৰ ভিতৰত নিশ্চয়
 মন্ত্ৰী মহাশয়ৰ হাতত দুখীয়াৰ দুখ নিবৃত্তি কৰিবৰ নিমিত্তে এই ক্ষমতা আছে যে তেখেতে
 দিয়াছগাইৰ মহাজন সকলৰ লগত এটা বন্দবস্ত কৰিব পাৰে বা তেখেতে অন্ততঃ এটা
 আৰ্বিট্ৰেচন বোর্ড (Arbitration Board) গঠন কৰিব পাৰিলে হেঁচন। কিন্তু কিয় খে
 ইমানবোৰ চুক্তিতৰ্ক দেখুৱাই এই মোচনৰ (motion) ৰ বিপক্ষে গৈছে এইটো বাস্তবিকতে
 আচৰিত কথা। এই মোচনটো (motion) move কৰোঁতে তেখেতে কৈছে যে এইটো
 গৱৰ্ণমেণ্টক censure দিবৰ নিমিত্তে নহয়—গৱৰ্ণমেণ্টৰ দৃষ্টি আকৰ্ষণ কৰিবৰ নিমিত্তেহে।
 কিন্তু মই কওঁ যদি গৱৰ্ণমেণ্টে এনেকুৱা আওকান কৰি থাকে তেন্তে এই motion ৰ দ্বাৰা
 গৱৰ্ণমেণ্টক censure (গৰিহণা) কৰা হওক। ভলটিয়াৰ বিলাকে পাবঁত কোনো মিটিং
 কৰিলে গৱৰ্ণমেণ্টে C. I. D. পঠিয়ায়, কন্ঠিবল পঠিয়ায় তাক কিমান টকা খৰচ কৰি
 মিলটাৰী পুলিচ পৰ্য্যন্ত পঠিয়ায়। তাৰ উপৰিও কত বে ইমাৰজেন্সি এক্ট, (Emergency
 Act), অৰ্ডিনেঞ্চ্ (ordinance) ইত্যাদি তৈয়াৰ কৰে। নতুন আইন মতে গৱৰ্ণমেণ্টৰ
 হাতত বহুতো ক্ষমতা আছে। যদি মিনিষ্টাৰ সকলে কোনো আইনৰ অভাৱত এই বিলাক
 দুখীয়াৰ দুখ নিবৃত্তি কৰিব পৰা নাই তেনেহলে গৱৰ্ণমেণ্ট অব্ ইণ্ডিয়া এক্ট (Government
 of India Act) মতে তেওঁবিলাকে গৱৰ্ণৰ ক advice দিয়া উচিত আছিল যে ই আমাৰ
 ক্ষমতাৰ অগ্ৰীত আইন থকা হলে আমি এই বিষয়ে কাম কৰিব পাৰিলোহেঁচন।
 বাস্তবিকতে বৰ দুখেৰে সৈতে কবলগীয়া হৈছে যে মন্ত্ৰী সকলে এই বিষয়ে দায়ী নোহোৱা
 বোলাত কোনোৰকমে তেওঁলোকক প্ৰশংসা কৰিব নোৱাৰি। আৰু বহুত নকলেও হ'ব
 যে যেতিয়া দুখীয়া বাইজে শুনি যে আমাৰ ভূতপূৰ্ব কংগ্ৰেচ কৰ্মী বৰ্ত্তমান অনাৰেবোল
 মন্ত্ৰী বোহিগী কুমাৰ চৌধুৰী ডাঙৰীয়াই দুখীয়া মানুহৰ দুখ নিবাবণৰ নিমিত্তে অনা এই
 প্ৰস্তাবৰ বিষয়ে গৈছে তেতিয়া বাইজে তেখেতক গৰিহণা নিদিয়াতৈ নাথাকে। এই
 কেইটা কথা কৈয়েই মই অনাৰেবোল মেম্বৰ ফককদিন চাহাবৰ মোচনটো (motion)
 সমৰ্থন কৰিলোঁ।

RAI BAHADUR PROMODE CHANDRA DATTA : Sir, I do not wish to make any speech, but I want some information from the hon. member there. The Maulana Sahib from Dhubri has said that he has seen these 350 workers in their quarters and that he has found them all reduced to skeletons and that they are living on doles from the charitably minded people of Dhubri. I should like to know if this statement is correct. If it is not, it will be a great relief to us. If on the other hand the statement is true, does the Government think it has a duty in the matter ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I can assure the hon. member that it is not a fact. I may inform him that these people are now going about in the interior of Dhubri selling matches from a rival Calcutta Factory, and they are supporting themselves out of the profit they make by the sale of these matches. This Calcutta firm has given instructions to issue these matches to the workers on credit and has asked them to hawk them as a sort of propaganda to boycott the Swiss matches.

MR. ARUN KUMAR CHANDA : Sir, the Hon'ble Minister, has only recently been translated into office. My hon. friend is after all a lawyer, and a lawyer of some standing, and so he fully knows that when a lawyer has a bad case the best form of argument is to resort to abuse. My hon. friend in his speech this afternoon adopted that course.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The hon. member is adopting that course.

MR. ARUN KUMAR CHANDA : I am following in his footsteps. I do not mind his slandering my friend Mr. Fakhruddin Ahmed who is present in the House because he had the magnanimity to proceed to Dhubri to place himself at the service of these starving workers and whose distress the local people were unable to relieve.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Did the gentleman give any pecuniary help to these people ?

MR. ARUN KUMAR CHANDA : Pecuniary aid is not everything. Man do not live on money alone. There are other ways of helping them. One who is not able to extend even sympathy is not entitled to enquire of money-help by another.

What I want to make clear is that certain remarks were made against another man who is not present here. The Hon'ble Minister took upon himself to slander a man in his absence (Shame ! Shame !) If the Hon'ble Minister freed from the trappings of office made such remarks, he would have been within the mischief of the Penal Code.

Sir, much has been said about the condition of the poor labourers, and I do not want to add to what has been stated. What I want to say is that much has been stated about this Government being a popular Government, but I find that they have not been able to do anything. If they are such an impotent Government that they cannot do anything they must clear out.

MAULAVI ABDUL MATIN CHAUDHURY : Sir, I shall be very brief. This strike or lock-out or deadlock, whatever you call it, has been going on for 7 months. On one side is a Swedish concern, with immense resources capable of holding out for any length of time. And on the other the poor, weak and disorganised workers. Whatever the justice of the cause, on either side, one result is inevitable, the poor will suffer and the weak will go to the wall : the worker will be starved to submission. Now, I would ask the Government whether they have not any duty in the matter. My Hon'ble Friend the Minister in charge has asked us if we have any suggestions to make. I would repeat the suggestion that has been made by the hon.

member Maulavi Jahanuddin Ahmed for which no reply has been forthcoming. He has suggested that Government has got power under section 3 of the Trades Disputes Act to appoint a Conciliatory Board. Now I ask if the Government is prepared to appoint such a Board?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As I have already explained my difficulty is that there is no provision by which decision of such a Board can be enforced. If the Board fails to conciliate the parties what would be the next step?

MAULAVI ABDUL MATIN CHAUDHURY: What about a Court of Enquiry? It is true that this Board or Court has no power to force the workers or the Management to accept its arbitration. But the moral force behind such an award by a Court of Enquiry or Board of Conciliation is indeed very great.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I may explain that there is a distinction between the two. A Court of Enquiry merely makes an enquiry and comes to a finding as to the party who is at fault—that is the function of the Court of Enquiry. The function of a Conciliation Board is to attempt to bring about a conciliation between the workers and the employer, that is its function. Generally when at least a majority in both the parties agree to form a Conciliation Board there is some hope that the decision of the Board will be given some effect. But when the parties do not agree to a Conciliation Board and when the law is powerless in that respect and cannot enforce this decision, as I have explained, the time and expense is merely wasted.

MAULAVI ABDUL MATIN CHAUDHURY: With regard to the question that the decision of a Board of Enquiry cannot be legally enforced, I have already said that the moral force behind the Board and the Court is enough to bring about a reconciliation. When the attempt by the Deputy Commissioner has failed to bring about a settlement it was clearly the duty of the Government to have interfered and they have got that much public duty in this matter which they have not discharged. I would suggest that the Government should accept this suggestion that they should appoint a Board of Conciliation to bring about a settlement. I understand the Hon'ble Minister in charge to say that the workers are opposed to this arbitration. Do I understand that the Management is also opposed to the appointment of a Court of Enquiry? May I know from the Hon'ble Minister whether both parties are opposed to this as well?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes. I think, Sir, I may read the section for the benefit of the House so that they may understand the exact implication of the section.

THE HON'BLE THE SPEAKER: I think the Hon'ble Minister will have right of reply as soon as the mover has replied. Then he can read the section.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: On a point of information, Sir, I think the section can be read now so that the House may follow the arguments.

THE HON'BLE THE SPEAKER: Then the Hon'ble Minister may read out the section.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Section 3 of the Trades Disputes Act reads as follows:—

“If any trade dispute exists or is apprehended between an employer and any of his workmen, the Local Government or, where the employer is the head of the department under the control of the Governor General in Council

or is the Federal Railway authority or Railway Company operating a Federal Railway, the Governor General in Council may by order in writing,—

- (a) refer any matters appearing to be connected with or relevant to the dispute to a Court of Enquiry to be appointed by the local Government or the Governor General in Council, as the case may be ; or
- (b) refer the dispute to a Board of Conciliation to be appointed by the Local Government or the Governor General in Council, as the case may be, for promoting a settlement thereof:

Provided that where both the parties to the dispute apply, whether separately or conjointly, for a reference to a Court, or where both parties apply, whether separately or conjointly, for a reference to a Board, and the authority having the power to appoint is satisfied that the persons applying represent the majority of each party, a Court or a Board, as the case may be, shall be appointed accordingly."

As I have said, Sir, the idea is that when the majority agrees to the appointment of a Board of Conciliation then there is some hope that a decision which can be worked out will be reached.

SRIJUT GOPI NATH BARDOLOI: I think, Sir, the motion has been sufficiently debated and it is not necessary to carry on the discussion any further. I accordingly beg to move that the motion now may be put.

THE HON'BLE THE SPEAKER: The discussions are going to be finished. The hon. mover has a right of reply. There is time till 6 o'clock and a lot of time will be required to take a division if that is the sense of the House. I now call on the hon. mover to reply.

Mr. FAKHRUDDIN ALI AHMED: I shall be very brief in my reply, Sir. The Hon'ble Minister has amused this House by narrating the story of a witch without mentioning the looks which a witch generally has ! But I must confess that my hon. friend has to-day excelled in witchcraft by twisting the facts and shifting to other grounds.

Sir, the Government has a certain duty towards the workers. On behalf of the Government he has stated that he was helpless. What does that mean, what does that amount to ? I do not know if my hon. friend has realised its significance. But I have been pained to hear such a statement from a gentleman who was so popular with the public. Sir, this means that the workers are at the mercy of the capitalists and the Government have no means of control whatsoever to attend to the misery and to the needs of the poor workers. Sir, does the experience of England, Ireland or any other country justify that the workers will ever receive better or good treatment at the hands of the capitalists until and unless they are protected ? Does any one believe that once the capitalists are allowed to establish themselves in supremacy the workers will ever get any help from the employers ? Does the Hon'ble Minister want to introduce and continue this state of affairs in Assam ? If that is so, I have nothing to say and it is for the House and people to judge such actions of the popular Government and its Hon'ble Minister in the person of Mr. Rohini Kumar Chaudhuri.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I do not propose to take any notice of the vituperative portions of the speech which has been just delivered. But I must sincerely ask the House if they really like a Board of Conciliation to be appointed. I have pointed out the difficulties and the infructuous character of such a Board of Conciliation when the majority of each side do not agree. Even in spite of that if the House considers a Board of Conciliation should be appointed, then I am prepared to bow to the wishes of the House. But I would say that if a settlement can be brought about, it is well and good. But if a settlement

cannot be brought about, the time and money will have been unnecessarily wasted on it. It is not my money, nor is it the money of any particular individual : it is the money of the tax-payer. And if the House wishes it expended, I have no objection.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: May we know, Sir, whether any cost is likely to be incurred by the appointment of such a Board ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Certainly. Some cost will be incurred surely.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: May I know approximately what cost is likely to be incurred ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That will depend on the number of members appointed, their travelling allowance according to distance from their headquarters and their daily allowance and so forth.

THE HON'BLE THE SPEAKER: The question is that "the Assembly do now adjourn.

(The motion was put by the Chair and Mr. Bardoloi claimed a division. A few minutes after the bell was rung Mr. Fakhruddin Ali Ahmed rose to make a statement).

MR. FAKHRUDDIN ALI AHMED: I wish, Sir, to make a statement. My Hon'ble Friend the Revenue Member has changed his mind and now he says that he will constitute a Board of Conciliation to inquire into the grievance.

✓ **MAULAVI ABDUL MATIN CHAUDHURY:** On a point of order, Sir. I think we are under a misconception. It is not clear to us whether the Hon'ble Minister has agreed to have a Board of Conciliation or not.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think, Sir, it is the sense of the House that some attempt at Conciliation should be made. Therefore, I wish to appoint a Board of Conciliation as early as possible.

SRIJUT GOPI NATH BARDOLOI: On a point of order, Sir. Can we settle the matter now ?

THE HON'BLE THE SPEAKER: The matter has been put to the vote and a division has been claimed. I am, therefore, constrained to ask the House to vote.

RAI BAHADUR PROMODE CHANDRA DATTA: In that case I would ask the members to sit in the House itself and not leave it.

THE HON'BLE THE SPEAKER: Now I would like to draw the attention of the Hon'ble House to the Rules regarding method of taking votes by division.

"After the Division bell has rung for three minutes the question will be immediately put again from the Chair and a provisional announcement as to the sense of the House again made. If the announcement is again challenged by a member uttering the word 'Ayes' or 'Noes' as the case may be to indicate the sense contrary to what the Chair announces the Chair will thereafter give the direction 'Divide—Ayes to the 'Ayes' and Noes to the 'Noes'. The doors of the Division lobbies will at once be unlocked and after this no member not then in the Chamber, shall be permitted to take part in the Division.

"Members who wish to vote for the question will go to the Ayes lobby, situated just opposite the Speaker's dais, and those who are against it will walk into the Noes lobby at the back of the dais. In both cases, the members should enter the lobbies by the doors leading thereto on the Speaker's left. No member should enter the lobbies during a division by any other door.

"Members, after recording their votes and putting their signatures against their names in the division list shall pass in single file by the Division teller and re-enter the Chamber by the doors on the Speaker's right".

So I wish now to put the question again.

RAI BAHADUR PROMODE CHANDRA DATTA: What will happen if nobody answers ?

(The Hon'ble the Speaker then put the question and votes were taken by division.)

The House divided with the following result :—

Ayes—47

Noes—51

1. Mr. Arun Kumar Chanda.
2. Mr. Baidyanath Mookerjee.
3. Srijut Beliram Das.
4. Srijut Bhuban Chandra Gogoi.
5. Babu Bipin Behari Das.
6. Srijut Bipin Chandra Medhi.
7. Babu Dakshina Ranjan Gupta Chaudhuri.
8. Srijut Ghanashyam Das.
9. Srijut Gaurikanta Talukdar.
10. Srijut Gopinath Bardoloi.
11. Srijut Haladhar Bhuyan.
12. Babu Harendra Narayan Chaudhuri.
13. Babu Hirendra Chandra Chakravarty.
14. Srijut Jadav Prosad Chaliha.
15. Srijut Jogendra Chandra Nath.
16. Srijut Jogendra Nath Barua.
17. Srijut Jogeschandra Gohain.
18. Srijut Kameswar Das.
19. Babu Kamini Kumar Sen.
20. Babu Karuna Sindhu Roy.
21. Mr. Kedarmal Brahmin.
22. Srijut Krishna Nath Sarma.
23. Babu Rabindra Nath Aditya.
24. Srijut Lakshesvar Borooah.
25. Babu Lalit Mohon Kar.
26. Srijut Mahadev Sarma.
27. Srijut Mahi Chandra Bora.
28. Srijut Omeo Kumar Das.
29. Srijut Paramananda Das.
30. Rai Bahadur Promode Chandra Dutt.
31. Srijut Purna Chandra Sarma.
32. Srijut Rajani Kanta Barooah.
33. Srijut Rajendra Nath Barua.
34. Srijut Sankar Chandra Barua.
35. Srijut Sarveswar Barua.
36. Babu Shibendra Chandra Biswas.
37. Srijut Siddhi Nath Sarma.
38. Maulavi Abdul Aziz.
39. Maulavi Abdul Bari Choudhury.

1. Kumar Ajit Narayan Dev.
2. Srijut Jogendra Narayan Mandal.
3. Dr. Mahendra Nath Saikia.
4. Mr. Naba Kumar Dutta.
5. Srijut Purandar Sarma.
6. Srijut Ram Nath Das.
7. The Hon'ble Srijut Rohini Kumar Chaudhuri.
8. Maulana Abdul Hamid Khan.
9. Khan Bahadur Hazi Abdul Majid Chaudhury.
10. Maulavi Abdul Matin Chaudhury.
11. Maulavi Syed Abdur Rouf.
12. Maulavi Md. Abdus Salam.
13. The Hon'ble Maulavi Md. Ali Haidar Khan.
14. Maulavi Dewan Ali Raja.
15. Maulavi Muhammad Amiruddin.
16. Maulavi Ashraf Uddin Md. Chaudhury.
17. Maulavi Badaruddin Ahmed.
18. Maulavi Ghyasuddin Ahmed.
19. Maulavi Jahanuddin Ahmed.
20. Khan Bahadur Maulavi Keramat Ali.
21. Maulavi Muhammad Maqbul Hussain Chaudhury.
22. Khan Bahadur Maulavi Mahmud Ali.
23. Maulavi Mabarak Ali.
24. Khan Sahib Maulavi Mudabir Hussain Chaudhuri.
25. Khan Bahadur Maulavi Mufizur Rahman.
26. Maulavi Muzarraf Ali Laskar.
27. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
28. Khan Sahib Maulavi Sayidur Rahman.
29. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Wahced.

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| 40. Maulavi Abdur Rahman. | 30. Col. A. B. Beddow. |
| 41. Maulavi Dewan Muhammad Ahbab Choudhury. | 31. Mr. A. F. Bendall. |
| 42. Maulavi Muhammad Amjad Ali. | 32. Mr. J. R. Clayton. |
| 43. Mr. Fakhruddin Ali Ahmed. | 33. Mr. W. R. Faull. |
| 44. Maulavi Matior Rahman Mia. | 34. Mr. W. Fleming. |
| 45. Maulavi Munawwar Ali. | 35. Mr. B. I. Barry. |
| 46. Maulavi Naziruddin Ahmed. | 36. Mr. F. W. Hockenhull. |
| 47. Maulavi Sheikh Osman Ali Sadagar. | 37. Mr. D. B. H. Moore. |
| | 38. Mr. R. A. Palmer. |
| | 39. Mr. Benjamin Ch. Momin. |
| | 40. Srijut Bhairab Chandra Das. |
| | 41. Srijut Bideshi Pan Tanti. |
| | 42. Srijut Binode Kumar J. Sarwan. |
| | 43. Srijut Dhirsingh Deuri. |
| | 44. Rev. L. Gatphoh. |
| | 45. Mr. C. Goldsmith. |
| | 46. Mr. Jobang D. Marak. |
| | 47. The Hon'ble Rev. J. J. M Nichols-Roy. |
| | 48. Srijut Khorsing Terang. |
| | 49. Mr. P. Parida. |
| | 50. Srijut Rabi Chandra Kachari. |
| | 51. Srijut Rupnath Brahma. |

Ayes—47.

Noes—51.

The motion was lost.

The House was then adjourned till 11 A.M., on Thursday, the 5th August, 1937.

Shillong, }
14th August 1937. }

A. K. BARUA,

Secretary, Assam Legislative Assembly.