

Proceedings of the Third 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 Thursday the 16th December, 1937

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Regarding appointment of Maulana Muhammad Sahul

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*67. Will Government please state (1) whether it is a fact that Maulana Muhammad Sahul has been given no appointment letter as a *Mudarris* for teaching *Hadis* in the Sylhet Government Madrasa up till now ? and (2) whether for this reason he has not been getting his pay ?

*68. If so, will Government please state under what authority he has been allowed to teach students in a class known as title class ?

*69. Will Government please state why the appointment of Maulana Muhammad Sahul as a *Mudarris* in the Sylhet Government Madrasa has not yet been gazetted ?

*70. Is it a fact that the said Maulana has joined his job on the authority of a private letter from a gentleman of Sylhet and that Government have allowed him to hold a class in a Government institution ?

*71. If so, do Government propose to ask the Maulana to produce the original letter and place the copy of the letter in its original language on the table of the House ?

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

67.—Maulana Muhammad Sahul was appointed temporarily by Government for three months pending the filling up of the permanent post through the agency of the Public Service Commission.

His pay has been drawn.

68.—Under the authority of Government.

69.—The question of whether the post will be gazetted or not has not yet been decided.

70.—No.

71.—Does not arise.

Population of the Government Forest Villages

SRIJUT RUPNATH BRAHMA asked :

*72. Will Government be pleased to state—

(a) The present population of the people residing in the Government Forest Villages with the names of the Forest Divisions in the Province of Assam ?

- (b) How the settlements of lands are given to them and what are their rights to the lands held and occupied by them ?
 (c) Whether compulsory *Begar* or labour system is still being enforced on them ?
 (d) Whether the rights of franchise have been extended to these people ?

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

72. (a)—The following table shows the number of males over 16 forest villages. The total population figures which are not available must be considerably in excess of this number.

Kachugaon	...	...	...	...	...	4,733
Garo Hills	...	...	...	...	...	321
Sylhet	...	...	...	...	...	2,191
Lakhimpur	...	...	...	...	...	275
Kamrup	...	...	...	...	...	428
Haltugaon	...	...	...	...	...	922
Sibsagar	...	...	...	...	...	376
Cachar	...	...	...	...	...	1,360
Nowgong	...	...	...	...	...	30
Darrang	...	...	...	...	...	394
						11,080

(b)—Land is given at concession rates to people who habitually live and work in forests. The land is held on annual *patta* so long as the Forest Village Rules are complied with. Legal heirs and minors are registered as the *patta*-holders in case of the *patta*-holder's death.

(c)—No compulsory labour is exacted. A villager may elect to give 10 days' labour in lieu of paying royalty for his household requirements of forest produce.

(d)—Yes.

SRIJUT RUPNATH BRAHMA: May I know, Sir, if there is any fixed time for the supply of labour ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: There is no fixed time.

SRIJUT RUPNATH BRAHMA: Is it not a fact that labour is forced from these people when they are busy with plantation work ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: No, so far as I know, Sir. But as I have mentioned in answer to (d) they may elect to do so in lieu of paying royalty for their household requirements of forest produce.

SRIJUT BELI RAM DAS: Am I to understand, Sir, that there is no forced labour in the Forest Department ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: At present there is no forced labour.

SRIJUT BELI RAM DAS: Is Government aware that the Government of Bihar has given the people of their province the right to extract forest produce for their domestic purposes, without subjecting them to the payment of any royalty or to any forced labour ?

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

SRIJUT BELI RAM DAS: Will Government be pleased to give the people of Assam, forest produce of ordinary kinds for domestic purposes free ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: That question has not come up for consideration.

SRIJUT BELI RAM DAS: When will it come up for consideration ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I cannot say when it will come up.

Settlement of Forest blocks in Kamrup and Goalpara Districts

SRIJUT BELI RAM DAS asked :

*73. Will the Hon'ble Minister in charge of Forest Department be pleased to state—

(a) The total number of persons with whom the forest blocks in the Kamrup and Goalpara districts have been settled during the last financial year ?

(b) How many of them are natives of the soil ?

(c) The reason why a small number of local people was favoured with settlement ?

(d) The number of bidders from this province for these blocks ?

*74 Is the Hon'ble Minister aware that most of these foreign contractors are working through the local sub-contractors and labour ?

*75. Does the Hon'ble Minister propose to direct the Forest Authorities that the people of this province should be given preference in these contracts ?

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

73.(a)—Kamrup	51
Goalpara	69
(b)—Kamrup	43
Goalpara	68
(c)—The question does not arise.	
(d)—Approximately 2 to 6 persons in the case of each block sold.	

SRIJUT BELI RAM DAS: Will the Hon'ble Minister say under what policy the majority of the forest blocks are given to foreigners by depriving the children of the soil ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: There is no policy like that. On the other hand the policy is to give preference to local people as far as possible.

SRIJUT BELI RAM DAS: Is the Hon'ble Minister aware that responsible Forest Officers like Mr. Simons refused to give forest contracts to foreigners ?

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

SRIJUT BELI RAM DAS: May I make a reference to a remark left by Mr. Simons, Deputy Conservator, which runs thus ? "That the jungles are being damaged by foreigners".

MR. W. FLEMING: May I know, Sir, from where is the hon. member quoting ?

SRIJUT BELI RAM DAS: He made this remark at the time of settling blocks in 1932.

THE HON'BLE THE SPEAKER: Will the hon. member say what is his supplementary question?

SRIJUT BELI RAM DAS: He says that the foreigners should be excluded and the people of the province should be given preference. The foreigners are destroying the forests according to his opinion and the people of Assam are the real watchmen and they have legitimate rights to get preference.....

THE HON'BLE THE SPEAKER: That is what is found there. But what is the question?

SRIJUT BELI RAM DAS: Is that the policy followed by the present Government?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: No. That policy is not followed.

SRIJUT BELI RAM DAS: And why not?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: The policy is rather to give preference to the indigenous people, other things being equal.

MAULAVI GHYASUDDIN AHMED: Is the Hon'ble Minister aware that one Himatsinghka has practically monopolised the contracts under the Forest Department by taking contract in his own name as well as in the name of his men?

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

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister please make an inquiry about that?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes, I will enquire about that.

SRIJUT BELI RAM DAS: Am I to understand that no preference should be given to the children of the soil?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: The policy is to give preference to the children of the soil.

SRIJUT BELI RAM DAS: Then why this remark has been made by Mr. Simons?

THE HON'BLE THE SPEAKER: The Hon'ble Minister is not to account for that.

SRIJUT BELI RAM DAS: Is the Hon'ble Minister aware that the Rava people of Kamrup district have been deprived of forest products? Will Government make an enquiry about that?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am not aware of that. But the hon. member may bring it to the notice of Government and Government will surely investigate into the matter.

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

74.—Government are not aware of this.

75.—Government do not consider it necessary to issue any special instructions. Other things being equal, preference is given to local people.

SRIJUT BELI RAM DAS: Do Government realise that the retention of the middleman's profit by the people of this province materially helps in the growth and development of the province?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: That is a question of opinion.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Will the Hon'ble Minister please explain what is meant by "other things being equal" ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: It mainly means the financial stability of the bidder.

SRIJUT KAMESWAR DAS: Is not the word "preference" a very loose term ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I do not understand how it is loose. It is not loose.

SRIJUT DEBESWAR SARMAH: May I know how the financial stability is measured ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: That is a very easy question to be answered. By financial stability I cannot explain more than what I may call the position of the bidder as regards his finance.

SRIJUT DEBESWAR SARMAH: On a point of explanation, Sir. What I wanted to know from the Hon'ble Minister was—what is the standard or what is the stand point or what is the criterion by which the financial stability of a contractor is judged ? Or in other words, is it, as the popular idea goes, the contractor's ability to please the superior officer, or some other measure is taken into consideration ?

THE HON'BLE THE SPEAKER: The latter portion of the question cannot be allowed.

SRIJUT DEBESWAR SARMAH: All right, Sir, let me have the answer to the first portion.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: It is considered whether his financial position is better, whether he is able to fulfil his contract or not.

SRIJUT DEBESWAR SARMAH: Sir, I have not got my answer. If the Hon'ble Minister is unable to reply then I will not press for it.

THE HON'BLE THE SPEAKER: He said of the financial position.

SRIJUT DEBESWAR SARMAH: That is a vague term, Sir. How the authority judges whether his financial position is stable or not ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: By enquiry as regards his resources.

MAULAVI GHYASUDDIN AHMED: Is it the policy of the Government to accept the highest bid always ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Government is not bound to accept the terms of the highest bidder.

SRIJUT DEBESWAR SARMAH: Does Government care for the public opinion ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Government cares for public opinion if it has substantial ground.

SRIJUT DEBESWAR SARMAH: There is a large volume of public opinion that the big contracts are given throughout on considerations which are not fair and above-board ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: If the hon. member thinks like that, I shall make an inquiry.

SRIJUT PURNA CHANDRA SARMA: Who enquires into the financial position ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: The Divisional Forest Officer.

SRIJUT PURNA CHANDRA SARMA : Are Government aware that no such inquiry has been made up till now ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Government are not aware.

SRIJUT MAHI CHANDRA BORA : Are those enquiries private or public, Sir ?

(No reply).

SRIJUT MAHI CHANDRA BORA : How does he make the enquiry and what is the procedure adopted ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The enquiry is made by the Divisional Forest Officer. We do not know how the enquiry is made, but the inquiry is not a public one.

MAULAVI GHYASUDDIN AHMED : Is the Hon'ble Minister aware that there is a move among the foreign contractors to monopolise all the contracts in the Forest Department ?

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

SRIJUT BELI RAM DAS : Is the Hon'ble Minister aware that monopoly in the forest areas has been given at lower rate than the scheduled rate to such people as Himat Singka and others ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Government have no information.

SRIJUT BELI RAM DAS : Do Government recognise that since the assumption of office as Divisional Forest Officer in Kamrup district by Mr. Rambhadran the people of this province are being ousted by foreigners ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Government will enquire about that.

SRIJUT BELI RAM DAS : Is the Forest Department a commercial department ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : It is not in the general sense a commercial department but a department to help the people and to add to the finance of the province.

Re realisation of San-ban tax in Mechpara Court of Wards' Estate

SRIJUT JOGENDRA CHANDRA NATH on behalf of SRIJUT PARAMANANDA DAS asked :

*76.(a) Will the Hon'ble Minister for Revenue be pleased to state whether the tenants of the Mechpara Court of Wards' Estate are compelled to pay for holding, *san-ban* tax, annually irrespective of the fact whether any one actually collects thatch, fuel and timber or not ?

(b) Is it a fact that the Mechpara Court of Ward's Estate refuse to accept annual rent from the tenants if the *san-ban* tax is not cleared ?

*77. Will the Hon'ble Minister for Revenue be pleased to state—

(a) Whether the Mechpara Court of Ward's Estate has kept open reserves throughout the Estate to give facility to the tenants for collecting thatch, fuel and timber ?

(b) If not, does the Hon'ble Minister propose to take steps so that this Court of Ward's Estate may open such reserves throughout the length and breadth of the Estate ?

*78 (i) Is it a fact (a) that owing to cattle disease and want of timely rain, the tenants of the Mechpara Court of Ward's Estate, residing on the southern side of the South Trunk road could not finish sowing *sali* paddy and could not even attempt to cultivate *pharma* paddy? (b) If the answer is in the affirmative does the Hon'ble Minister for Revenue propose to authorise remission of rent in that area?

(ii) Is it a fact (a) that owing to the want of timely rain the tenants of the Bijni Raj Court of Ward's Estate, both in Khutaghat and Habraghat could not finish sowing *sali* paddy, which is the principal crop of those areas? (b) If the answer is in the affirmative does the Hon'ble Minister for Revenue propose to authorise remission of rents in those areas?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

76.(a)—*Sanban-tax* is a levy which entitles a tenant to collect thatch, fuel, reeds, etc. (and not timber) from estate *khas* lands for domestic use. As it is difficult to exercise a proper check as to who is actually collecting these forest produces and who is not, the tenants of the Mechpara Ward's Estate as a rule are required to pay this tax on holdings other than *chandina* and town land with residential houses. Widows, orphans and the maimed are usually exempt from payment of such a tax.

(b)—No. On the other hand the tenants are allowed every facility to pay up their rents.

MAULAVI MUHAMMAD AMJAD ALI : May I know what is the sanction of law behind it?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I think there is the sanction of law behind it.

MAULAVI MUHAMMAD AMJAD ALI : Where does he get it, Sir?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : If the hon. member can point out under what law this is illegal, I shall be obliged.

MAULAVI MUHAMMAD AMJAD ALI : I am not arguing as a lawyer here.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Nor am I a lawyer here.

THE HON'BLE THE SPEAKER : When the Hon'ble Minister has asserted that there is a legal basis, I think it is up to him to explain that there is a legal basis.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : This *sanban* tax which is being collected from time immemorial with the consent of both parties is for the convenience of tenants, because by paying this tax they can take all forest materials which I have mentioned before. Otherwise there will be complaint of harassment. It is perfectly legal, and I do not know anything to show that it infringes any law.

MAULAVI MUHAMMAD AMJAD ALI : That is no answer to my question. May I know if there is the sanction of law behind it?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Yes, there is the sanction of law behind it.

MAULAVI GHYASUDDIN AHMED : Has it been declared illegal under the Goalpara Tenancy Act of 1929?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I cannot say off-hand. I do not think so.

KUMAR AJIT NARAYAN DEV : Is the Hon'ble Minister aware that this tax is collected in the Bijni Court of Ward's estate too?

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

MR. BAIDYANATH MOOKERJEE: Is it necessary that the Judicial Minister should always be a lawyer because he is a lawyer now?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not in a position to answer that.

MAULAVI MUHAMMAD AMJAD ALI: May I know if this taxation is more upon the poor than upon the rich?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The tax is levied equally on all.

MAULAVI GHYASUDDIN AHMED: Is there any standard for fixing this tax?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not think there is any fixed standard.

MAULAVI MUHAMMAD AMJAD ALI: May I know who is the man in-charge who levies this tax? Upon whom this governmental function is placed?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There are officers.

MAULAVI MUHAMMAD AMJAD ALI: Is it not a fact that this tax is collected from persons who live in villages where there is no fuel within an area of 10 miles?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not know; it may be so in some cases. They collect materials from the nearest forest.

KUMAR AJIT NARAYAN DEV: Is it not a fact that this tax is collected irregularly. I mean to say that there is no fixed standard for this rate.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There is no fixed quantity.

MAULAVI GHYASUDDIN AHMED: Will he issue instructions not to realise the tax from persons who do not take fuel?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It will be difficult. It is a general tax levied on all.

MAULAVI MUHAMMAD AMJAD ALI: Is it not a fact that there are people paying *san-ban* tax who live at a distance of 30 miles from the forest?

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

MAULAVI MUHAMMAD AMJAD ALI: Will the Hon'ble Minister please enquire into this?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think it is unnecessary to make an enquiry so long as the tax is levied on all persons. The levy of this tax entitles the people to take forest materials from anywhere they like.

MAULAVI MUHAMMAD AMJAD ALI: Even though they do not live near the forest this tax has to be paid?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It is not a question of individuals. I cannot believe that tenants do not require the materials with which their houses are built.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:
77.(a)—There are no specific reserves for the purpose of collecting thatch and fuel but on payment of *sanban*-tax the tenants are allowed to collect them from the estate *khas* lands. On no account they are allowed to remove timber without any permit.

(b)—No. There is no necessity for opening such reserves.

78. (i) (a)—No, not exactly as stated. The fact is that owing to cattle disease and want of timely rain cultivation of *pharma* and *sali* paddy was delayed to some extent. From enquiries made it appears that most of the transplantable area have been cultivated as usual.

(b)—Enquiry with a view to grant relief, if any, will however be made in due course and remission granted in cases where necessary.

(ii) (a) & (b)—As in Mechpara the transplantation in the Bijni Raj Ward's Estate also was late this year but most lands have been fully transplanted both in Khutaghat and Habraghat Parganas. Patches of fields in a comparatively higher level could not however be transplanted. Individual cases for remission on this ground will be considered on their respective merits but there is no case for general remission.

Regarding contributions to educational institutions and hospitals by Mechpara Court of Wards' Estate

SRIJUT JOGENDRA CHANDRA NATH on behalf of SRIJUT PARAMANANDA DAS asked :

*79. Will the Hon'ble Minister for Revenue be pleased to state—

(a) Whether the Bijni Raj Court of Ward's Estate, and the Mechpara Court of Ward's Estate have stopped contributions to educational institutions in the subdivision of Goalpara since 1934 or 1935 ?

(b) If the answer is in the affirmative will the Hon'ble Minister be pleased to state whether the people of the subdivision are complaining of this stoppage having caused great inconvenience to them ?

(c) If so, does the Hon'ble Minister propose to remove the inconvenience caused to the people of the subdivision by reinstating those contributions, in view of satisfactory realisation of rents ?

*80. Will the Hon'ble Minister for Revenue be pleased to state—

(a) Whether the Bijni Raj Court of Wards' Estate and the Mechpara Court of Wards' Estate have substantially reduced their contributions to hospitals and dispensaries under the Goalpara Local Board since 1935 ?

(b) And if so, what is the effect of this action on the part of those Court of Ward's Estates upon the resources of that Local Board ?

(c) Whether the Hon'ble Minister propose to relieve the Local Board by restoring these contributions to the Board now ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

79. (a)—Yes, on the ground of financial difficulties the Wards' Estates grants had to be discontinued since 1935.

(b)—Yes, there were complaints against this stoppage of the grants. Earliest opportunity was taken to restore the grants as far as practicable.

(c)—In view of reply to 79(b) this does arise.

80. (a)—Yes, in a few cases for the reason stated in reply to 79(a) above.

(b)—This curtailment which had to be effected as a measure of self-preservation might have hit the Board concerned.

(c)—The question of restoring the pre-depression grants in full is connected with the financial position of the estates. The matter will be considered.

MAULAVI GHYASUDDIN AHMED : May I know if the estate is making any curtailment in the allowance of the proprietors when the estate is not in a position to make contribution to these charitable institutions ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Well, Sir, I do not know whether the allowance has been curtailed. I have no information. It should be remembered that they are after all proprietors of the estate.

KUMAR AJIT NARAYAN DEV : Is it a fact that some time back the surplus money was given to the proprietors of the Mechpara Ward's estate ?

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

MAULAVI GHYASUDDIN AHMED : Is it not a fact that the Mechpara Ward's estate is now solvent ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I would not hazard a reply off hand.

KUMAR AJIT NARAYAN DEV : What is the amount of contribution paid by the Mechpara Ward's Estate ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have not got the figure with me now.

Grant-in-aid to the Welsh Mission Girls' High School, Shillong

Miss MAVIS DUNN asked :

*81. Is it a fact that a sum of Rs.3,500 was passed by the Legislative Assembly to be given as building grant-in-aid to the Welsh Mission Girls' High School, Shillong ?

*82.(a) Is it a fact that, of that sum only Rs.2,000 was given to the above school ?

(b) If so, why ?

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

81.—Yes.

82. (a)—No. Rs.2,500 was given.

(b)—The full amount budgeted for was not given because a letter was received in August last from the Secretary to the school stating that the school was in urgent need of Rs.3,000, that they had received a grant of Rs.1,000 for this purpose from the Shillong Municipality and required Government assistance to the extent of Rs.2,000 only in place of the original *four thousand rupees for which they had asked.*

SRIJUT PURNA CHANDRA SARMA : To whom has the balance been distributed ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The balance has not been distributed.

MISS MAVIS DUNN: Is it not a fact that this School is still sorely in need of the balance of Rs. 1,000?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: They were in need of Rs. 3,000, and they received a grant of Rs. 1,000 from the Shillong Municipality. Government paid Rs. 2,500.

MR. NABA KUMAR DUTTA: On what basis Government allotted Rs. 3,500 for this School?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: On the basis of their original letter.

MISS MAVIS DUNN: Did not the Hon'ble Minister received a second letter applying for the balance of Rs. 1,000?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I cannot say offhand. As far as I remember the letter referred to in the reply was their last letter, and according to that we granted the money.

MISS MAVIS DUNN: Was there any application after that and when was it received?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I cannot say offhand. I shall enquire.

MISS MAVIS DUNN: Do Government propose to make an enquiry, and if they find that the school is still in need of the money, do they propose to make the grant of the balance of Rs. 1,000?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes, I shall make an enquiry, and if they require I shall try to give that amount.

MR. FAKHRUDDIN ALI AHMED: Am I to understand that the provision in the budget was made on the basis of their letter?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: On the basis of their original letter.

MR. FAKHRUDDIN ALI AHMED: Was it mentioned in the original letter that the Municipality had already given a grant of Rs. 1,000.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: According to their last letter, they asked for a grant of Rs. 2,000 and we paid.

MR. FAKHRUDDIN ALI AHMED: What was the amount asked in the original letter?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: In their original letter they asked for Rs. 4,000.

MR. FAKHRUDDIN ALI AHMED: What was the amount asked for in the second letter?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I have already replied, Sir.

SRIJUT PURNA CHANDRA SARMA: Have similar grants provided for in the budget been distributed already?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Most of them have been distributed. As regards the primary education grant, we have made a survey and we shall distribute the grant as early as possible.

MR. FAKHRUDDIN ALI AHMED: Was the second letter received by the Hon'ble Minister after the provision in the budget?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes, Sir.

Establishment of Cement Factories at Chhatak

BABU KARUNA SINDHU ROY asked :

*83. Will Government please state—

- (a) The number of parties with their names that are contemplating to establish cement factories at Chhatak ?
- (b) The number of parties with their names that have applied for taking lease of Government lime-quarries ?
- (c) The number of parties with their names that have up till now succeeded in getting leases ?
- (d) Whether Government advertised for leasing lime-quarries of the Khasi and Jaintia Hills ?
- (e) If so, when and where ?
- (f) If any party having local interest has applied for lease ?
- (g) If Babu Gazananda Agarwala, M.L.C., Assam, is connected with any of these parties or other parties who are trying to establish factories in other places in Assam ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

83. (a)—Government have no information.

(b) & (c)—The hon. member is referred to the replies given to questions 30 and 31 asked by Srijut J. P. Chaliha at the current session of the Assembly.

(d) & (e)—No. Any one interested may apply for a lease at any time.

(f)—No native of the province has applied for a lease.

(g)—The hon. member is referred to the reply given to question No.105 asked by Maulavi Ashrafuddin Md. Chaudhury at the current session of the Assembly.

BABU KARUNA SINDHU ROY : May I enquire for how long the Hon'ble Minister is acquainted with Mr. Kamakhya Lal Bajoria ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : How does his name come in this connection ?

THE HON'BLE THE SPEAKER : There is a reference to question No. 105, and there his name appears.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I think, I know him since 1929.

MR. BAIDYANATH MOOKERJEE : The other day the Hon'ble Minister said that the terms of the agreement have already been sent to them, but they have not accepted them as yet. When the terms were sent ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The terms of the agreement have been communicated to them through the Deputy Commissioner, Sibsagar.

MR. BAIDYANATH MOOKERJEE : When they were communicated ? I want to know the date, Sir.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I do not exactly remember the time. I think it was in the latter part of October.

MR. BAIDYANATH MOOKERJEE : They have not accepted the terms as yet ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have no information. We have not got any communication from them so far.

Amalgamation of the two Departments (Veterinary and Live Stock)

SRIJUT MAHI CHANDRA BORA asked :

*84. (a) Is it a fact that the Veterinary Assistant Surgeons of Assam do the major portion of the works of the Live Stock Department as mentioned in the Government report for 1935-36 at page 17, paragraph 55?

(b) If so, do Government propose to take early steps to amalgamate the two Departments (Veterinary and Live Stock) as has been done in some other provinces of India where better success has been attained and whereby much money may be saved ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied :

84. (a.—No. The main function of the Veterinary Department is the prevention, cure and treatment of animal diseases while the Live Stock Branch of the Agricultural Department is concerned with animal husbandry

(b)—The reply to the first part of the question is in the negative. Government after a careful consideration have decided not to amalgamate the Live Stock Branch of the Agricultural Department with the Veterinary Department but to maintain the present position. As regards the second part, as far as Government are aware, no other province has taken this step.

MAULAVI MUHAMMAD AMJAD ALI: Is it not a fact that only a month ago these two departments under this Hon'ble Minister were quarrelling over the same cattle ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN:—I do not know anything of that kind.

MAULAVI MUHAMMAD AMJAD ALI: Would he take it from me that he had to take the help of the Hon'ble Chief Minister to decide it ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Not so.

THE HON'BLE THE SPEAKER: I think this question is not a proper question. The hon. member was supplied with the information.

Qualifications of the present Deputy Director of Live Stock

SRIJUT MAHI CHANDRA BORA asked :

*85.—Will Government be pleased to state the qualifications of the present Deputy Director of Live Stock, Assam ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied :

85.—The hon. member is referred to the reply given to a similar question asked by Srijut Gauri Kanta Talukdar at the last budget session of the Assembly.

Introduction of goat virus inoculation

SRIJUT MAHI CHANDRA BORA asked :

*86. Is it a fact that Goat Virus sufficient to inoculate 15 to 20 thousand cattle, can be prepared locally from a single goat worth Rs.3 or Rs.4 ?

*87. Will Government be pleased to state (a) how much money was saved during 1935-36 and 1936-37 for non-purchase of Anti-Rinderpest Serum by introducing the Goat Virus method of inoculation ?

(b) How this amount was utilised ?

*88. Do Government propose to take immediate steps for the preparation of the Goat Virus locally at Gauhati and vaccinate all the cattle of Assam in order to protect them against Rinderpest which carries away thousands of cattle every year ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied :

86, 87 and 88.—The hon. member is referred to the replies given to similar questions asked by him at the Budget Session of the Assembly.

SRIJUT HALADHAR BHUYAN: Sir, it is said that Goat Virus is sufficient to inoculate 15 to 20 thousand cattle prepared locally from a single goat worth Rs.3 or Rs.4. May I know whether Government referred the matter to any other authority or consulted with any other expert especially with the Expert of the Government of India on the subject ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: When we have got our own Expert, we did not think it necessary to consult others on the subject.

SRIJUT MAHI CHANDRA BORA: May we know the name of our Expert ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Our departmental Head is the Expert, Sir.

SRIJUT MAHI CHANDRA BORA: Who is the departmental Head, Sir ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Veterinary Superintendent is the Departmental Head, Sir.

Hunger strike of repatriated prisoners at Tezpur and Nowgong Jails

BABU DAKSHINA RANJAN GUPTA CHAUDHURI asked :

*89. (a) Is Government aware that the repatriated prisoners of Andamans, at Tezpur and Nowgong Jails, went on hunger strike ?

(b) If so, what was the cause ?

*90. (a) Was any of these prisoners forcibly fed by the Superintendent of the Nowgong Jail ?

(b) If so, by what method ?

*91. Will Government please state what action, if any, has been taken by Government to prevent recurrence of such hunger strikes in future ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

89. (a)—Yes, at Tezpur. There were no repatriated prisoners at Nowgong.

(b)—The prisoners made several demands, the chief ones being (1) release of all political prisoners, (2) incarceration of all of them in one jail and (3) better food, clothing and treatment in jail.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: May we know the number of prisoners that went on hunger strike at Tezpur ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, I have not got the figure just now with me. My Hon'ble Colleague the Minister-in-charge of Jails says that only two prisoners at Tezpur went on hunger strike.

MR. BAIDYANATH MOOKERJEE: Were the claims of the prisoners reasonable or unreasonable?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: An adjournment motion was moved on the subject the other day and this matter was thoroughly discussed on the floor of the House. My hon. friend Babu Dakshinaranjan Gupta Chaudhuri was absent that day. We said that all the political prisoners were put in "B" division.

MR. NABA KUMAR DUTTA: Sir, is it necessary to discuss this matter here when a Committee was formed to enquire into the matter?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: All the demands are not being inquired into by the Committee but only a particular incident in the Nowgong Jail.

SRIJUT MAHI CHANDRA BORA: May we know whether their claims have been considered?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Whose claims Sir?

SRIJUT MAHI CHANDRA BORA: The demand of the prisoners.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes Sir, the demands of the prisoners about better food, clothing and treatment in jail have been considered and they have been put in "B" division.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Are the Government prepared to release them?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is a question of policy which I cannot discuss on the floor of the House in reply to a question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: replied:

90. (a)—No.

(b)—Does not arise.

91.—It is difficult, if not impossible, for Government to prevent such strikes in future. Government always are prepared to listen to any legitimate grievance.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Shall I be wrong if I say that if the prisoners are released, no trouble will arise?

THE HON'BLE THE SPEAKER: This is a hypothetical question.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Are Government aware that many of such prisoners have been released in other provinces?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not aware of that, Sir.

Creation of the post of Chief Forest Officer in Bijni Raj Court of Ward's Estate

SRIJUT JOGENDRA CHANDRA NATH on behalf of SRIJUT PARAMANANDA DAS asked:—

*92. Will the Hon'ble Minister for Revenue be pleased to state—

(a) When was the post of the Chief Forest Officer created in the Bijni Raj Court of Ward's Estate?

(b) What is his scale of pay?

(c) Who is the present incumbent to the post?

(d) What is his qualification?

(e) How much past experience he possesses?

(f) What was the forest income of the Bijni Raj Court of Ward's Estate when the present incumbent joined the post?

- (g) What is the present forest income ?
 (h) What was the forest income of the Mechpara Court of Ward's Estate last year ?
 (i) How much the sub-manager, Mechpara Court of Ward's Estate, draws as salary ?

*93. (a) Is the Hon'ble Minister aware that the Forest Cashier of the Bijni Raj Ward's Estate, is shortly retiring ?

(b) If so, does the Hon'ble Minister propose to direct the authorities of the said Estate to take some new man, preferably a B. Com. graduate in his place in order to relieve unemployment of educated youths ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

92. (a)—In October 1933.

(b)—Rupees 175—15—365 (Efficiency Bar)—15—410— $\frac{2}{2}$ —450.

(c)—Mr. D. C. Kaith.

(d)—B.Sc. in Forestry (Edinburgh).

(e)—Temporary Extra Assistant Conservator of Forests under the Government of Assam for 2½ years, at the end of which this post was retrenched, and one year as Forest Officer in the Manipur State.

(f)—Rupees 29,995 in 1933-34.

(g)—Rupees 73,172 in 1936-37.

(h)—Rupees 1,07,857 in 1936-37.

(i)—Rupees 70—5—120 per mensem.

MAULAVI GHYASUDDIN AHMED: May we know, Sir, what was the original scale of pay of this Forest Officer ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not remember that, Sir. I think he has been recently granted an increment of Rs.50. I think his original scale was Rs. 175—365.

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister please make enquiry and let us know definitely what was his original scale of pay ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I was not asked to give any information about his original scale of pay. If the hon. member wants exact figure I can supply him.

MAULAVI GHYASUDDIN AHMED: May we know when the present scale of pay was given to him ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The present scale of pay was sanctioned on the 17th September 1937.

MAULAVI GHYASUDDIN AHMED: May I know, Sir, whether the Manager of the Bijni Raj Court of Ward's Estate was consulted about the present scale of pay ? I want a definite answer from the Hon'ble Minister.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The Manager certainly knows the present scale of pay.

MAULAVI GHYASUDDIN AHMED: Sir, is it not a fact that this Forest Officer came to Shillong and any how managed to get this scale of pay ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: All I can say, Sir, is that the salary was sanctioned in the usual way and the recommendation must have come from the Manager, Deputy Commissioner and the Commissioner otherwise we would not have taken notice of that.

MAULAVI GHYASUDDIN AHMED: May I know, Sir, what is the reason of changing the scale of pay of this Forest Officer ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: This Forest Officer was actually found to be competent and income of the forest during his management was quite good.

MAULAVI GHYASUDDIN AHMED. Sir, am I to understand that th's figure of Rs. 1,07,857 given by the Hon'ble Minister was the income of the Estate in 1936-37 ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already replied to the question. I have already given the information—it was 29,995 in 1933-34, 73,172 in 1936-37, and 1,07,857 in 1936-37.

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister take it from me that before this man was appointed the income of the forests was something like Rs. 1,25,000 ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It may be so, and that may be the reason why we had to appoint a competent officer because there was too much exploitation of the forests which if continued would have denuded the forests.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, may I know if the present incumbent is a man of Goalpara ? And, if not, where does he come from ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think he comes from the Punjab.

KHAN BAHADUR MAULAVI KERAMAT ALI: Was not a local man available for the post ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Evidently not.

MAULAVI GHYASUDDIN AHMED: Is the Hon'ble Minister aware that this man did not approach through the Manager of the Ward's Estate for an increment of pay, but instead of that he came up to Shillong and managed to get it ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not aware of that.

MAULAVI GHYASUDDIN AHMED: Is the Hon'ble Minister aware that this man considers himself to be equal to the Manager and does not follow his instructions ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, Sir, but that fault is quite human.

MAULAVI GHYASUDDIN AHMED: Is he not under the Manager ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, he is generally under the Manager, but in matters where expert knowledge is concerned he ought to have a free hand.

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister enquire whether it is true that this officer is causing a lot of trouble as regards the administration of the forests, and if he finds it to be true, will the Hon'ble Minister take action against him ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It seems to me that the Manager himself does not mind this difference of opinion. If he makes a complaint we shall make an enquiry.

MAULAVI GHYASUDDIN AHMED: Does not the scale of pay in Court of Wards follow the Fundamental Rules ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think it generally does as far as practicable.

MAULAVI GHYASUDDIN AHMED: If so, how is it that his scale of pay was changed so soon ? Was it due to favouritism ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Certainly not due to favouritism.

MAULAVI GHYASUDDIN AHMED: I think it was because the income from the forest before this man came was more.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, but as I have already said, the forest was also going to be ruined, and we had to take the services of a man who would not only prevent the exploitation of the forests but also look to its regeneration, and for that reason we had to pay more, and the result has been excellent. On the other hand I may mention that the Mechpara Forest was under the direct supervision of the Divisional Forest Officer of the Garo Hills and he had to be paid an allowance from the Mechpara Ward's Estate and if at any time the Mechpara Ward's Estate requires the benefit of his advice or services they are being given.

MAULAVI GHYASUDDIN AHMED: Has the Divisional Forest Officer of Kachugaon any connection with the Bijni forests in matters of supervision or giving advice ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Not as far as I know, but if there was a case where expert advice was necessary I think Government would be quite willing to lend his services.

MAULAVI GHYASUDDIN AHMED: Is the Hon'ble Minister aware that the Chief Forest Officer of Bijni, before he came to Shillong got a certificate from the Divisional Forest Officer of Kachugaon and with the help of that certificate got his scale of pay raised ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not remember to have seen the certificate.

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister enquire into the matter ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not see any use. Whether he got a certificate or not does not matter ; the Government considered that he deserved a little more pay and he was given that.

THE HON'BLE THE SPEAKER: Next question.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

93. (a)—Government have no information.

(b)—The pay of the post being only Rs.40 per mensem, the Manager of the Estate is competent to fill the post. The suggestion of the hon. member will be communicated to the local authorities.

Posts of the teacher of Hygiene and Jurisprudence and Lecturer of Chemistry

KHAN SAHIB MAULAVI SAYIDUR RAHMAN asked :

*94. Will Government be pleased to state why the posts of the Teacher of Hygiene and Jurisprudence and the Lecturer of Chemistry and Physics which were budgeted for and sanctioned in August last have not been filled up as yet ?

*95. Do Government propose to fill up these posts without any further delay ?

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

94.—The orders sanctioning the posts were issued on the 16th November 1937. The Inspector-General of Civil Hospitals is in communication with the Assam Public Service Commission as regards the filling of the post of Teacher of Physics and Chemistry which will be filled by him. The question of filling the post of Teacher of Hygiene and Medical Jurisprudence (which is in the cadre of the Civil Assistant Surgeons) is at present under the consideration of Government.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Why was there delay in issuing the sanction ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There was no undue delay, Sir. There are many things to be considered before issuing orders.

MAULAVI MUHAMMAD AMJAD ALI: Is it not a fact that the post was advertised ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir.

MAULAVI MUHAMMAD AMJAD ALI: Did the Government in the meantime receive any representation from the public that the post should be filled up by an M. B. with B. Sc. qualification ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There was some representation, but I do not remember from whom, but it was considered by Government that it is not desirable to fill the post by an M. B. as if the post were filled up by an M. B. he would not be satisfied with the pay which is going to be given.

MAULAVI MUHAMMAD AMJAD ALI: Did not the Government consider that the people would be doubly benefitted if an M. B., B. Sc. was appointed ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government do not think so.

MAULAVI MUHAMMAD AMJAD ALI: Do the Government propose to appoint an M. B. if he were available ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: An M. B. may be available, but we think that an M. Sc. would be more suitable than a medical man because a medical man will always be dissatisfied with the pay as the pay of a medical man is much higher than that of a simple M. Sc.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Does not the Government consider the B. Sc. qualification is suitable ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That is not the question. The question is whether it is better to fill up the post with an M. Sc. candidate or with a medical man.

MAULAVI GHYASUDDIN AHMED: Is the Government aware that an M. Sc. qualifies only in one subject ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Not necessarily. An M. Sc. may take Chemistry as well as Physics also in his B. Sc.

KHAN BAHADUR MAULAVI KERAMAT ALI: Was the Inspector-General of Civil Hospitals consulted ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Will the appointment be made during this session ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The matter has been referred to the Public Service Commission, and the vacancy will be filled up in due course.

MAULAVI JAHANUDDIN AHMED: If an M. B., B. Sc. is appointed he could be employed as a lecturer in the Medical School when one of the teachers goes on leave.

THE HON'BLE THE SPEAKER: Next question.

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:
95.—The posts will be filled as soon as possible.

HON'BLE THE CHIEF MINISTER'S STATEMENT *RE* INFORMATION PROMISED IN CONNECTION WITH THE QUESTION *RE* FORMATION OF A TEXT BOOK COMMITTEE

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, before we proceed to the next item of business, I would ask your permission to reply to a question the other day in respect of which I promised to give information. The other day we were asked as to when the present non-official Members of the Text Book Committee were appointed. Sir, they were appointed from 1st January 1936 and their term will continue till 31st December 1938.

In this connection I would like to correct an information which I placed before the House. When I was Education Minister there were separate Text Book Committees for vernacular books in the two valleys. Since then there has been only one Provincial Committee but there are Sub-Committees formed for dealing with vernaculars one for the Assam Valley and one for the Surma Valley.

THE ASSAM MUNICIPAL (REMOVAL OF FEMALE INELIGIBILITY) AMENDMENT BILL, 1937

MISS MAVIS DUNN: I beg to move, Sir, that the Assam Municipal (Removal of Female Ineligibility) Amendment Bill, 1937 (introduced and passed in the Assam Legislative Council) be taken into consideration. I should like to take this opportunity to thank the hon. member who introduced this Bill in the Council. It makes me feel sure that even the men are aware of the desire of women to have their right of being represented in all local bodies.

MR. ARUN KUMAR CHANDA: May I request the hon. Speaker to kindly speak up?

RAI BAHADUR PROMODE CHANDRA DUTT: That is more than she can do.

MISS MAVIS DUNN: This Bill speaks for itself, Sir, and requires no lengthy explanation or discourse. I will simply commend it to this Hon'ble House for its unanimous acceptance.

MR. GHANASYAM DAS: Sir, I support the motion that the Bill be taken into consideration. The Bill refers to the fact that the woman cannot stand as a Member in the Municipality. The disability should go. Sir, of vision. Time was when the status of women was looked at from a different angle law maker like Manu did not give any status to women and placed them under various disabilities. Time was when there was a set of philosophers who attributed no character to woman and no soul to her. In Rome, the Patriarchal Government did not give any status to woman and consequently she had to labour under various disabilities both in her political and social

life. Even in the later part of the world's history, in the days of political and social rigorism, when no scope was open to woman she wrought wonders. There flourished Joan-de-Arc who showed wonderful power of chivalry combined with the spirit of patriotism. There flourished Lakshmi-bi who showed wonderful power of administrative faculty. There appeared Lilaboti who showed wonderful power of mathematical capacity.

The time has changed now. To-day is a day of revolution. There is revolution in every sphere of life. The world has become topsy turvy. The social and political readjustment demand that there should be no disabilities for our sisters. They should be given equal status and equal political rights with men so that they can be equal partners with us in our political struggle for freedom and our march towards the goal of our life. The Russian Government has shown the necessity and the success of it. England also lags behind Russia in some respect. In England, the woman can exercise her franchise power at the age of 35 when the man can exercise at the age of 22.

In the present age, Sir, I do not find any reason to see why any disability should remain upon our sisters. In point of valour they are in no way inferior to men. In the last salt campaign they have shown with what boldness they can stand against the guns of the Military force. In politics can we say that Srijukta Sarojini Naidu is in any way inferior to man? In literary activities can we say that Srijukta Hem Prova Chatopdhyay is in any way inferior to man? Can we say that Hon'ble Mrs. Bijoya Lakshmi Pandit, the Minister of Local Self-Government of United Provinces is in any way inferior to man? What have made them so? Because they have got field and scope. Sir, in every sphere of life the woman has played her part successfully. So, Sir, if we enlarge her scope in Assam, our sisters will not fail to prove successful.

Sir, it is not a gift which this woman has begged of you. It is her right which she has demanded. Here stands our hon. friend Miss Mavis Dunn, the champion of her sex to demand it from you for her sex. We have no other means but to yield to her. She will wrest it out of your hands. Our sisters have learnt the strength of organisation. The Mahila Samaj from Dibrugarh demands it by a resolution. We must give it.

SRIJUR BEPIN CHANDRA MEDHI: Mr. Speaker, Sir, I rise to support the Assam Municipal (Removal of Female Ineligibility) Amendment Bill 1937, moved by my hon. friend Miss Mavis Dunn. I am sorry I could not follow well what had been said by the hon. mover. But I am of strong opinion that both male and female must be co-operators in shaping the destinies of mankind in all democratic institutions like Municipal and Local Boards. As a humble worker of Congress, I should like to say that the Indian National Congress has, long before this Bill was introduced, given equal status to female sex in the sphere of politics. It is for this reason that late Mrs. Annie Besant, Mrs. Sarojini Naidu and Mrs. Nellie Sen Gupta, were given the highest honour in the shape of Presidentships of the All-India Congress, that can be given by a subject nation. Further, I beg to say that in the United Provinces, the Congress has shown the highest respect to the female class and has recognised the eligibility of the weaker sex by appointing the most talented sister of Pandit Jawharlal Nehru, namely Mrs. Bijoy Luxmi Pandit, the Minister of Local Self-Government in that province. In the Congress constitution there is no such thing like ineligibility attached to any class or sex. With these few words I whole-heartedly support that the amendment Bill be taken into consideration.

MR. NABA KUMAR DUTTA : I think, Sir, this Bill has got the whole-hearted support of the House. The women of India have been given a sort of boon under the Government of India Act, and it would be illogical if they are denied the fundamental rights of citizenship. Sir, the women of Assam have demanded their right to participate in the management of civic affairs and it will be for the progress of the province that they should play their due part as literate citizens.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Why is the hon. member so bashful ?

MR. NABA KUMAR DUTTA : Sir, I am sure there will be none in this House who will oppose the move, which will strengthen the position of women in Assam.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Does the hon. member say that nobody will dare to oppose this Bill ?

MR. NABA KUMAR DUTTA ; I do not say that, Sir. What I say is that there will be no member in this House who will oppose this move.

THE HON'BLE THE SPEAKER : The hon. member should not presume too much. (*laughter.*)

MR. NABA KUMAR DUTTA : Sir, I want to give a warning to the hon. members of this House. If they do not accept this Bill they may not get a cordial reception when they go home (*laughter.*)

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Sir, according to the present Assam Municipal Act, women are allowed to be voters but they cannot stand as candidates for election. In the last session of this Assembly some questions were asked by the present hon. mover of this Bill in regard to the ineligibility of females to stand as candidates in elections. Government replied that the matter will be considered by them and that they were in favour of removing this impediment in their way. Sir, this Bill was moved by Rai Sahib Hem Chandra Dutt in the Upper House, and the Government made some amendment, which were accepted by the hon. mover of the Upper House. So this Bill has come to the House with the amendments made by Government. The attitude of the Government is in favour of this Bill and I hope that all the hon. members will support it.

MAULAVI MUNAWWAR ALI : Mr. Speaker, Sir, I whole-heartedly support this Bill for consideration of the House. It was I, Sir, who was responsible in 1922 or 1923 for moving a resolution on the floor of this Hall for conferring the right of franchise to women in the elections to the legislature. This has been given by the Government of India Act. But as regards elections to the municipalities the disability is still existing ; they only have a right of voting but not of standing as candidates for seats on the Municipal Boards. So this is a wrong which must be rectified now. It is one thing not to have a right at all, but it is quite another thing to have it and not to exercise it. Sir, if the female folk are not given this right it is natural that they should entertain a spirit of revolt. If they are given the right it will be for them, according to the social structure of society, either to exercise the right or not. But it should be the duty of the legislature to give them these rights and privileges. The religion to which I belong, Sir, gives equal rights and privileges to males and females. But according to our social structure in many cases our females do not exercise many of these. I may also say, Sir, in some respects that they have got greater rights and privileges than the males. This gives them a consciousness that they are not inferior to the males. What this Bill proposes is to remove inferiority complex from the minds of the female folk. Perhaps, it is late, but it is never too late to mend. I hope, Sir, this Bill has the unanimous support of the House.

MR. ARUN KUMAR CHANDA: Sir, the quintessence of all arguments in favour of this Bill is the presence of Miss Mavis Dunn in our midst. With these words, I support this Bill.

KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURY:

আমাদের Prophet হজরত মহম্মদের নিকট তাহার জনৈক শিষ্য জিজ্ঞাসা করিলেন—
আমি সৰ্ব্বাপেক্ষা কাহাকে সন্মান করিব? তিনি বলিলেন—তোমার মাতাকে। তৎপর
উক্ত শিষ্য তাহাকে অরূপ প্রণয় করিলে তিনি তিনবারই একই উত্তর দিলেন—অর্থাৎ
তোমার মাতাকে সন্মান করিতে হইবে। তৎপর চতুর্থবার প্রশ্ন করা হইলে তিনি তৃত্বত্বরে
বলিলেন—তোমার পিতাকেও সন্মান করিতে হইবে।

অন্ধকার যুগে যখন স্ত্রীজাতিতে তৈজস পাত্রের আয় বিক্রি করা হইত, যখন সমাজে
তাহাদের কোন বিশিষ্ট স্থান ছিল না, তখন হজরত মহম্মদই সর্বপ্রথম স্ত্রীজাতিতে অধিকার
দান করিয়া জগতে এক মহান আদর্শ স্থাপন করিলেন। আমরা সেই প্রাতঃস্মরণীয় হজরত
মহম্মদের শিষ্য হিসাবে স্ত্রীজাতির সৰ্ব্বপ্রকার কল্যাণ কামনা করি এবং তাহাদের বাহাতে
সৰ্ব্বাঙ্গিন উন্নতি হয় এবং তাহারা বাধ্যতা লাভ করিয়া সব কাজে আমাদের সহযোগিতা
করিতে পারেন—এই ব্যবহার আমি অনুমোদন করি।

SRIJUT JOGESH CHANDRA GOHAIN: Sir, this Bill has long been overdue. We are glad that it has come up now. We are grateful to the other House for taking the initiative in this respect. I am sure this House also will rise to the occasion and support the Bill whole-heartedly. We shall be failing in our duty if we do not stand by the Bill meant for recognising the rights and privileges of our mothers and sisters in their civic rights. It may be a new thing for us now. But instances are in abundance in the pages of our history in the past, of our women-folk taking part in politics of the country

We are all trying to attain Swaraj and it is the aim of our life. But I must say that it will be only a myth if our women-folk do not join with us and march hand in hand in the realisation of our goal.

It is we the male members of the society who are responsible for keeping our mothers and sisters in bondage so long. But political consciousness has awakened amongst them and it is indeed a good sign and we should welcome it and support its growth.

The Mahila Samities all over Assam have strongly supported the Bill and so far I understand the Mahila Samiti of Dibrugarh passed a resolution strongly urging the hon. members of this House to support the Bill.

With these few words I support this motion.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I quite appreciate the spirit of chivalry that has prompted the hon. members of this House to support this Bill, but I want to sound a note of warning (*hear! hear!*). Unless and until there be a separate representation for women either by reservation of seats or by separate electorate, I am afraid, that the passing of this Bill only will remain a dead letter, unless we are animated by that spirit of chivalry in supporting the candidature of women in our districts. We are already late in recognising the rights of our women and as a result we have got the feeble voice of Miss Dunn which is too inaudible to hear (*laughter*). That is the main reason why we should now recognise the rights of the women and also not only pass this Bill but see that the Bill functions in its true spirit.

MR. F. W. HOCKENHULL: Sir, I think, every section of the House has supported the Bill which has been proposed by Miss Dunn. Some hon. members have characterised this attitude as a spirit of chivalry in welcoming the emancipation of women. We of course in our sphere have admitted women to political and municipal office for many years and we shall be no less glad to see this Bill passed.

THE HON'BLE THE SPEAKER: Will the Hon'ble Minister say anything in reply?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, it has been said by one of the hon. members that this Bill, if passed, will remain a dead letter. In some municipalities it may be so, but in other places it will not be so. I was rather expecting that the hon. member would say that in some places the women may dominate the Municipal Board. It may be so in Shillong, because the largest number of voters here are women. The hon. member Miss Dunn has started the ball rolling. She first asked questions in the Assembly, and the Upper House took up the matter, and introduced Bill which has now come here to this House. We must congratulate the hon. mover Miss Dunn for this work that she has done. I think, our sisters all over the province will thank her for this action that she has taken in the Legislature and I thank the hon. members in this House who have supported this Bill.

THE HON'BLE THE SPEAKER: The question is that the Assam Municipal (Removal of Female Ineligibility) Amendment Bill, 1937 (introduced and passed in the Assam Legislative Council) be taken into consideration.

The motion was carried.

THE SYLHET TOWN TENANCY BILL, 1937

Clause 7

THE HON'BLE THE SPEAKER: The next item is consideration of Babu Karuna Sindhu Roy's Sylhet Town Tenancy Bill, 1937, clause by clause.

I have gone through the numerous amendments that have been tabled and I propose to take up clause No.7 of the Bill first, because that is really the operative part of the Bill which seeks to give effect to the main object of the Bill.

To this clause there are about 8 amendments tabled in the name of different hon. members. Of these I shall take up the amendment which stands in the name of Maulavi Abdul Aziz and which seeks to introduce only six years as the period for the acquisition of occupancy right. Then I shall take up the amendment which seeks to introduce 10 years as the period for the acquisition of occupancy right. So I would ask Maulavi Abdul Aziz to move his amendment which proposes six years for twelve years.

MAULAVI ABDUL AZIZ: Sir, I do not like to move this amendment.

THE HON'BLE THE SPEAKER: Then I shall ask Maulavi Abdur Rahman to move his amendment which proposes 10 years in place of 12 years.

MAULAVI ABDUR RAHMAN: Yes, Sir, I wish to move. Before I move my amendment I would enquire whether I am to move the whole portion of the amendment?

THE HON'BLE THE SPEAKER: No. Only that portion which speaks of 10 years as the period.

MAULAVI ABDUR RAHMAN. I beg, Sir, to move that in line 4 of clause 7, for the word 'twelve' the word 'ten' be substituted and further that in the "Explanation" for the word 'twelve' the word 'ten' be substituted

Sir, the object of my moving this amendment is that in towns, generally the tenants are allowed to hold their occupancy on a periodical lease for a period of ten years only. In some cases the period is more than ten, but no where the period of 12 years is mentioned—either it is 10, 20 or 30 years. This is my information.

Hon. members of the Select Committee have set forth their arguments for bringing forward this amendment of 12 years with the object that in the Sylhet Tenancy Act the ordinary period of occupancy is 12 years. With that view, the Select Committee have recommended that instead of 10 years there should be 12 years. But the condition of tenants living in towns are quite different from those of others. The town tenants generally occupy their holdings on periodical leases varying from 10 to 20 or 30 years. Twelve years are no where stipulated in leases. With this object I move that the period of 12 years be substituted by the period of 10 years.

THE HON'BLE THE SPEAKER: The motion moved is that in line 4 of clause 7 of the Bill for the word 'twelve' the word 'ten' be substituted and further that in the "Explanation" for the word 'twelve' the word 'ten' be substituted.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHOUDHURI: Mr. Speaker, Sir, I whole-heartedly support the amendment moved by my friend Maulavi Abdur Rahman. The growth of the town of Sylhet has begun very recently. If the tenure holder for ten years be deprived of occupancy right, I think, a large number of people will be deprived of tenancy rights. I know personally, Sir, that within the last 10 years, a large number of people have taken lease in the town of Sylhet. If they are not given the benefit of this legislation, many will have to vacate their homes and hearths. I therefore support the amendment of Maulavi Abdur Rahman that the word 'ten' be substituted for the word 'twelve'. With these few words, I support the amendment.

Mr. F. W. HOCKENHULL: We are opposing this because we feel that it will make it impossible in many instances for sites to be obtained for industrial and other purposes, and, Sir, let me make it perfectly clear that the conferment of occupancy rights in municipal areas is a privilege not prevailing in any other towns in this country. In Madras, which we are going to imitate, they have no occupancy rights. We are proposing 12 years for occupancy right, which is a great concession.

Mr. BAIDYA NATH MOOKERJEE: I also rise to oppose this amendment. The whole matter was discussed threadbare in the Select Committee and everybody present there accepted that the word 10 should be substituted by the word 12. Even the mover of this Bill also agreed to this and I do not find any reason why this change should be made here now. This will be really disastrous for the poor landlords. Even in Sylhet Tenancy Act now in force the period is 12 years and not 10.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: Sir, I rise to support the amendment moved by my hon. friend Maulavi Abdur Rahman. I find here that there are about 8 amendments to this clause. There are many for 10 years and many for 12 years. In this connection I beg to say only a few words. The principle of the right of occupancy by the tenants has already been accepted by the Sylhet and Goalpara Tenancy Acts. The logical consequence is to extend this right to the people of the town of Sylhet. I want to say a few words to the big people of our Province.

The history of the Russian revolution should be an eye opener to them and the reply of His Excellency the Governor of Bengal to the Deputation of the British Indian Association should be an object lesson to us all here. We are to live and die here where our forefathers and ancestors also lived and died. The world is changing towards a great revolution. We do not know where we are, and where it will end. No Government with their big bombs and aeroplanes can save us. It is the goodwill and love of our people and fellow countrymen which will protect us from destruction. Their love and good will are our best safeguards and the best way is to seek their love.

With these few words I beg to support the motion of my hon. friend Maulavi Abdur Rahman.

BABU KAMINI KUMAR SEN: Mr. Speaker, Sir, I rise also to oppose the amendment that has been moved by my hon. friend Maulavi Abdur Rahman. Sir, the conferment of right of occupancy by occupation of 10 years is something more than what we gave to the tenants under the Sylhet Tenancy Act. The agricultural tenants certainly need more protection than the town tenants, and if we fix 10 years for the accrual of the right of occupancy to town tenants I do not see why we should not treat the agricultural tenants similarly.

Secondly, Sir, this is an extraordinary piece of legislation having no parallel in the whole of India. Even in the Madras Act, which has been referred to in the Statement of Objects and Reasons, the provisions are not at all similar. In that Act no right of occupancy has been conferred; that Act only conferred some right to compensation to tenancies created before the Act and not after the Act. So, Sir, it is something novel in the whole of India. I do not think Sir, that the legislative bodies in other provinces or Government of other provinces have not made legislation like this due to inadvertence or apathy.

BABU RABINDRA NATH ADITYA: On a point of order, Sir. Is the hon. member now in order to say about the novelty of the legislation, because we are already committed to the principle. The only question is whether it should be 10 years or 12 years.

BABU KAMINI KUMAR SEN: I am coming to that, Sir. I shall try to explain how I am referring to it.....

THE HON'BLE THE SPEAKER: The hon. member is saying that the period of 10 years is a novelty.

BABU KAMINI KUMAR SEN: The reason, I think, Sir, is this. A municipal area is a somewhat restricted area having limited scope for extension. Unless there are very good transport facilities it is very difficult to extend the area of the municipal towns, and in that area, Sir, the area that is still lying fallow and unutilised is still more restricted. If a legislation like this is passed, I am sure the landlords will be reluctant to part with all these undeveloped or unutilised lands on easy term. I find, Sir, on the other hand that if some sort of permanent right is given to the tenants, the value of the holdings will naturally increase and the holders of these tenancies will naturally be reluctant to part with those tenancies unless at exorbitant price, or unless they are in extreme financial difficulty. Now, Sir, if that be the case, if the landlords become reluctant to part with their spare lands and if the holders of the tenancies refuse to sell their tenancies unless at an exorbitant price, what will be the fate of the new-comers especially those who are poor? In the municipal areas quite a good number of people come every year to join professions, trade and business. What will be the fate of those new-comers? I think, Sir, that the town is primarily meant to accommodate the shifting population. And not solely for permanent residents, and it is, I think, for these reasons that no legislation to this effect has been taken

in any other province. But, Sir, I quite agree that in towns there should be some sort of security to tenures, some sort of protection against arbitrary enhancement and arbitrary ejections. So, Sir, in making a legislation of this kind we should proceed very cautiously and that is why I think 12 years was settled after long discussion in the Select Committee unanimously. If we substitute 10 years, in that place, I am afraid, we would be going rather too fast.

For these reasons, Sir, I would request the hon. mover of the amendment to withdraw this amendment.

THE HON'BLE THE SPEAKER: Does the hon. member propose to withdraw his amendment?

MAULAVI ABDUR RAHMAN: No, Sir.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Mr. Speaker, Sir, my hon. friend Mr. Kamini Kumar Sen in opposing the amendment moved by Maulavi Abdur Rahman put forward an argument that the *raiyats* in the villages—the tenants in the villages, require more protection than the tenants in the towns. But I would show, Sir, that the case can just be the reverse (*hear! hear!*). This is an Act for the town of Sylhet. For the villages and the outside town areas we have got another Act which is called the Sylhet Tenancy Act.

Now, Sir, what is the position of tenants and the landlords in the district of Sylhet. Sir, 25 per cent. of the people of that district are peasant proprietors; another 25 per cent. are tenants and both tenants and landlords simultaneously. Another 25 per cent. though they are landlords, still they are less wealthy than their tenants, and another 20 per cent. I believe, is in par with their tenants in their worldly circumstances. So, only 10 per cent. of them are better off than their tenants. In that circumstance, Sir, what protection they need from their landlords? It was argued, while the Sylhet Tenancy Bill was on the anvil, that it was no use robbing Peter to pay Paul. What is the position in the town?

MR. BAIDYANATH MOOKERJEE: The position in the town is just the same Sir. (*laughter.*)

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: The position is just the opposite, Sir. In the town of Sylhet almost three-fourth of the lands belong to a few wealthy Zemindar families.

MR. BAIDYANATH MOOKERJEE: The statement is misleading Sir.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: According to worldly circumstances, I believe, there cannot be any comparison between the tenants and the land-lords of the town lands. They are much higher in position and wealth than the tenants. So, Sir, in view of this, I think, these tenants of the town require more protection than the tenants in the villages (*hear! hear!*). Another argument is that if the occupancy right accrues after the expiry of 12 years as suggested in the Bill, I think, 90 per cent. of the tenants will suffer. The very purpose of the Bill would be frustrated. Under the circumstances, I hope the House will be unanimous in supporting the amendment.

KHAN BAHADUR MAULAVI MUFIZUR RAHMAN: Sir, I also rise to support the amendment that the period should be 10 years. On the analogy of the Land-Revenue Regulations, the land holder continues holding land for 10 years from before the commencement of land. (*hear! hear!*) That land-holder gets the right of transferring the land to another. The tenants in Sylhet sometimes enjoy the land for one year or two and they transfer it to others to hold it continually for years together. He has to

spend lots of money and labour for the construction of buildings etc. There are several cases where they get settlement for one year. They keep it in occupation for about 10 years either on annual settlement or settlement for five years. It is really a very hard case. Even if the occupancy right is given for a period of 10 years, the tenants will have to spend money and labour without knowing when the land can become useful to them. So even if we reduce the period from 12 to 10 years, even then there will be a very hard case for the people having leases for less than 10 years as they will be ejected without compensation. So I am strongly in favour of having the period of 10 years and therefore I whole-heartedly support the amendment.

THE HON'BLE THE SPEAKER: I think, no other hon. member want to speak on this. The Hon'ble Revenue Minister may speak.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I think, I should reiterate the principles which should determine the attitude of this House in a legislation of this kind. To my mind the principle is that this sort of legislation should be conceived in a spirit of compromise between the landlords and tenants, and all attempts should be made to prevent it from being one-sided. Sir, by the word 'tenants' one generally means half-educated, ill-nourished, landless people depending for their very existence on the sufferance of those who own land. Sir, so far as the tenants whom we are alluding to in this Bill, are concerned, I don't think that these remarks can apply, because a few of those who have come to make their representation on behalf of the tenants of Sylhet appear to me rather much above the ordinary degree of intelligence and education. They rather belong to the upper class of intelligentsia of that town and on the whole they are very much capable of looking after themselves ((hear! hear!)). So, Sir, I would only beseech this House not to be guided by emotions and a feeling of sympathy for those class of people who are generally known as tenants. Sir, so far as this amendment is concerned, the position is this that we discussed the matter in the Select Committee and it was decided that the period of 10 years would be rather too small a period.

SRIJUT DEBESWAR SARMAH: On a point of information, Sir. What is the average longevity of an Indian if you say that 10 years is not too long a period?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Well, I think, that question does not arise here. After a very careful discussion in the Select Committee we are all agreed that the period should be 12 years and not 10 years as originally appeared in the Bill. I think, Sir, some weight ought to be given to the decision of the Select Committee which had an opportunity to discuss it at greater length which we cannot do here.

As has already been pointed out that the only parallel legislation in the whole of India is the Madras Act, and even that Act has not gone to the length to which this Bill has gone as it emerged from the Select Committee. This Bill when it was originally sought to be introduced by my hon. friend Maulavi Abdul Khaliq Chaudhury, did not receive the consent of the Government of India. I may only sound a note of warning here, and that is this that if we proceed too fast our anxiety may defeat our own object, *i. e.*, through a hasty piece of legislation he may refuse his consent to those clauses which are repugnant to the other Acts which are now in force. That is a factor to be remembered. The Bill was referred to the Select Committee and it has come out from the Select Committee with no drastic changes,

but reasonable in most cases, we should rather be very careful to see that we do injustice to no one and that we proceed very cautiously. If we at any future time find that there are any grievances to be removed there is plenty of time to do so. In this view of the matter I would ask the hon. mover to withdraw his motion. Let us be satisfied with the fact that the tenants have got occupancy right, a thing which is unknown in any other town of India; let us be satisfied with the ordinary period of 12 years.

RAI BAHADUR PROMODE CHANDRA DUTT: On a point of order, Sir. What did the Hon'ble Minister mean by saying that the Governor-General may refuse his consent? What has the Governor-General got to do with a Provincial Act?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: What I mean is this. There may be some provision which may be repugnant to the other Acts in existence and in that case the Governor-General may refuse his consent.

RAI BAHADUR PROMODE CHANDRA DUTT: No, Sir, not in subjects which are Provincial.

THE HON'BLE THE SPEAKER: I was just going to ask that. Is this on the Provincial list or on the Concurrent list?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think it is on the Provincial list.

THE HON'BLE THE SPEAKER: Then there is no question of the consent of the Governor-General. If there be a provision repugnant to the other Acts and if the legislation relates to Provincial legislation there can be no question of refusal by the Governor-General.

MR. KAMINI KUMAR SEN: I think it is in the Concurrent list.

THE HON'BLE THE SPEAKER: No, it is in the Provincial list, but whether it is in the Provincial list or in the Concurrent list does not matter much.

The Assembly stands adjourned to 2 p. m.

(After lunch)

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I am obliged to you for pointing out the mistake and I am glad that you did so. I think your ruling is correct, Sir, viz., that the Governor-General of India will have no right of interference.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: On a point of information, Sir, may I know whether the view expounded by the Hon'ble the Revenue Minister is the view of Government?

THE HON'BLE THE SPEAKER: The hon. member should have been in his seat. (*Laughter.*)

(Babu Dakshinaranjan Gupta Chaudhury went back to his seat.)

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: May I repeat my question, Sir? I wanted to know whether the view presented by the Hon'ble Revenue Minister is the view of Government?

THE HON'BLE THE SPEAKER: Which view?

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Regarding this Bill.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In this particular amendment we stand by the decision of the Select Committee.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I am entirely at one with the Hon'ble Minister when he says that the Bill should look to the interests of both parties, the landlords and the tenants. In this matter,

I would prefer the clause retained by the Select Committee after due consideration and discussion. The question of 12 years limitation is a statutory period of limitation in all laws and I do not see why this period should be relaxed in favour of this amendment for ten years. So, I am inclined to oppose this amendment.

THE HON'BLE THE SPEAKER : I shall put the question to the House. The question is : That in clause 7 of the Bill, in line 4 for the word 'twelve' the word 'ten' be substituted and that in the "Explanation" for the word "twelve" the word "ten" be substituted.

The House then divided with the following result :—

Ayes.—44.

1. Babu Akshay Kumar Das.
2. Srijut Beliram Das.
3. Srijut Bhuban Chandra Gogoi.
4. Babu Bipin Behari Das.
5. Srijut Bipin Chandra Medhi.
6. Babu Dakshinaranjan Gupta Chaudhuri.
7. Srijut Debeswar Sarmah.
8. Srijut Ghanashyam Das.
9. Srijut Gauri Kanta Talukdar.
10. Srijut Jadav Prasad Chaliha.
11. Srijut Jogendra Chandra Nath.
12. Srijut Jogendra Narayan. Mandal.
13. Srijut Jogendra Nath Barua.
14. Srijut Jageshchandra Gohain.
15. Babu Kalachand Roy.
16. Srijut Kameswar Das.
17. Srijut Krishna Nath Sarma.
18. Babu Rabindra Nath Aditya.
19. Srijut Mahadev Sarma.
20. Dr. Mahendra Nath Saikia.
21. Srijut Omeo Kumar Das.
22. Rai Bahadur Promode Chandra Dutt.
23. Srijut Rajani Kanta Barooah.
24. Srijut Ram Nath Das.
25. Srijut Sankar Chandra Barua.
26. Babu Shibendra Chandra Biswas.
27. Srijut Siddhi Nath Sarma.
28. Maulavi Abdul Aziz.
29. Maulavi Abdul Bari Choudhury.
30. Maulavi Abdul Matin Choudhury.
31. Maulavi Abdur Rahman.
32. Maulavi Md. Abdus Salam.
33. Maulavi Dewan Muhammad Ahab Chaudhury.

Noes.—25.

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
3. The Hon'ble Rev. J. J. M. Nichols-Roy.
4. The Hon'ble Srijut Rohini Kumar Chaudhuri.
5. Kumar Ajit Narayan Dev.
6. Mr. Baidyanath Mookerjee.
7. Babu Kamini Kumar Sen.
8. Srijut Purandar Sarma.
9. Srijut Santosh Kumar Barua.
10. Khan Bahadur Hazi Abdul Majid Chaudhury.
11. Maulavi Badaruddin Ahmed.
12. Khan Bahadur Maulavi Mahmud Ali.
13. Khan Sahib Maulavi Sayidur Rahman.
14. Col. A. B. Beddow.
15. Mr. A. F. Bendall.
16. Mr. J. R. Clayton.
17. Mr. W. Fleming.
18. Mr. B. I. Barry.
19. Mr. F. W. Hockenhuil.
20. Mr. R. A. Palmer.
21. Srijut Bhairab Chandra Das.
22. Srijut Bideshi Pan Tanti.
23. Mr. C. Goldsmith.
24. Mr. P. Parida.
25. Srijut Rabi Chandra Kachari.

34. Maulavi Muhammad Amiruddin
35. Maulavi Muhammad Amjad Ali.
36. Maulavi Ashrafuddin Md. Chaudhury.
37. Khan Bahadur Dewan Ekli-mur Roza Chaudhury.
38. Mr. Fakhruddin Ali Ahmed.
39. Maulavi Muhammad Maqbul Hussain Chaudhury.
40. Maulavi Mabarak Ali.
41. Khan Sahib Maulavi Mudab-bir Hussain Chaudhury.
42. Khan Bahadur Maulavi Mufi-zur Rahman.
43. Maulavi Naziruddin Ahmed.
44. Maulavi Sheikh Osman Ali Sadagar.

The Ayes being 44 and the Noes 25, the motion was carried.

THE HON'BLE THE SPEAKER: Next I take up the amendment of Babu Dakshinaranjan Gupta Chaudhury.

BABU DAKSHINARANJAN GUPTA CHAUDHURY: Sir, my amendment is, that in lines 2 and 3 of clause 7 for the words 'actually occupied' the word 'held' be substituted.

Sir, in the Bengal Tenancy Act and in the Sylhet and Goalpara Tenancy Acts we always find the word 'held' and not the words 'actually occupied'. I think the reason is that the latter words will land us in unnecessary litigations. For instance, if a house is let or hired, the gentleman occupying it for several years may be regarded as occupier of it, and he may claim occupancy right in regard to it. In Sylhet very seldom lands are taken up by people for the purpose of sub-letting. Therefore, Sir, I think laws should be substituted for the words 'actually occupied', and I accordingly move this motion.

THE HON'BLE THE SPEAKER: The motion moved is that in lines 2 and 3 of clause 7 for the words "actually occupied" the word "held" be substituted.

BABU KARUNA SINDHU ROY: Sir, I accept the amendment.

MR. BAIDYA NATH MOOKERJEE: Sir, I rise to oppose the amendment because if the word 'held' is retained there in most cases some middlemen will be benefited and the real occupants of the land will not derive any benefit. There are many cases in the town of Sylhet where some people took lease of lands 30 to 40 years ago from the land-lords for residential purposes, but now they are doing business in them. I can cite many instances but it is useless to do so because most of the hon. members

of this House are not acquainted with local conditions. The thing is, Sir, that when these people took the lands they took them for their own purposes but afterwards they sublet the plots. They pay the landlord annually say Rs.50 or 60 only, whereas they realise rent up to the extent of three times what they give to the landlords. So, I think, if any benefit is to be given, it must be given to the real occupant of the land and not to the middle-man.

THE HON'BLE THE SPEAKER: Will the hon. member please explain what is meant by the words "actually occupied"?

MR. BAIDYANATH MOOKERJEE: That means living on the plot by building houses thereon.

THE HON'BLE THE SPEAKER: That is physical occupation?

MR. BAIDYANATH MOOKERJEE: Yes, Sir, those who have actually built houses on the lands and lived there.

BABU RABINDRA NATH ADITYA: The term 'actually occupied', as it is interpreted or as it appears in the section itself is very ambiguous. Mr. Mookerjee seems to argue that actual occupation means physical occupation. I do not understand what he means by that. Supposing I take a plot of land for building a house and for financial difficulty I cannot build the house for three years and the land remains actually un-occupied, should I not then have the occupancy right? So, 'actually occupied' is a very ambiguous term and will lead to much complication and litigation.

MR. BAIDYANATH MOOKERJEE: It is very clear and simple. That a man who actually lives on the plot of land by building houses over the land is the real occupant of the land.

BABU RABINDRA NATH ADITYA: If he does not build the house what will be the position?

RAI BAHADUR PROMODE CHANDRA DUTT: I think, Sir, the implications of the clause ought to be made clear to all. It is laid down that every person who shall have held land as a tenant continuously for a period of ten years, shall be deemed to have acquired the right of use and occupancy. As Mr. Mookerjee was saying there are cases in which land was taken from the landlord by a tenant and afterwards that land was let out to somebody else and that somebody else built a house on the land and lived there for ten years. What Mr. Mookerjee contends is that he should have the same right as the other man who originally took the lease. That is the position. But there may be cases where the house is built by the original tenant and a man comes and lives there for ten years. Will he have the right of occupancy or not?

MR. BAIDYA NATH MOOKERJEE: The *Bharatia* will be excluded.

RAI BAHADUR PROMODE CHANDRA DUTT: There are three kinds of cases. Firstly the tenant takes the land from the landlord, secondly he sublets the land to another man who lives there for ten years and odd and thirdly the original tenant builds the house and lets it out to another man who lives there for ten years. Then what will be the position in the third case? Will the man who occupies the house for ten years have the occupancy right or not? These are the things which, I think, have not been considered.

SRIJUT DEBESWAR SARMAH: Sir, I think, the controversy as regards whether the term "actually occupied" or 'held' is to be retained is not a very important one, because we all more or less understand what it means. The term "held" is a legal term and is to be found in the Acts relating to land.

As regards Mr. Mukherjee's contention that the middleman will get the benefit and not the tenant, I think, that question does not arise, because there is a clear definition of 'tenant' at page 9 of the report which reads thus: " 'Tenant' means a person who holds land under another person, and, who is, but for a special contract, liable to pay rent for that land to that person, and includes persons who derive their title from a tenant, and persons who continue in possession after expiry of the term of the lease". So the question of middleman getting the benefit does not arise and we might almost expect Mr. Mukherjee to agree to the amendment.

MR. BAIDYANATH MOOKERJEE: I am sorry I have not been able to explain my point to my hon. friend clearly. If you allow me, Sir, I can explain it again.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I may point out to the House that this matter was discussed in the Select Committee as will appear from their report and there was no controversy so far as this was concerned. The whole idea was that the benefit should not go to the middleman but that the person who is actually in occupation, that is to say, in physical possession of the land should get the benefit of this clause. Here again I may remind that giving of the occupancy right in respect of land in the town is rather a novel dispensation and this clause should therefore receive very careful consideration. We had a Select Committee consisting of 21 members of which a large number of members are now sitting on the group opposite. They all, as a matter of fact, agreed that the object of the legislation was that the benefit should go to those who are in actual need of it. They also agreed that there should be no inconvenience or disturbance to those who have been long in possession, but this piece of legislation should not be only for advantage to the middleman.

SRIJUT DEBESWAR SARMAH: On a point of information, Sir. I want this information from the Hon'ble Revenue Minister. A tenant takes lease of a plot of land and builds a house thereon. Suppose he goes for a change and leaves his servant behind. Will it be interpreted as actual occupation? Will not such a state of thing lead to a lot of litigation?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already made my position clear. We do not want to disturb the possession of a person. He should not be turned out at the sweet will of a landlord.

THE HON'BLE THE SPEAKER: I would allow Mr. Mookerjee to explain further. I would allow him as a special case to speak again.

MR. BAIDYANATH MOOKERJEE: Sir, As I stated before, supposing that some tenant took lease of a plot of land some time ago. After taking lease when he found that he was not in need of such a big plot as he wanted to make something out of it, he sublets this to some body else. Thus he derives some benefit out of it which he did not contemplate. At first he gives Rs.50 to the landlord and after subletting this he gets about two times of what he actually pays. What will be the position of those tenants who have taken lease for a period of ten years or more. Will they get occupancy right? I mean to say if occupancy right is at all given, in that case those who are actually occupying the land should be given occupancy right.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Sir, I want your indulgence. I want to explain further.

I am at one with the principle enunciated by Mr. Mookerjee. Because of the difficulty of various interpretations which the word "actually

occupied" is capable of I want to have a legal term. I mean the term "held" which is used in all Tenancy Acts. The whole thing has been explicitly explained by hon. Rai Bahadur Promode Chandra Datta.

THE HON'BLE THE SPEAKER: The question before the House is that in lines 2 and 3 of clause 7 for the words 'actually occupied' the word 'held' be substituted.

The House then divided with the following result :—

Ayes 57

Noes. 26

- | | |
|--|--|
| 1. Babu Akshay Kumar Das. | 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. |
| 2. Babu Balaram Sircar. | 2. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 3. Srijut Beli Ram Das. | 3. The Hon'ble Rev. J. J. M Nichols-Roy. |
| 4. Srijut Bhuban Chandra Gogoi. | 4. The Hon'ble Srijut Rohini Kumar Chaudhuri. |
| 5. Babu Bipin Behari Das. | 5. The Hon'ble Maulavi Md. Ali Haidar Khan. |
| 6. Srijut Bipin Chandra Medhi. | 6. Mr. Baidyanath Mookerjee. |
| 7. Babu Dakshina Ranjan Gupta Chaudhuri. | 7. Babu Kamini Kumar Sen. |
| 8. Srijut Debeswar Sarmah. | 8. Srijut Purandar Sarma. |
| 9. Srijut Ghanashyam Das. | 9. Srijut Santosh Kumar Barua. |
| 10. Srijut Gauri Kanta Talukdar. | 10. Khan Bahadur Hazi Abdul Majid Chaudhury. |
| 11. Srijut Haladhar Bhuyan. | 11. Khan Bahadur Maulavi Mahmud Ali. |
| 12. Babu Harendra Narayan Chaudhuri. | 12. Col. A. B. Beddow. |
| 13. Srijut Jadav Prosad Chaliha. | 13. Mr. A. F. Bendall. |
| 14. Srijut Jogendra Chandra Nath. | 14. Mr. J. R. Clavton. |
| 15. Srijut Jogendra Nath Barua. | 15. Mr. W. R. Faul. |
| 16. Srijut Jogeschandra Gohain. | 16. Mr. W. Fleming. |
| 17. Babu Kalachand Roy. | 17. Mr. B. I. Barry. |
| 18. Srijut Kameswar Das. | 18. Mr. F. W. Hockenhull. |
| 19. Babu Karuna Sindhu Roy. | 19. Mr. D. B. H. Moore. |
| 20. Srijut Krishna Nath Sarmah. | 20. Mr. R. A. Palmer. |
| 21. Babu Rabindra Nath Aditya. | 21. Srijut Bhairab Chandra Das. |
| 22. Babu Lalit Mohan Kar. | 22. Srijut Bideshi Pan Tanti. |
| 23. Srijut Mahadev Sarma. | 23. Rev. L. Gatphoh. |
| 24. Srijut Omco Kumar Das. | 24. Mr. C. Goldsmith. |
| 25. Rai Bahadur Promode Chandra Datta. | 25. Mr. Jobang D. Marak. |
| 26. Srijut Rajani Kanta Barooah. | 26. Mr. P. Parida. |
| 27. Srijut Rajendranath Barua. | |
| 28. Srijut Ram Nath Das. | |
| 29. Srijut Sankar Chandra Barua. | |
| 30. Srijut Sarveswar Barua. | |
| 31. Babu Shibendra Chandra Biswas. | |
| 32. Srijut Siddhi Nath Sarma. | |
| 33. Maulavi Abdul Aziz. | |
| 34. Maulavi Abdul Bari Chaudhuri. | |
| 35. Maulavi Abdul Matin Chaudhuri. | |
| 36. Maulavi Abdur Rahman. | |
| 37. Maulavi Md. Abdus Salam. | |

38. Maulavi Dewan Muhammad Ahab Chaudhury.
39. Maulavi Muhammad Amir-uddin.
40. Maulavi Muhammad Amjad Ali.
41. Maulavi Ashrafuddin Md. Chaudhury.
42. Khan Bahadur Dewan Eklimur Roza Chaudhury.
43. Mr. Fakhruddin Ali Ahmed.
44. Maulavi Ghyasuddin Ahmed.
45. Maulavi Jahanuddin Ahmed.
46. Maulavi Muhammad Maqbul Hussain Chaudhury.
47. Maulavi Matior Rahman Mia.
48. Maulavi Mabarak Ali.
49. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
50. Khan Bahadur Maulavi Mufizur Rahman.
51. Maulavi Munawwar Ali.
52. Maulavi Muzarraf Ali Laskar.
53. Maulavi Namwarali Barbhuiya.
54. Maulavi Naziruddin Ahmed.
55. Maulavi Sheikh Osman Ali Sadagar.
56. Srijut Khorsing Terang.
57. Srijut Rupnath Brahma.

The Ayes being 57 and the Noes 26 the amendment was carried.

THE HON'BLE THE SPEAKER: I then take up the amendments standing in the name of Mr. Baidyanath Mookerjee.

MR. BAIDYANATH MOOKERJEE: Sir, I beg to move that in line 1 of clause 7 for the word "notwithstanding" the words "in the absence of" be substituted, so that the existing right of the landlords may not be curtailed or taken away. The terms by which the parties bound themselves with their eyes open, and in most cases after consideration and advantage to the tenants as a consequence thereof should not be lightly interfered with. Valid contracts made before the Bill passed into law ought not under any circumstances be thrown off. If the landlord's contract with the tenants is of no avail, his ownership of the land becomes meaningless.

So, Sir, I hope those who have got any respect for the law cannot but support my amendment. Sir, I do not find any reason why we should be any party to a legislation of this kind the effect whereof will be that somebody will get indulgence and support of us to break their promises and contracts which they did voluntarily. With these few words, I request the House to accept my amendment.

THE HON'BLE THE SPEAKER: The motion moved is that in line 1 of clause 7, for the word "notwithstanding" the words "in the absence of" be substituted.

BABU HARENDRA NARAYAN CHAUDHURI: Mr. Speaker, Sir, the other day, perhaps it was only day before yesterday, my friend Mr. Baidyanath Mookerjee informed the House that he had submitted fees for the final Law Examination 21 times. If my hon. friend will take my advice I would certainly request him not to make the number 22. I would request him to

follow the principle of " money saved is money earned " and not to spend anything in the way of fees for the final Law Examination. Though, Sir; he has passed the Intermediate Examination in Law, he has no lawyer's instinct in him and I predict that his ambition to become a full-fledged lawyer will be in vain. Otherwise, Sir, he would not have come forward with an amendment—an amendment which means the very negation of the whole purpose of the Bill.

Sir, when the Select Committee met in October last, many of its members at the suggestion of my friend Mr. Mookerjee were willing to substitute the word " notwithstanding " by the words " in the absence of ". Well, Sir, though I am not a lawyer I had a shrewd suspicion, a sense of predicament that something was wrong (laughter from all sides of the House). Then, Sir, fortunately for me an eminent lawyer from Sylhet was present here at that time.

MR. BAIDYANATH MOOKERJEE: One only? Please speak the truth.

BABU HARENDRA NARAYAN CHAUDHURI: Yes, only one and one eminent. I have no objection to naming him, Sir. He was Srijut Dharmadas Dutta, the Government Pleader of Sylhet. He is not only the legal adviser of Government but he is also the legal adviser of my family. So, I at once ran to him. It was after consultation with him, Sir, that I could understand the real implication of those simple words "in the absence of". Well, Sir, when my leader Mr. Bardoloi requested the Judicial Member to reopen the question, he was willing to reopen it and the Select Committee retained the original word 'notwithstanding' and rejected the amendment of "in the absence of". I assert and assert it boldly, Sir, that barring you and Rai Bahadur P. C. Datta, there is none in the house who have got more experience of the condition of Sylhet than I.

THE HON'BLE THE SPEAKER: Order order Comparison is uncalled for.

BABU HARENDRA NARAYAN CHAUDHURI: Excuse me, Sir, I am coming to my point (laughter). Though born in an obscure village in the subdivision of Sunamganj, I was sent to the town of Sylhet by my parents at the age of five and since then for the last three decades I have been living in that town with only occasional break of a month or two within a year. The town of Sylhet is also my constituency and I hope my words will carry more weight here. Sir, if I remember aright, it was you who as a member of the old Council tried to bring a Bill to this effect in the Legislative Council in the year 1924. The Bill was actually drafted as far as I know but I do not know the reason why the Bill did not come before the House. Perhaps owing to the reactionary character of the Council you did not dare to introduce that bill.

MR. BAIDYANATH MOOKERJEE: Perhaps he found out any mistake (laughter).

BABU HARENDRA NARAYAN CHAUDHURI: Now, Sir, during my last election campaign I was besought with numerous requests to bring a Bill to this effect, in case I was elected. The importance and urgency of the measure will be more illustrated by the fact that notice of the Bill was sent in the names of 10 or 12 members of this House representing different groups. Now, coming to the merits of the amendment, Sir, I would request my friend Mr. Mookerjee to show me a single document of lease in which the condition that no tenancy right will accrue after the expiration of the period of lease is not mentioned. I admit that I am myself a landlord though not as big as my friend Mr. Mookerjee. And as such, I do not give my brother landlords whether with

bigger or smaller interests, the credit of liberality and large-heartedness of leasing out their lands without this condition of non-accrual of tenancy right after the termination of period of lease.

MR. BAIDYANATH MOOKERJEE: Was it your election pledge ?

BABU HARENDRA NARAYAN CHAUDHURI: Certainly, Sir, it was my election pledge and I stand by it.

Clause 7 as it stands in the original Bill follows the principle under which all tenancy laws are enacted. Under it, the interests of not only the tenants but of landlords also are secure. It is only those landlords who want to exercise *Julum* and *Jabardasti* will be checked by this clause. With these few words Sir, I request the Hon'ble House to reject this amendment because it will nullify the very object of the Bill. It will benefit nobody (*hear! hear!*).

MR. ARUN KUMAR CHANDA: Sir, I rise to oppose and very vehemently oppose the amendment which has been moved by my hon. friend Mr. Mookerjee, for the simple reason that if this amendment is allowed to be accepted by the House it will lay the axe at the root of the very object with which this Bill has been brought up before the House. It is a well known fact that this is indeed an extraordinary legislation but bad cases make very bad law and it is the behaviour of certain landlords in the town of Sylhet which has driven their tenancy to initiate this protective legislation. It is a well known fact that for years the tenants of Sylhet have been under the iron grip of very rapacious landlords. As has already been stated by the previous speaker Mr. Chaudhuri, that in all the leases obtaining in Sylhet there is a condition that after the expiry of the term of lease landlords will be put in possession and the tenants will not claim any *jote* right. I also understand that these landlords who are big and monied men have printed forms of leases embodying that condition of leases and the tenants have to fill up certain portions of these forms at and under the dictation of these landlords. In every form thus this condition appears and exists and if Mr. Mookerjee's amendment is accepted by the House then it is tantamount to throwing out the entire Bill. If this amendment is accepted the result will be that the tenants whom this Bill is calculated to benefit will derive absolutely no benefit out of the Bill. So, Sir, the natural outcome of this amendment will be that the Sylhet Town Tenancy Bill will be no better than a dead letter. I have also to submit that this aspect of the matter was thoroughly gone into by the Select Committee and Mr. Mookerjee with even greater vehemence than what he has displayed on this occasion fought tooth and nail for the introduction of the words 'in the absence of'. But thanks to the good sense of the Committee Mr. Mookerjee failed to get anything done there and now as a last recourse, like a drowning man catching at a straw, he has come up before the House. Now if this amendment is accepted then it is worse than throwing out the Bill altogether. It is giving it an indecent burial. So, I oppose this amendment.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I am glad that my hon. friend Mr. Mookerjee has brought this amendment. I am glad for one reason and that is that it has enabled Mr. Chanda to speak out and to take a definite line of action. We see now that he is not going to let the Select Committee down altogether, and that at times he is prepared to stand by the decisions of the Select Committee. The arguments which he has put forward in opposing the motion of Mr. Mookerjee were of course same as I put forward to do, but, here I shall agree with Mr. Chanda and would oppose this amendment, and I only hope and pray that better sense will prevail with my hon. friend Mr. Chanda in giving his

decision on other amendments on the Bill as it emerged from the Select Committee.

MR. ARUN KUMAR CHANDA: On a point of personal explanation, Sir. I am not greater than my party, and when my party decided to take a certain line of action I have no other option than to follow it. But it will be noticed that in this matter I did not agree with my hon. friend Mr. Mookerjee on the Select Committee. But I was in good company on that occasion as the Hon'ble Minister was with me.

THE HON'BLE THE SPEAKER: I was thinking whether it should be discussed on the floor of this House how the Select Committee came to a certain decision. I think it would be better not to disclose anything of what transpired in the Select Committee. What each member said, in the course of the deliberation of the Committee, and the various comments—right or wrong—on certain provisions of the Bill offered by certain members of the Committee, all this need not be disclosed. These things will not be relevant to the discussion here (*hear! hear!*).

The motion was put and lost.

THE HON'BLE THE SPEAKER: Then I take the amendment of Babu Karuna Sindhu Roy, that the proviso to clause 7 of the Bill be omitted.

Babu Karuna Sindhu Roy did not move the amendment.

THE HON'BLE THE SPEAKER: If this amendment be withdrawn we have disposed of all the amendments. I shall ask the hon. member to find out if there are any more amendments. I find that there are 5 amendments only; one has been withdrawn and the fourth one has now been disposed of.

The question is that clause 7 of the Bill do stand part of the Bill. The motion was put and adopted.

Clause 8

THE HON'BLE THE SPEAKER: Then I take up clause 8. There is one amendment in the name of Khan Bahadur Maulavi Mahmud Ali.

Khan Bahadur Maulavi Mahmud Ali did not move the amendment.

THE HON'BLE THE SPEAKER: The question is that clause 8 do stand part of the Bill. The motion was put and adopted.

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir, "As amended by the Select Committee".

THE HON'BLE THE SPEAKER: That goes without saying.

Clause 9

THE HON'BLE THE SPEAKER: Then I take up clause 9. I shall ask Babu Karuna Sindhu Roy to move his amendment.

Babu Karuna Sindhu Roy did not move his amendment.

Babu Akshoy Kumar Das also did not move his amendment.

THE HON'BLE THE SPEAKER: Then there is another amendment in the name of Babu Akshoy Kumar Das "including the cost of execution, if any", in line 12 of clause 9 of the Bill be omitted.

Babu Akshoy Kumar Das withdrew his amendment.

Maulavi Abdul Bari Chaudhury also did not move his amendment.

THE HON'BLE THE SPEAKER: Then comes the amendment of Maulavi Abdul Aziz. In this case His Excellency has not given his consent. I think there are no other amendments.

The question is that clause 9 do form part of the Bill.

The motion was put and adopted.

Clause 10

THE HON'BLE THE SPEAKER: There is one amendment in the name of Maulavi Abdul Aziz. That the word 'also' in line 3 be omitted. I

think, it must go with the previous amendment and the hon. member will consider whether, having regard to the amendment to clause 9 being disallowed, the hon. member likes to move this amendment.

MAULAVI ABDUL AZIZ: I do not like to move it, Sir. It has no meaning.

THE HON'BLE THE SPEAKER: The question is that clause 10 do form part of the Bill.

The motion was put and adopted.

Clause 11

No hon. member who tabled amendments desired to move his amendment to this clause of the Bill.

Clause 11 was then put to the House and declared carried and stood part of the Bill.

Clause 12

BABU KARUNA SINDHU ROY: I beg to move that in sub-clause (i) of clause 12 the word 'occupancy' be omitted.

Under the present law every tenant can transfer his leasehold interest. So it is unnecessary to insert the word 'occupancy' before the word 'tenant'. A non-occupancy tenant, after spending several thousands for the improvements of his holding and constructions of buildings may die and his heirs may not be in a position to live in town and those helpless heirs will necessarily be willing to sell away their unexpired leasehold interest together with the structures thereon, and there should not be any hindrance to such a transfer.

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

MR. BAIDYANATH MOOKERJEE: Sir, I rise to oppose the amendment. As I was criticised by my hon. friend Mr. Arun Kumar Ghanda that if the word 'notwithstanding' be replaced by the word "in the absence of" practically the whole object of the Bill will be gone; here also if the word "occupancy" is not placed, then there will be no meaning of 'ejectment'. Practically everybody who is occupying, say for one year or two, also will derive the benefit of occupancy. How? Suppose a man has taken the lease for three years. When this Act will be passed, one who has still some time left will try to build a structure in such a way that the landlord will never dare to go to him for ejectment; because, in that case also, he shall have to pay compensation. Sir, it has been said that the landlords are all rich men. Sir, I am not permitted to use any language as I like. Still I can say that I have heard very few words which are untrue like this. Because there are many landlords, who are poor and indeed most of them are very poor and there are poor widows too. Do you think that if a man taking a lease for two years after the Bill will be passed if he has got any time he will not try to build a house, a costly house there so that for fear of having to give compensation to the tenant, the landlord will think twice before going to the court? Sir, if compensation is to be given to everybody, do you think, Sir, that anybody will go to Court? If the landlord accepts fees he will be put into troubles.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAWDHURY: I support the amendment moved by the hon. member Babu Karuna Sindhu Roy. In the preamble it is said, "Whereas it is expedient to frame, amend and consolidate the laws regulating the relation between landlord and tenant within the municipal limits of the town of Sylhet". So, as it is a legislation for the tenants, I think that the addition of the word 'occupancy' will make a difference and we should not make any distinction between tenant and tenant.

MR. BAIDYANATH MOOKARJEE: Then let everybody be occupancy tenants.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: The word 'tenant' is sufficiently pregnant and it has got a meaning. So, Sir, according to me, the word 'occupancy' in clause 12 is redundant, useless and irrelevant. With these words, I support the amendment.

MAULAVI ABDUR RAHMAN: Sir, I rise in support of the amendment, moved by Babu Karuna Sindhu Roy. After we have accepted the other amendment about occupancy, I think, as has been said by hon. member Maulavi Maqbul Hussain Choudhury, the word 'occupancy' here is redundant. The word "tenant" in the definition clause of the Bill has been clearly defined and after that definition, I think, the use of the word 'occupancy' before 'tenant' in this clause is really redundant. With these words I support the amendment that the word 'occupancy' be deleted.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think, Sir, it is very unreasonable to propose this amendment, because the word 'tenant' has been defined in this Bill as follows:—

“ 'Tenant' means a person who holds land under another person, and, who is, but for a special contract, liable to pay rent for that land to that person, and includes persons who derive their title from a tenant, and persons who continue in possession after expiry of the term of lease”.

Tenancy may terminate within two years or three years and that will mean that any tenant, if he is allowed to occupy for one year after the termination of the tenancy which may expire after three years, will have a right which has been given under clause 12 which runs:—

“The holding of an occupancy tenant together with his right, title and interest therein shall, subject to the provisions of this Act, be capable of being transferred in the same manner and to the same extent as any other immoveable property.”

THE HON'BLE THE SPEAKER: Will the Hon'ble Member compare this provision with the explanation to sub-clause 7 that has been passed?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: But I am contemplating a case, Sir, in which a particular tenant has taken a lease of the land for three years. The lease terminates after three years. But if he holds over for one year more, during which year he is still a tenant, then he will have a right of transferring that property. His term has expired after the expiry of three years and he has been, either indulgently or due to the failure of the landlord to take action, been allowed to occupy for one year more. Does it mean that he shall have the right to put in another tenant in his place without the consent of the landlord? Does it mean that he will be able to transfer that possession to another man?

THE HON'BLE THE SPEAKER: Does not the explanation also mean that, if a person holds land for five years and then sells and that man gets settlement for 7 years, that man will get the right?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The “Explanation” may be interpreted in that way, Sir. But I am putting before the House a concrete illustration to show how adversely it will affect the interest of the landlord, if the word “occupancy” be deleted. We find from the report of the Select Committee, that there was a complete agreement about it. The first note of dissent which was put in by the hon. mover of this amendment, Babu Karuna Sindhu Roy, has mentioned nothing about it. It is only in his subsequent note of dissent that he has referred to this clause. So I think it would be advisable to hold to the decision of the Select Committee.

THE HON'BLE THE SPEAKER: I want the Hon'ble Minister to show how his view is consistent with the "Explanation" to clause 7.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If we omit the word 'occupancy' here it will not conflict with that.

BABU KAMINI KUMAR SEN: Sir, if a tenant holds over, unless he has acquired occupancy, the landlord has the right to re-enter.

THE HON'BLE THE SPEAKER: Before re-entry he can also transfer.

BABU KAMINI KUMAR SEN: If he is allowed to transfer under this clause the landlord will be bound to accept the transfer. If he was not given the right of transfer, the landlord will be entitled to re-enter. But if he is given the right of transfer, the landlord will under clause 12, have to accept the transfer and recognise him as the tenant. So I think the landlord's interest will be jeopardised.

The Hon'ble Speaker then put the amendment and a division was taken.

The House divided with the following result.

Ayes—31

Noes—38.

1. Babu Balaram Sircar.
2. Srijut Beliram Das
3. Srijut Bhuban Chandra Gogoi.
4. Srijut Bipin Chandra Medhi.
5. Srijut Debeswar Sarmah.
6. Srijut Ghanashyam Das.
7. Srijut Gaurikanta Talukdar.
8. Srijut Haladhar Bhuyan.
9. Srijut Jogendra Chandra Nath.
10. Srijut Jogendra Nath Barua.
11. Srijut Jogeschandra Gohain.
12. Babu Kalachand Roy.
13. Babu Karuna Sindhu Roy.
14. Srijut Krishna Nath Sarma.
15. Babu Rabindra Nath Aditya.
16. Srijut Mahadev Sarma.
17. Srijut Omeo Kumar Das.
18. Srijut Rajani Kanta Borooah.
19. Srijut Sankar Chandra Barua.
20. Srijut Sarveswar Barua.
21. Babu Shibendra Chandra Biswas.
22. Srijut Siddhi Nath Sarma.
23. Maulavi Abdul Bari Choudhuri
24. Maulavi Abdul Matin Choudhuri.

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
3. The Hon'ble Rev. J. J. M. Nichols-Roy.
4. The Hon'ble Srijut Rohini Kumar Chaudhuri.
5. The Hon'ble Maulavi Md. Ali Haidar Khan.
6. Kumar Ajit Narayan Dev.
7. Mr. Baidyanath Mookerjee.
8. Babu Kamini Kumar Sen.
9. Dr. Mahendra Nath Saikia.
10. Mr. Naba Kumar Datta.
11. Rai Bahadur Promode Chandra Dutt.
12. Srijut Santosh Kumar Barua.
13. Maulavi Abdul Aziz.
14. Khan Bahadur Hazi Abdul Majid Chaudhuri.
15. Maulavi Md. Abdus Salam.
16. Maulavi Dewan Muhammad Ahab Choudhuri.
17. Maulavi Muhammad Amjad Ali.
18. Maulavi Ashraf Uddin Md. Chaudhuri.
19. Maulavi Jahanuddin Ahmed.
20. Khan Bahadur Maulavi Mahmud Ali.
21. Maulavi Mabarak Ali.
22. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
23. Khan Bahadur Maulavi Mufizur Rahman.

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| 25. Maulavi Abdur Rahman. | 24. Maulavi Naziruddin Ahmed. |
| 26. Maulavi Badaruddin Ahmed. | 25. Col. A. B. Beddow. |
| 27. Mr. Fakhruddin Ali Ahmed. | 26. Mr A. F. Bendall. |
| 28. Maulavi Muhammad Maqbul Hussain Choudhury. | 27. Mr. J. R. Clayton. |
| 29. Maulavi Muzarrof Ali Laskar. | 28. Mr. W. R. Faull. |
| 30. Maulavi Namwar Ali Barbhuiya. | 29. Mr. W. Fleming. |
| 31. Maulavi Sheikh Osman Ali Sadagar. | 30. Mr. B. I. Barry. |
| | 31. Mr. F. W. Hockenhull. |
| | 32. Mr. D. B. H. Moore. |
| | 33. Mr. R. A. Palmer. |
| | 34. Srijut Bhairab Chandra Das. |
| | 35. Mr. C. Goldsmith. |
| | 36. Mr. Jobang D. Marak. |
| | 37. Srijut Khorsing Terang. |
| | 38. Srijut Rupnath Brahma. |

Ayes being 31 and the Noes 38, the motion was lost.

THE HON'BLE THE SPEAKER: The next motion stands in the name of Babu Dakshinaranjan Gupta Chaudhuri, that in lines 2 and 3 of sub-clause (ii) of clause 12, the words 'in the prescribed form' be omitted.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: I beg leave to withdraw this, Sir.

BABU KARUNA SINDHU ROY: I also beg leave to withdraw the amendment standing in my name, that in lines 2 and 3 of sub-clause (ii) of clause 12 the words 'in the prescribed form' be omitted and that in line 4 of the same sub-clause for the word 'five' the word 'two' be substituted.

THE HON'BLE THE SPEAKER: Then two amendments stand in the name of Babu Akshay Kumar Das.

BABU AKSHAY KUMAR DAS: I also withdraw them.

THE HON'BLE THE SPEAKER: The next motion stands in the name of Babu Rabindra Nath Aditya.

BABU RABINDRA NATH ADITYA: I beg leave to withdraw this.

MAULAVI ABDUL BARI CHAUDHURI: I won't move my amendment.

THE HON'BLE THE SPEAKER: I think Maulavi Abdur Rahman does not like to move his amendment that the words 'in the prescribed form' be omitted. Hon. members will see that the amendment of Maulavi Abdur Rahman has two parts. One that the words 'in the prescribed form' in sub-clause (ii) of clause 12 be omitted another that in lines 4, 5 and 6 of the same sub-clause for the words 'five per cent.....of transfer' the words 'twice the annual rent where the transfer is for a price' be substituted.

MAULAVI ABDUR RAHMAN: I am not going to move the first part; but I move the second one.

Sir, I move that in lines 4, 5 and 6 of sub-clause (ii) of clause 12 for the words 'five per cent.....of transfer' the words 'twice the annual rent where the transfer is for a price' be substituted.

Sir, in moving this amendment, I would submit to the House that the principle of transfer fee to the landlord does not appear to me to be sound and reasonable at the same time. Of course here I do not move for the principle that no transfer fee should be given to the landlord; I here only say Sir, that 'twice the annual rent where the transfer is for a price' be the transfer fee for a landlord. Of course the Select Committee have recommended that the transfer fee to be given to the landlord should be five per cent. of

the value of the price of the tenancy. But it appears to me to be very exorbitant because the price of the town lands is very high. In some cases a *kiyar* sells at Rs.1,000. If the recommendation of the Select Committee is to be accepted then the transfer fee becomes unreasonable and too high. With these words I submit to the House that my amendment be accepted.

THE HON'BLE THE SPEAKER: The motion moved is that in sub-clause (ii) of clause 12 of the Bill in lines 4, 5 and 6 of the same sub-clause for the words 'five per cent..... of transfer' the words "twice the annual rent where the transfer is for a price" be substituted.

MR. BAIDYANATH MOOKERJEE: Sir, I rise to oppose the amendment. The point put forward by my friend Maulavi Abdur Rahman, I think, to some extent, will support me. He has rightly said that the price of the town land is very high. Exactly so. But he has conveniently forgotten to say that the owners of the lands I mean the proprietors should also get their share of the lands as transfer fee. In that case why they should not derive the benefit of the transfer. Even in agricultural lands so far as my information goes one-fifth, that is 20 per cent, goes to the landlord. I do not see any reason why these landlords of the town should be deprived of getting even 5 (five) per cent. whereas in the Sylhet Tenancy Bill there is a provision for 20 per cent. With these words I oppose this amendment. This amendment is most inequitable.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I think it is clear to the House that the amendment proposed is quite unreasonable. Take for instance, a plot of land which has been settled years ago at a very low rate of rent. The absent landlord or the landlord who is not occupying a particular plot of land may allow either a friend or relative of his to occupy the land at a very low rate of rent. That does not necessarily mean that the price of land is very low. The price of that plot of land may be very high.

Sir, I am only pointing out that it would appear from the report of the Select Committee that this figure of 5 per cent. was arrived at after very careful consideration, and the Select Committee, which included the hon. mover of this Bill, did not record any dissentient note on this point, although the hon. mover submitted not one but two dissentient notes. Therefore, Sir, it is quite apparent that this amendment is unreasonable.

BABU RABINDRA NATH ADITYA: Sir, there is some difficulty with regard to the language of this sub-clause. Generally when a holding is sold a lump sum is stated as the value, both for the land, as well as for the building. It is not stated how much is assigned for the building and how much for the land. Generally speaking, the value of the building is far higher than the value of the land. The building which has been erected by the tenant and for which he gets the price, the landlord has no justifiable claim for any share of its value. It is to obviate this difficulty it has been stated in the amendment that the landlord will get only a certain percentage over the annual total rental value of the land. I think it is fair. Otherwise the landlord will get the benefit for the price of the building for which he had no contribution. With this view this amendment has been put forward.

With these few words I support the amendment.

THE HON'BLE THE SPEAKER: The question is that in sub-clause (ii) of clause 12 of the Bill, in lines 4, 5 and 6 for the words "five per cent.....of transfer" the words "twice the annual rent where the transfer is for a price" be substituted.

The motion was negatived.

THE HON'BLE THE SPEAKER: There are three identical amendments under sub-clause (iii) of clause 12. The first one stands in the name of Babu Dakshinaranjan Gupta Chaudhuri.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Sir, I beg to move that in sub-clause (iii) of clause 12 for the word "transaction" the word "transfer" be substituted.

Sir, the word "transaction" is meaningless, and so I want to use the word "transfer", which is generally in vogue in all legal phraseology. This word is also used in all other Tenancy Acts.

With these few words, I beg to request the House to change the word "transaction" into "transfer".

THE HON'BLE THE SPEAKER: The motion moved is that in sub-clause (iii) of clause 12 for the word "transaction" the word "transfer" be substituted.

BABU KAMINI KUMAR SEN: Sir, I think the word "transaction" can be explained if we refer to sub-clause (vii): "All transfers made under this section shall be duly registered, and all notices shall be served by registered post". Transfer may be made before the document is executed. So, if the word "transfer" is substituted for the word "transaction", I think it will be difficult to fix the exact date of the transaction and complications will, therefore, arise. So, the word "transaction" has been put in, in place of "transfer", as provision has been made for all transfers to be duly registered. So, I think there is no necessity for changing the word "transaction".

MR. BAIDYANATH MOOKERJEE: Sir, that the word "transaction" was substituted for the word "transfer" after full consideration, in the Select Committee, because some designing person may prevent the landlord from getting his just dues—I mean the transfer fee—unless the word "transaction" is retained there. Sir, the word "transfer" was altered to "transaction", since the transfer is not really complete until after the payment of the transfer fee. That was the whole idea, and I think what was decided in the Committee after full consideration should be allowed to stand. I hope my hon. friend who has moved this amendment, will consider this and withdraw his amendment.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: I beg leave of the House to withdraw my amendment.

The amendment was, with the leave of the House, withdrawn.

THE HON'BLE THE SPEAKER: There are no amendments to sub-clauses (iv) and (v). Am I right? The hon. members will please consult their lists. There are six identical amendments to sub-clause (vi). The first one stands in the name of Maulavi Abdul Aziz. The next one is wider, and that should be taken up first. It stands in the name of Babu Rabindra Nath Aditya and reads thus "that sub-clause (vi) of clause 12 with the proviso thereunder be omitted".

Does the hon. member wish to move his amendment?

BABU RABINDRA NATH ADITYA: I beg to withdraw it, Sir, as the same amendment stands in the name of Maulavi Abdur Rahman.

THE HON'BLE THE SPEAKER: The same amendment stands in the name of Maulavi Abdur Rahman. Does he want to move it?

MAULAVI ABDUR RAHMAN: (After a pause.) No, Sir.

BABU KARUNA SINDHU ROY: Sir, I beg to withdraw the amendment standing in my name.

BABU AKSHAY KUMAR DAS: I also beg to withdraw my amendment.

MAULAVI ABDUL BARI CHAUDHURI: I also beg to withdraw my amendment.

THE HON'BLE THE SPEAKER: Then, I will take up the amendment standing in the name of Maulavi Abdul Aziz.

MAULAVI ABDUL AZIZ: Sir, I beg to move that in line 4 of the proviso to sub-clause (vi) of clause 12 for the words "thirty days" the words "two months" be substituted.

Sir, this has been provided for to extend the time for exercising the right of pre-emption. The period provided in the Bill is too short, and there may be cases where the landlord will find great difficulty in managing money within this period. It is with this view that I have brought this amendment to extend the time to two months.....

Sir, there will be great difficulty as 30 days appear to be too short and so the period should be extended by another month. With these few words, I commend my amendment to the acceptance of the House.

THE HON'BLE THE SPEAKER: The motion moved is that in line 4 of the proviso to sub-clause (vi) of clause 12 for the words "thirty days" the words "two months" be substituted.

The amendment was put and declared carried.

The House was then adjourned till 2 p.m. on Friday the 17th instant.

SHILLONG;

A. K. BARUA,

The 29th January 1938.

Secretary, Legislative Assembly, Assam.