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

The ASSEMBLY met in the Assembly Chamber, Shillong, at 2 p. m., on Friday,  
the 1st March, 1940

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten  
Hon'ble Ministers and 88 members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Free Labour System in the Garo Hills**

**Mr. JOBANG D. MARAK** asked :

\*80. (a) Are Government aware that Free Labour System is still extant  
in the Garo Hills ?

(b) Is it a fact that Government promised to do away with this  
system ?

(c) Will Government be pleased to state if they are taking any  
action for its abolition ?

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

80. (a)—Government are not aware of any case where free labour is  
exactd in the Garo Hills except a complaint that villagers are required to  
build *bashas* for touring officers.

(b) & (c)—Government cannot trace a pronouncement to this  
effect, but they are considering what arrangements should be made in regard  
to *basha* building in connection with the travelling allowance rates, and will  
see that any grievance is removed.

**Maulavi MUHAMMAD AMJAD ALI** : May I know who made the  
complaints ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** :  
The complaint came from local people.

**Maulavi MUHAMMAD AMJAD ALI:** Was there any representation on this ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, I got a representation from two hon. members coming from the Garo Hills.

**Maulavi MUHAMMAD AMJAD ALI:** When was the representation made ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The representation was made during my first Ministry.

**Maulavi MUHAMMAD AMJAD ALI:** What steps were taken then ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We enquired of the Deputy Commissioner.

**Mr. NABA KUMAR DATTA:** May I ask the hon. questioner what he means by Free Labour System ?

**Mr. JOBANG D. MARAK:** Free labour system was just now explained by the Hon'ble Premier. Whenever any touring officer goes to a place they will ask the people to build temporary sheds for their purpose.

**Mr. NABA KUMAR DATTA:** We cannot hear, Sir.

**Mr. JOBANG D. MARAK:** The touring officers go to a place and then they ask the people to construct temporary sheds for them. Up to now no payment has been made to the people for building temporary *bashas* for the officers. The Deputy Commissioner goes to a place and then asks the people to make a bridge over the streams and also to construct huts for him and then suddenly he cancels his programme and then goes to another place. The people do not receive any payment for their labour. He sends another Parawana to shift it to another place and it causes great inconvenience to people. What I want is that this system of free labour should be done away with.

**Mr. NABA KUMAR DATTA:** May I ask the Government whether they will do away with this system ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have already given the reply, Sir.

**Mr. JOBANG D. MARAK:** Was it also not a fact, Sir, that Government decided to abolish the Begar system ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Government's information was to the effect that the Begar system was abolished but touring officer generally applied to the people for work done on payment. The question of this system of building *Bashas* for touring officers is not limited to Garo Hills only. I have heard complaints also from another hon. member of this House that this practice is in vogue in the Jowai Sub-division of the Khasi and Jaintia Hills. The complaint is that our Touring Officers ask the people that temporary staging huts be built for them. Sometimes they also ask the people to construct bridges over streams. Sometimes the officers cancel their programme and thus all the money and time spent is wasted. Another complaint is that the people are asked to find out grass where grass is not available. I am looking into all these questions not with regards to Garo Hills only but also with regard to other places.

**Mr. JOBANG D. MARAK :** Another question, Sir.

**The Hon'ble the SPEAKER :** The Hon'ble Premier has already made a full statement about this question and no supplementary question is necessary.

**Grant of literary scholarship to Sree Jogendra Chandra Deb of village Charhamoha, P. O. Shaistaganj, Sylhet**

**Babu NIRENDRA NATH DEV** asked :

\*81. Will Government be pleased to state—

(a) Whether it is a fact that Sree Jogendra Chandra Deb of village Charhamoha, P. O. Shaistaganj, district Sylhet, recently submitted an application to Government for a literary scholarship for his original and meritorious work in connection with Baishnaba literature ?

(b) Whether it is a fact that the Director of Public Instruction recommended this as a fit case for granting such a scholarship ?

(c) Do Government propose to grant such a scholarship to the applicant ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

81 (a) Yes.

(b)—No.

(c)—His claims will be considered along with those of other candidates when expenditure from provincial revenues on such an item becomes possible.

**Maulavi MUHAMMAD AMJAD ALI :** May I ask the hon. questioner to tell us the names of the books written by him ?

**Babu NIRENDRA NATH DEV :** He has written a number of books on the lives of Sri Chaitanya, and on Baishnava religion.

**Babu RABINDRA NATH ADITYA :** Was not a similar answer given to another question in another previous session, Sir, and so far as I remember that answer was that matter will be considered along with other cases ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** Yes, actually there are some other candidates for such scholarship ; I have forgotten their names.

**The Hon'ble the SPEAKER :** The hon. member wants to know whether a similar answer was given to another question in any previous session ?

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** May we know the exact time or approximate time ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** Well, I shall try my best to obtain some grants for this purpose.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** When, Sir ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** In course of this year, if possible.

## UNSTARRED QUESTIONS

(to which answers were laid on the table)

*Re* Maktab at village Rampur in Sunamganj Subdivision**Babu KARUNA SINDHU ROY** asked :

82. (a) Is it a fact that a Maktab for girls was started in the year 1936 at village Rampur (adjacent to Govindaganj Bazar) under the police station Chhatak in the Sunamganj Subdivision by a Muslim lady ?

(b) Is it a fact that the people of the locality made representations after representations during the last three years, to Government officials and Local Board authorities, for recognition and grant-in-aid to the aforesaid Maktab ?

(c) Is it a fact that the people of Rampur has failed to receive any aid regarding the aforesaid Maktab up till now except some verbal assurances, though the Maktab is still existing ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

82. (a)—Yes.

(b)—No. Only one application, dated 21st August 1939 for recognition and grant-in-aid was received by the Deputy Inspector of Schools, Sunamganj. Government have no information if any representation was submitted to the Local Board.

(c)—The school was granted recognition with effect from 1st November 1939. So it could not be taken over during this year. The question of taking it over will be considered when money for the grants for 1940-41 will be available.

**Increased Grant to the Sanskrit College at Nalbari****Srijut GAURI KANTA TALUKDAR** asked :

83. (a) Is the Hon'ble Minister-in-charge of the Education Department aware that the Sanskrit College at Nalbari has appointed a new Adhyapak (Professor) for teaching Nyaya and that he has started teaching in that subject ?

(b) If so, do Government propose to adequately increase the existing recurring grant of the college for covering the pay of the new Adhyapak and for increasing the pay of the old Adhyapaks and also to sanction a non-recurring grant to the College so that it may develop into a full-fledged seat of Sanskrit learning ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

83. (a)—Yes.

(b)—The hon. member is referred to page 94 of the Memorandum on the Budget Estimates for the year 1940-41 from which it will be seen that provision has been made for increased grant to this College.

**Srijut GAURI KANTA TALUKDAR:** Sir, may I draw the attention of the Hon'ble Minister to the fact that the second part of my question No. 83(b) which refers to a non-recurring grant has not been answered?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** It was not possible for us to allot any money for a non-recurring grant.

**Srijut GAURI KANTA TALUKDAR:** My question is, was it not necessary to reply to that part of the question?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I thought, Sir, it would be clear from a reference to the Budget that no non-recurring grant was provided. I am sorry for the inconvenience caused to my hon. friend.

**Srijut GAURI KANTA TALUKDAR:** Instead of being sorry for that omission, would it not have been better for the Hon'ble Minister to be sorry for his being able to increase the monthly grant by Rs.75 only and for not granting any non-recurring grant. Moreover do the Government think that this is sufficient?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The hon. questioner is wrong in his statement. The increase is from Rs.50 to Rs.125.

**Srijut GAURI KANTA TALUKDAR:** May we not expect that this college should get some non-recurring grant soon?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I have already said it is not possible to provide for a non-recurring grant.

**Srijut GAURI KANTA TALUKDAR:** How much money was paid as non-recurring grant to the Sylhet Sanskrit College at its beginning?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** That does not arise, Sir.

#### *Re tour of the Hon'ble Minister of Industries*

**Mr. NABA KUMAR DUTTA** asked :

84. Will Government be pleased to state—

- (a) The names of the places visited by the Hon'ble Minister-in-charge of Industries from 15th December to 15th January 1940?
- (b) Whether the Hon'ble Minister was accompanied by any Government Officer during her tour?
- (c) If so, why?
- (d) Whether any other Hon'ble Minister accompanied her during her tour?
- (e) If so, why?

**The Hon'ble Miss MAVIS DUNN** replied :

84.(a)—The Hon'ble Minister, Industries, was out on tour on the 20th December 1939 afternoon and returned to headquarters on the 25th December 1939 and again went out on the 2nd January 1940 returning on the 4th January 1940. During this period she visited the following places :—

20th December 1939—arrived Gauhati (evening).

21st December 1939—Gauhati Weaving School.

22nd December 1939 }  
 and } Mangaldai, Bihaguri and Tezpur.  
 23rd December 1939 }  
 24th December 1939—Ketekibari.  
 25th December 1939—Returned to Shillong.  
 2nd January 1940—Left Shillong (afternoon).  
 3rd January 1940—Soalkuchi and Palasbari.  
 4th January 1940—Returned to Shillong.

(b)—The Marketing Officer of the Industries Department met the Hon'ble Minister at Tezpur on the 23rd December 1939 during her tours in Tezpur.

The Director of Industries, Superintendents, Weaving and Sericulture, accompanied Hon'ble Minister during her visits to Soalkuchi and Palasbari.

(c)—In the interest of public service.

(d)—The Hon'ble Minister, Education, also visited Mangaldai and Tezpur about the same dates as will appear from his tour programme published in the Gazette.

(e)—Does not arise.

**Mr. NABA KUMAR DUTTA:** With reference to (d) does the Hon'ble Minister Miss Dunn deny the fact that the Hon'ble Mr. Chaudhuri accompanied her to Soalkuchi and Palasbari?

**The Hon'ble MISS MAVIS DUNN:** Visiting a place at about the same time as another person and being accompanied by him are two different things.

**Srijut DEBESWAR SARMAH:** Was there any mutual arrangement?

**Mr. NABA KUMAR DUTTA:** Will the Hon'ble Minister please speak out? I do not hear her?

**The Hon'ble the SPEAKER:** She has admitted that the Hon'ble Mr. Chaudhuri was also there, but he was there in connection with a different piece of business.

**Mr. NABA KUMAR DUTTA:** Is it a fact that the Hon'ble Mr. Chaudhuri was touring with Hon'ble Miss Dunn in the interior when she was visiting Soalkuchi and Palasbari?

**Maulavi MUHAMMAD AMJAD ALI:** Is it a crime, Sir?

**The Hon'ble the SPEAKER:** What is the public purpose of this question?

**Mr. NABA KUMAR DUTTA:** I want to know in which part of the district they were travelling together?

**The Hon'ble the SPEAKER:** No public purpose will be served by the answer. She has already replied that the other Minister was there on a different piece of work.

**Mr. NABA KUMAR DUTTA:** I find that the Hon'ble Mr. Chaudhuri accompanies the Hon'ble Miss Dunn wherever she goes. Am I to understand that the Hon'ble Miss Dunn is not competent to tour alone?

**The Hon'ble the SPEAKER:** She has not said that.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know whether there is no precedent of two Hon'ble Ministers going together on tour ?

**Mr. NABA KUMAR DUTTA:** Not always.

**Mr. JOBANG D. MARAK:** My supplementary question with regard to starred question No 80 was disallowed, Sir, and it is a source of disappointment to me.

**The Hon'ble the SPEAKER:** If there is anything substantial about which he wants to put further questions, the hon member may put a question again to-morrow or the day after.

**Mr. JOBANG D. MARAK:** Thank you, Sir.

### *Re Clarification of certain Budget figures*

**Mr. BAIDYANATH MOOKERJEE:** I want, Sir, to get one point cleared in regard to an item at page 71 of the Budget.

**The Hon'ble the SPEAKER:** The matter before the House now has no connection with the Budget.

**Mr. BAIDYANATH MOOKERJEE:** The point is, before this point is cleared, we cannot bring in cut motions. I experienced some difficulties yesterday also.

**The Hon'ble the SPEAKER:** The hon. member may ask for elucidation.

**Mr. BAIDYANATH MOOKERJEE:** At page 71 of the Budget under General Administration—Pay of Officers—Ministers, charged, the pay of 10 Ministers at the rate of Rs.500 is shown to come to a total of Rs.96,000.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If the hon. member finds any difficulty, I want to know what is his exact difficulty ?

**Mr. BAIDYANATH MOOKERJEE:** For ten Ministers at Rs.500 per month the amount charged should have been only Rs.60,000, but the total amount of Rs.96,000 has been shown as charged.

**The Hon'ble the SPEAKER:** What I understand from the hon. member is this, that the amount should have been shown as Rs.60,000, whereas it has been shown as Rs.96,000

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I shall explain it, Sir, after the session is over.

**The Hon'ble the SPEAKER:** It would be better if the hon. member sees the Hon'ble Premier in his chamber.

**Srijut PURNA CHANDRA SARMA:** I consulted the Finance Secretary on this point, Sir, and he said that it is charged, because there is provision in the Ministers' Salaries Bill for granting so much for the salaries of Ministers. I pointed out to him that, until the Bill is passed, there cannot be so much amount charged. On this point, Sir, my cut motion was refused yesterday. That paper was sent back to me and I am in possession of it.

**The Hon'ble the SPEAKER:** In the Budget the amount is shown as charged and the hon. members know that no cut motion can be entertained to any charged item. In the general discussion of the Budget I pointed out to the hon. members that they were entitled to discuss items shown as charged, except some items relating to the salaries and



allowances of the Governor and his staff. The hon. member ought to have drawn the attention of the Premier by starting a discussion on the charged items. Therefore, I think it would be better for the hon. member to see the Hon'ble Premier in his chamber to get the explanation.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If any cut motion on that point has been refused, I will see that the same is allowed for discussion.

**Srijut PURNA CHANDRA SARMA:** May I know if I can put it in again?

**The Hon'ble the SPEAKER:** There may be some other ways in which cut motions can be put in to achieve the same object.

### The Assam Finance Bill, 1940

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I beg, Sir, to move that the Assam Finance Bill, 1940, be taken into consideration.

As each hon. member has got a copy of the Bill, they will be able to find, from the Statement of Objects and Reasons, why the Bill is necessary. The rates, under sections 3 and 6 of the Agricultural Income-tax Act, passed last year, have been left to be decided each year by means of a Finance Bill. Hence the necessity for this Bill.

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

"That the Assam Finance Bill, 1940, be taken into consideration."

A discussion may now follow.

**Mr. FAKHRUDDIN ALI AHMED:** Mr Speaker, Sir, there is hardly anything which need be said from this side of the House on the occasion of the consideration of this Bill, because the Hon'ble Premier in sponsoring this Bill has followed what was done by me last year in providing the rates on which Agricultural Income-tax is to be assessed. But, Sir, in this connection, I should like to point out a matter which, though it may appear irrelevant, is of great importance in reference to the tax which is proposed to be realised next year from the agricultural income. I have been hearing rumours, for which I hope there is no foundation, that the Government propose to provide by means of rules referred for relief on account of the double and dominion taxation. Sir, I take this opportunity to ask the Hon'ble Premier to state on the floor of the House whether there is any foundation for such a rumour. If there is, such an action on the part of the Government will be absolutely illegal, *ultra vires* and unconstitutional, because as the Hon'ble Premier and hon. members know, after this question was thrashed out threadbare at a time when the Agricultural Income-tax Bill was discussed on the floor of the two Houses, it was the definite views of the two Legislatures that no refund on account of double and dominion income-tax should be provided. I think, the Hon'ble Premier is in a position to say whether he proposes to allow such a refund by means of the Rules, which I think, are still in the process of being framed. My appeal to the Hon'ble Premier is that he will do nothing what is illegal and unconstitutional and to what principle the Legislature was opposed at the time of considering the Bill.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am obliged to my predecessor of last year for raising this point. But a man of his experience ought not to be moved by mere rumours. He first started by saying that we have stuck to the rates which were laid down in the Bill last year. Sir, we took charge practically from the month of December

and as no collection has been made under the Agriculture Income-tax Act, we had nothing to go by either in the way of increasing the rates or decreasing the rates. We do not know what income will be derived from this piece of legislation which was passed in the Joint Session last year.

Then as regards the Rules, Sir, the Rules have been framed by the Special Officer appointed by the late Ministry. It is with the greatest difficulty that my friend, the then Finance Minister was persuaded to put in a section, which, so far as I remember, runs to this effect that refunds will be allowable under this Act, as prescribed in the Rules. Beyond that nothing whatever was laid down in the Act about factors leading to a remission or refund. Now, the Special Officer has drafted certain rules which I have accepted. These Rules will be published and if there be anything illegal, it is up to my hon. friend as well as other hon. members to protest that they are illegal or unjust. What is lurking in the mind of my hon. friend is that we have granted dominion relief to those European concerns whose headquarters are beyond India and who have got to pay agricultural income-tax in their own native place. So far as I remember, no such dominion relief has been provided in the Rules.

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

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

The motion was adopted.

### **The Temporary Postponement of Execution of Decrees Bill, 1938.**

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Temporary Postponement of Execution of Decrees Bill, 1938. I think, Sir, since July last, the hon. members of this House are in possession of the Report and I hope they have gone through it.

*(After a pause)*

I beg, Sir, to move that the Bill as reported by the Select Committee be taken into consideration.

Sir, in this connection I may draw the attention of the hon. members to certain points. It is known to the hon. members of the House that we are giving relief to the poor raiyats and agriculturists in the shape of substantial remission in land revenue and also we have wiped out a considerable portion of the agricultural loan.

But in giving such relief, Sir, we should also see that steps are taken so that this relief may not ultimately be utilised by the Mahajans to whom these raiyats and agriculturists are immensely indebted. With this view, Sir, and in accordance with the line that was followed in United Provinces, the Hon'ble Mr. Rohini Kumar Chaudhuri, when he was a member of the previous Saadulla Cabinet, sponsored this Bill and sent that Bill for circulation. At the circulation stage probably, the then Ministry that was formed by Sir Muhammad Saadulla resigned and the Congress-Coalition Ministry came into power. That Ministry also took up this Bill and referred it to a Select Committee. The Select Committee sat and submitted an unanimous report.

Sir, another point to which I wish to draw the attention of the House is that it may be said, Sir, that due to war the prices of agricultural produce have shown a tendency to rise and it may bring about an improvement in the economic condition of *raiya*s. But, Sir, simultaneously the prices of other articles of necessity have also risen. So, the economic condition of the poor *raiya*s and agriculturists remains the same. In view of this, Sir, I move that the Bill be taken into consideration.

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

"That the Temporary Postponement of Execution of Decrees Bill, 1938, as reported by the Select Committee be taken into consideration."

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, at the outset I must admit that I am in entire sympathy with the object of this Bill. I thoroughly agree that the poor agriculturists are still in need of some sort of moratorium, as is proposed in this Bill. But, Sir, what I do not understand is this: the Bill, as has been said by the Hon'ble Minister-in-charge was introduced by Hon'ble Srijut Rohini Kumar Chaudhuri when he was a Minister in the last Saadulla Cabinet in 1938, and the preamble of the Bill runs thus: "Whereas it is expedient to provide for the temporary postponement, pending (further legislation) improvement of the financial condition of agriculturists and certain other classes of persons, for granting relief from indebtedness to agriculturists and such persons, of the execution of certain decrees passed against them by Civil Courts; it is hereby enacted as follows."

It is evident, Sir, from the preamble that this Bill was contemplated to be introduced as an emergency measure pending further legislation. So, Sir, we expected that we would get at least an idea in this session of what that permanent measure of relief contemplated by the last Saadulla Ministry was. We expected that this Ministry which is practically identical with the last Saadulla Ministry would bring forward that legislation in this Session of the Assembly. But, Sir, all our hopes have been belied. The Hon'ble Minister-in-charge now says that though the prices have risen, though the relief that is sought to be given by this Bill was needed more during the last few years than that at present, still there is necessity for this Bill. But, I am afraid, Sir, the way in which the Bill is proceeding, it might be that the utility of the Bill will go altogether when it will be passed by both the Houses of the Legislature. The Bill was introduced in 1938 and within the course of these two years it has not yet been passed even by the Assembly, it is yet in the consideration stage. We expected, Sir, that even if this emergency legislation had any necessity at present, this Government would take immediate steps to have it passed on the very first day. But it seems, Sir, that all their cry for the poor agriculturists is more spectacular than real. Otherwise they would have tried to have this Bill passed at one sitting. I do not know, Sir, when the Bill will be passed and whether there will be any utility for such a legislation at all when the Bill becomes law. Whatever that may be, Sir, I shall only be too glad to know from the Hon'ble Minister-in-charge what is that "further legislation" which they contemplated at the time, the Bill was introduced. If they give us any idea of such a measure and when such a measure is coming, I think, the House will be able to judge whether there is any necessity for proceeding with this Bill at this stage.

**Babu RABINDRA NATH ADITYA:** Mr. Speaker, Sir, the first point on which I beg to associate myself with my hon. friend Mr. Sen is the inordinate delay in having this Bill passed by the Legislature. It is rightly said that justice delayed is justice denied. So, it is up to the Government to see that this Bill is passed in this House during the course of this Session and the next available opportunity be taken to have this Bill passed in the other House. I understand the Upper House is going to sit on the 26th. So, I would request the Hon'ble Minister-in-charge to see that the Bill is taken up in the Upper House during that time so that it may become a full-fledged law by the end of this month or thereabout.

It seems, Sir, that the Bill has been clipped of its effective wings in the Select Committee. For example, we find in the definition of the word "Agriculturist" some restrictions have been placed. In the original Bill an Agriculturist was defined as a person paying land revenue not exceeding Rs.250 per annum, but here the limit has gone down from Rs 250 to Rs.100, so that any one paying a revenue more than Rs.100 would be thrown out of the category of "Agriculturist" within the meaning of this Bill.

Similarly, with regard to local rates, the new definition leaves out people paying more than Rs.10 as local rate, whereas in the original Bill the limit was Rs.20.

Again, similar restrictions have been made for holders of revenue free estates (lakhiraj estates). As regards tenants who pay rent to the landlord, only those tenants who pay Rs.100 and below will be called agriculturists within the meaning of the Act, although the original Bill provided that a man paying a rent of Rs.150 would come under the definition and would be benefited by this Bill. So, in this way the Bill has narrowed down the meaning of the word "agriculturist" and the Select Committee has thrown out a large number of the tenantry of this province from the purview of the Bill. Then, again, it is anomalous to place the tenant under a landlord and a pattaholder under the Government in the same category. An agriculturist who pays Rs.100 as rent to a landlord is much poorer than an agriculturist who pays Rs.100 as land revenue. It is well known to everyone that land revenue is much lower in rate than rent paid by a tenant. Therefore the definition of a tenant paying rent must include a tenant at least who pays a land revenue of Rs. 150 if not more ; and in my opinion a tenant paying a rent upto Rs.200 should come within the purview of this Bill. So, in this way the Select Committee have reduced the number of persons intended originally to be benefited by the Bill.

Secondly, Sir, rent decrees have been thrown out of the scope of this Act. I do not know what is the significance in excepting rent decrees from the meaning of decrees under this Act. A tenant paying rent to a landlord is as much a debtor as anyone borrowing money from a money-lender, and there is no point in placing a landlord in a more advantageous position than a money lender, and primarily if any benefit is to be given to agriculturists rent-decrees must be included within the operation of the Act. I know of a particular estate in which if all the unsatisfied rent decrees are put into execution about 75 per cent. of the tenants would be ejected by the execution proceedings even though the price of agricultural produce has gone up to a certain extent. In these circumstances, I would strongly press for inclusion of rent decrees within the benefit of this Act.

Then, it is quite good that labourers who live on manual labour should also be included within the list of beneficiaries. There are a large number of people who depend for their living on manual labour and it is in the fitness of things that these people should be included in the list of persons to be benefited. There may be some difficulty with regard to the provisions which clash with the Civil Procedure Code and the Limitation Act, but I would request the Hon'ble Minister to see that these provisions do not encroach on the Federal List or the Concurrent List of the otherwise Section 107 of the Government of India Act, may come into play and make those sections inoperative. This suggestion of mine may be taken note of by the Hon'ble Minister.

Then I find that in clause 6 it is provided that this Act will not apply to a purchaser of mortgaged property with notice of the mortgage. Why should a subsequent transferee be put on a different basis? I do not know why this distinction has been made between the subsequent transferee and the original mortgagor. May be that when 10 years ago the condition of the country was not so bad some one might have purchased a mortgaged property on the impression that he would have the means to pay off the mortgage, but soon after the depression came in and all his calculations had naturally been upset. So, there is no point in excluding the subsequent transferee of a mortgage from the list of persons to be benefited.

Again, a new clause has been introduced, *i.e.*, clause 3A. "Any transfer of immoveable property made by a judgment debtor during the period during which the execution of a decree against him has under section 3 been stayed, in order to defraud the decree holder, shall be void." As there is already a corresponding section in the Transfer of Property Act, this clause is redundant. That is already the existing law. This clause does not benefit anybody, nor it is happily worded, and as such I think it should be deleted.

Then, again, the most important thing is that the period of moratorium has been reduced from 3 to 2 years. I do not know what was the calculation on which this period of 3 years was reduced to 2 years; even if we take into account the fact that the price of agricultural produce is showing signs of an upward tendency we must also remember that our peasantry are groaning under a heavy burden of debt for the last 10 years, and it is not possible that with the outbreak of the war they will be able to pay their debts within two years and begin life again on a clean slate. Here the Provincial Government's power to extend the operation of the Act has been reduced from two years in the original Bill to one year in the present Select Committee Report. Why should we fetter the hands of the Provincial Government in this way? I think, the Provincial Government must be left with full discretion to grant moratorium for a further period as may be due in the circumstances prevailing then at the time when the period of this Bill lapses.

So, Sir, we must say that this Bill has really disappointed us after its return from the Select Committee. We hope that the hon. members of this House will take into consideration all the facts that I have narrated and the criticism I have levelled against the Select Committee Report and would see that the Bill is passed in a way that may really benefit the poor people in a substantial manner and our sympathies for the poor and the indebted peasantry is not mere lip sympathy. With these words I hope that when the Bill comes for third reading necessary amendments on the lines suggested will be made by Government and Government will see that it is passed in the Upper House in the same way in which it is passed here.

**Mr. FAKHRUDDIN ALI AHMED:** May we hear something from the Hon'ble Srijut Rohini Kumar Chaudhuri, who was in fact the sponsor of this legislation, as to what actually he had in his mind in the way of providing specific permanent relief to the agriculturists for whom this Bill seeks to provide temporary relief till Legislature has had time to see such concessions. He also happened to be absent from the Select Committee and the members were absolutely in the dark about his intention.

**The Hon'ble the Speaker:** I think it was made clear when the Bill was before the House at the stage of referring it to the Select Committee.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I think the hon. member Mr. Fakhruddin Ali Ahmed was himself the Chairman of the Select Committee.

**Mr. FAKHRUDDIN ALI AHMED:** But the Hon'ble Srijut Chaudhuri was not present at the time the Bill was considered in the Select Committee.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I was present, Sir.

**Mr. FAKHRUDDIN ALI AHMED:** He came very late and in fact after we had finished discussion. If he does not want to speak, I shall make one or two observations in this connection.

**The Hon'ble the SPEAKER:** It would be better if the hon. member speaks. If there is any point to be replied to, then Hon'ble Mr. Chaudhuri should speak.

**Mr. FAKHRUDDIN ALI AHMED:** As far as I am able to make out, Sir, this measure was copied from Madras and the United Provinces, but in doing so my Hon'ble friend Srijut Rohini Kumar Chaudhuri failed to understand the purposes for which these Bills were introduced in those provinces. When this Bill was introduced in either of those provinces, the Government of those provinces had in mind certain specific and permanent measures by which they wanted to give specific and permanent relief to agriculturists and the enactment of which would have taken some time. But, Sir, here as the hon. members are aware, the Legislature has passed a Bill called the Money Lenders Bill by which the rate of interest has been considerably reduced. I think this Bill has now been returned by the Upper House to this House for consideration. I suppose one of the motives for which this present Bill was introduced was to give temporary relief to the poor agriculturists till the Money Lenders' Bill was actually passed into law and the poor agriculturists derived the benefit therefrom. One of the measures of the permanent nature undertaken by the United Provinces Government when the Temporary Postponement of Decrees Bill was introduced by them, was the Bill providing for the establishment of Debt Conciliation Boards. As the hon. members are aware not only have we got on statute book the law authorising the establishment of Debt Conciliation Boards but also we unjustly took steps to establish a number of Debt Conciliation Boards in the province. It is now proposed to increase the number of such Debt Conciliation Boards. If by the Money Lenders' Act, if by the establishment provided to the poor agriculturists I for one do not see any reason why this Bill should now be taken up and passed into law when its purpose has been served. Of course, if the present Government has in mind other measures of permanent nature which they are contemplating to bring forward, they will be quite justified in proceeding with this legislation. That is why I wanted in the beginning to hear from the Hon'ble Minister in charge of this Bill as to what Chaudhuri and the Hon'ble Minister in charge of this Bill as to what actually were the measures which were within the contemplation of the Government. If they have not yet considered any such matter and if they think that they would not be bringing any other measure of this nature, I am of opinion it is no use proceeding with this Bill (*Hear, hear*). The period of two years which has been provided in the Bill for suspending the decrees, will be inadequate if new concessions are still within the contemplation of the Government. As the hon. members are aware, the Money Lenders' Bill which was introduced in this House in 1937 has not yet been passed into law. The measures, if any, which the present Government have still within

their consideration, if introduced later on, will not take less than 3 or 4 years before these are put on the statute book. Therefore I would submit to the Hon'ble Minister in charge of this Bill that he should take the House into confidence and tell us as to what this specific measures, beyond the establishment of Debt Conciliation Boards and the Money Lenders' Act are within their contentation.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Reading the title and the preamble of the Bill, it is proved that the Bill is necessarily a temporary measure. It was meant to give temporary relief to the poor peasantry and the agriculturists and the labourers. But the Bill was introduced as early as in 1938 and it has taken two long years for the report of the Select Committee to come before us. I do not know now how long exactly it will take by the time the Bill may become law. It will have to go to the Upper House and then it may come back with amendments. If we look to the aspect of the question, we will find that the Bill will lose all utility.

As my previous speaker has pointed out the Bill itself was intended as an emergency measure as in the United Provinces and in Madras. So far as the question of moratorium is concerned it was first raised in the United Provinces and Madras. So far as the Madras Government and the United Provinces Government are concerned they took up the question of granting immediate relief. But so far as this Government or the Government which introduced this measure as early as in 1938 are concerned they have done nothing to do so and provide immediate relief to the peasantry. So, Sir, the whole object and purpose of the Bill loses its significance. At this stage it was absolutely unnecessary that the Bill should come in the form in which it has come. Again, Sir, I would read certain lines from the report of the Select Committee: "The Committee were of opinion that there will be no justification for bringing forward this Bill unless it is proposed to follow it up with definite and well-planned measures calculated to improve the financial condition of the agriculturists and others--within the period during which the Bill, if enacted, will be in force". Again in the preamble of the original Bill it is written: "Whereas it is expedient to provide for the temporary postponement, pending further legislation". I want the hon. members of the House to mark the words "further legislation". I do not know what is meant by "further legislation". I shall be glad to know from the Hon'ble Minister who has introduced this Bill as also from the Hon'ble Minister who has asked us to take the report of the Select Committee into consideration what are the implications of those words "further legislation". Thus it is quite clear, Sir, this legislation is merely precursor of further legislation of a permanent character to ameliorate the condition of the poor agriculturists and labourers. But no further legislation has been undertaken. Unless we do something positive to give specific relief to the poor peasantry, there is absolutely no meaning in passing such a legislation. This legislation if passed, will be a negative legislation. Unless some positive measures are taken to improve the condition of the peasantry, this legislation will absolutely be of no value. It is with this outlook that the members of the Select Committee went to consider the implications of this Bill and it is because of this fact, which was merely a temporary measure to provide some relief to the people pending some permanent legislation for giving real benefit to the people, that this Bill was considered in the Select Committee. Therefore, I would like to know from the Government what measures they are adopting and what measures, they are contemplating to give permanent relief to the people. Again, some of my hon. friends have taken exception to lowering down the scale of

qualification of agriculturist by the Select Committee. With regard to that, I want to speak that the members of the Select Committee were actuated by the honest desire of giving relief to the people for whom the Bill was meant. It was not meant to give relief to the people who are pseudo-agriculturists. It was found in Bengal that even an Hon'ble Minister who was the owner of lakhs went to take recourse to the Agriculturists Debtors' Act for relief. He got the relief as an agriculturist. When we considered this aspect of the question we had also in mind cases of that nature. It is because of this fact that we wanted to lower down the qualification of the agriculturists only with the purpose of giving the real benefit to the real agriculturists. Therefore, Sir, I would ask the Government to come forward with a legislation which is meant for giving permanent relief to the peasantry. The Money-Lenders' Bill has been pending for the last three years and we have not come to any decision with regard to that. Neither we have given any relief to the people in the shape of lower interest. Only this year some Debt Conciliation Boards were established. Unless we give relief to the people in the shape of decreasing the interest and also settlement of debts, this Bill will have no meaning. Unless there is some permanent measure by which the condition of the agriculturists may improve and by which people may be enabled to pay up their debts by gradual instalments, such a legislation will have no value. In the course of two or three years their debt will go on accumulating and at the end of three years when the Money-Lenders' Bill will be passed, people will have to start with a big amount of debt for payment. Therefore, I would appeal to this House, I would also appeal to the Government, to come forward with measures which are calculated to ameliorate the condition of the people in a permanent way. Only such legislation will have some value and only in that case I will give my whole-hearted support to this matter.

**Srijut SARVESWAR BARUA:** Mr. Speaker, Sir, this measure, I believe, will not have the desired effect if along with it other measures are not adopted by Government in order to make credit available. Now that the prices of agricultural produce are going up, our people are thinking of taking to agriculture as a paying industry. Now, many agriculturists who had almost given up the hope of making any profit by agriculture are going to take it up again in the hope that some profit will still be made from the cultivation of jute, paddy, mustard, potato, etc. And for doing this they are in great need of funds. Now, therefore, when people are thinking of taking to agriculture, credit should be made available. But if this Bill be passed at this stage, credit will become very shy. The *Mahajans* and other people who can lend money will not think of lending money to the agriculturists specially because it will be very difficult to recover the loans. Therefore, Sir, in order to attain the object of this Bill it will be necessary at the same time to adopt measures in order to make credit available for the agriculturists. That can be done by rehabilitating the co-operative movement and by establishing co-operative societies in every village so that credit may be readily available to the agriculturists whenever and wherever they want it. Without taking such measures it will be most inopportune at this time to pass this Bill and to seek to give relief to the agriculturists merely in this way. Therefore, I think, Government should consider it very carefully whether this measure should be rushed through now without taking at the same time other measures which would go to make credit available to the cultivators.



**Srijut DEBESWAR SARMAH:** Mr. Speaker, Sir. I would add a further observation to the discussion which already took place on the subject. To start with, we find from the very first paragraph of the Select Committee's report that with a particular object in view this Bill was sought to be enacted. The second paragraph reads like this. "The Committee were of opinion that there will be no justification for bringing forward this Bill unless it is proposed to follow it up with definite and well-planned measures calculated to improve the financial condition of the agriculturists and others—within the period during which the Bill, if enacted, will be in force—to such an extent as to enable the judgment-debtors to meet their liabilities without undue hardship. They have accordingly amended the Preamble. The other amendments to the preamble are due to the Committee's decision to delete sub-clause (f) etc." So Sir, when the measure was brought, the definite object was that as the agriculturists and the people of similar avocations were hard put to by indebtedness they were required to be helped with such measures as would give them little relief and enable them to save a little money and then pay their debt. The Preamble makes it very clear that if there was no other measure or no other planned economy in the contemplation of the Government, then simply extension of the time for execution of decrees by a further period of two years, was useless. As a matter of fact it is common knowledge to those who know a little of law courts and court affairs that a decree is not barred by limitations within 2 or 3 years. If a certain petition is moved or certain steps-in-aid are taken within a period of three years then the decree is kept alive for a period of 12 years. Steps-in-aid in the matter of execution are not complicate matters. If a petition is moved legally and certain steps are taken, in that case it becomes steps-in-aid and the decrees kept alive. So, Sir, what utility can there be for bringing about such an enactment if no co-relative measures are taken with a view to ameliorate the condition of the peasants, the agricultural labourers? Sir, we have heard other speakers' saying that this Act was sought to be brought in 1938. Already two years have elapsed. Now let us examine this period of two years with reference to the positive and negative steps taken by Government for the uplift of the agriculturists of this province. Assam Money Lenders' Act was passed but it had its reaction. The percentage of interest on secured and unsecured debts was fixed down and the compound interest was prohibited. Apart from this, there was hardly any relief to the debtor. Its reaction must be common knowledge to every one including the Hon'ble Ministers, that is to say, money was scarce and credit was shy, and the people who were in dire need of money did not get proper credit facilities for buying their agricultural implements. Who in Assam, particularly in the Assam Valley does, not know that the agriculturists are greatly indebted,—indebted primarily for the purchase of their cattle and secondarily for the diseases occurring in their family. An Assamese agriculturist has to buy bullocks almost every second or third year and these are imported either from Manipur or from Bihar. It is his singular good luck if he can save one of his pair of bullocks. A couple of years back the Jorhat District Congress Committee had occasion to record evidence of agriculturists with a view to ascertain the amount of their indebtedness and their condition generally. It was found that 80 per cent. of the cases of indebtedness was due to the death of bullocks. This is not the time

nor the occasion to discuss about this matter. Suffice it to say that indebtedness of the agriculturists are mainly due to the death occurring to their cattle and secondly because of their illness mainly to their being under-fed and poverty.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Is the hon. member opposing or supporting the motion ?

**Srijut DEBESWAR SARMAH:** Is the condition of the agriculturists pinching the Hon'ble Minister ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I want to know whether the hon. member is opposing or supporting the motion.

**The Hon'ble the SPEAKER:** It will be of great help to the House if any hon. member rising in his seat to speak in connection with any motion first makes it clear whether he is speaking in support of the motion or opposing it (*hear, hear*). He must state his position clearly.

**Srijut DEBESWAR SARMAH:** I appreciate the direction of the Chair very greatly. I am, Sir, trying to develop my points.

**The Hon'ble the SPEAKER:** It will be difficult to follow the points if the hon. member does not say whether he is supporting or opposing the Bill.

**Srijut DEBESWAR SARMAH:** I am coming to that, Sir. If it is not sought to be an eye-wash and if it is intended to improve the condition of the poor agriculturist then I will whole-heartedly support the Bill. Sir, two years have already elapsed and I was examining this long period of two years in the light of the positive and negative steps. Sir I was saying that by Money Lenders' Act itself, credit is becoming more and more shy. Whenever an agriculturist or a villager finds his bullock dead, he runs to a money lender, say—a Marwari of the place—for borrowing some money to purchase bullock but that money lender says that your M. L. A.s, have gone to the Assembly and they are bringing all sorts of enactments for depriving the creditors of their money. This is the reply which is now being given to the agriculturists. This measure tries directly or indirectly to deprive the creditors of their just dues. My hon. friend Mr. Aditya has said "justice delayed is justice denied". Now, Sir, when after a period of depression a chance has occurred for the poor agriculturists to get a fair value of their produce what have we heard ? I am extremely sorry to criticise the Hon'ble Premier behind his back when he is not here but there is no help.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** He is here.

**Srijut DEBESWAR SARMAH:** Now Sir, I am glad the Hon'ble Premier has come in. I was just going to say that just when the agriculturists got a life time's chance to get a fair value for the produce, the price has been restricted, the maximum has been fixed down and thus they are deprived of their legitimate profit. The unmistakable fact which I want to put before the House is that one thing peeps out of his speech and that is, the Hon'ble Premier is solicitous towards the interest of a particular community and not of the agriculturists.

**Khan Bahadur Maulavi KERAMAT ALI:** A Champion.

**Srijut DEBESWAR SARMAH:** Yes, and Khan Bahadur Keramat Ali is also very particularly interested in the prosperity of that community other than the peasants. As a matter of fact it is notorious that for the particular interest of that particular community, the price level of the agricultural produce of the peasants has been sought to be fixed down. We heard in the past elsewhere that the price level of agricultural produce was being fixed at the minimum. It is most surprising that the price of rice

and mustard oil and some other agricultural produce has been fixed in such a way that one cannot sell it at a higher price than the maximum fixed. Now, Sir, if there is no planned economy of any sort whatsoever for the uplift of the agriculturists by enabling them to get better price for their produce, what is this Cabinet there for? It has taken jolly good care to see that the poor agriculturist does not get more price of his rice or mustard seeds. It is only quibbling to say—"We have not fixed the maximum price for mustard and paddy." Paddy is agricultural produce and mustard seed also. Sir, I need not dilate on this point, *viz.*, that if the prices of rice and mustard oil are fixed, one cannot sell paddy or mustard seed, the basic products, at a price higher. If the agriculturists are sought to be deprived even at this moment when they have an opportunity of getting a fair value for their produce, when they are just reaching a period of time when they can expect a betterment of their condition, how can one expect that their condition would be better and that they would be able to pay their debts after two years? Sir, the preamble to the Bill clearly makes it out that, if the condition of the agriculturists is not improved, there is hardly any meaning in this enactment. We find, on the one hand, that there is no step taken for the betterment of their condition, and on the other hand there is positive hindrance to the betterment of the condition of the agriculturists.

**The Hon'ble the SPEAKER:** Therefore what is the position of the hon. member?

**Srijut DEBESWAR SARMAH:** Therefore our position is very clear. We want from the Hon'ble Minister-in-charge of the Bill to know what steps he is going to take for the betterment of the condition of the agriculturists so that we may judge the Bill on its merits.

I would also in this connection point out that in the list of new schemes we find only this under the Agricultural Department, *viz.*, appointment of an Agricultural Demonstrator for the Balipara Frontier Tract for demonstration work. I fail to see how the condition of the agriculturists will suddenly improve by the appointment of Agricultural Demonstrator for the Balipara Frontier Tract. I think it is also an excluded area. In the remarks column we find:—

"Appointment of an Agricultural Demonstrator for the Balipara Frontier Tract is necessary to train the people of both the plains and hill portions in cultivation of rice and other crops. It is also more important to train the Daffas in increasing their cultivation not only in rice but also in other crops, *viz.*, jute, pineapple, *matikalai*, etc."

The next item comes under the Industries Department. We find here provision for the appointment of one Lushai Manager in the list of new schemes included in the Budget for 1940-41. It also includes the creation of two industrial stipends to be awarded to the passed Naga boys of the Fuller Technical School, Kohima.

**The Hon'ble the SPEAKER:** The hon. member is straying too far away from the main point. He wants to make out that the Government have not yet taken any steps to improve the economic condition of the agriculturists. Then the question would be whether the Bill should be dropped or not. The Preamble says: 'pending improvement of the financial condition of agriculturists and certain other classes of persons, for granting

relief from indebtedness.....it is hereby enacted as follows.' In the face of these facts, the hon. member should make his point clear so that his speech may be considered to be a speech on the Bill.

**Srijut DEBESWAR SARMAH :** I would certainly be pulled up if I speak irrelevant matters. My speech is relevant to the Bill.

**The Hon'ble the SPEAKER :** So far Government have not yet taken steps to improve the condition of the agriculturists—this is one point. What is the next point ?

**Srijut DEBESWAR SARMAH :** They are not having any schemes in hand. From the Budget we find that there is no scheme.

**The Hon'ble the SPEAKER :** Then what is your point ?

**Srijut DEBESWAR SARMAH :** We want to hear what is up the sleeve of the Hon'ble Minister.

**The Hon'ble the SPEAKER :** If the hon. member wants to make out that the condition of the agriculturists has improved, then there is no necessity of this Bill. And if the hon. member wants to say that the economic condition of the agriculturists has not improved, then there is the necessity of the Bill.

**Srijut DEBESWAR SARMAH :** My position is clear, Sir.

**The Hon'ble the SPEAKER :** I am afraid there is no clarity.

**Srijut DEBESWAR SARMAH :** The economic condition of the people is definitely bad.

**The Hon'ble the SPEAKER :** Is there any necessity of the Bill if the economic condition is bad ?

**Srijut DEBESWAR SARMAH :** Yes, Sir, provided the Government do something for their uplift.

**Khan Bahadur Maulavi KERAMAT ALI :** Sir, the general complaint from the Opposition is that for the last two years the Government did not take any steps to improve the economic condition of the people. Of these 24 months, 14 months were taken up by the previous Ministry. Now this Ministry has brought in this Bill for the purpose of improving the condition of the peasantry within four months of their having come into power. Should the Opposition support or oppose the Bill, this is the question. I support the motion and I think every one in the House should support it.

**Srijut PURNA CHANDRA SARMA :** My hon. friend the Khan Bahadur has said that this is a matter to be considered by any Government. We are criticising this on the ground that no adequate measures have yet been taken to relieve the peasantry of their indebtedness. It does not matter whether this Government or the other Government is responsible for it. Our point of criticism is only this, that we have not been able to do during the last three years what we should have done long ago for the poor peasants. Now, Sir, every corner of the House seems to be anxious to know what our view point is. My personal view point is that this Bill is short of certain measures it should take, and provided those new measures are adopted in this Bill—which will certainly come in due course in the shape of amendment, it would be of some relief. The Select Committee itself said: "The Committee were of opinion that there will be no justification for bringing forward this Bill unless it is proposed to follow it up with definite and well-planned measures calculated to improve the financial condition of the agriculturists and others".....

**The Hon'ble the SPEAKER :** The hon. member need not repeat the arguments which have already been advanced.

**Srijut PURNA CHANDRA SARMA:** I am coming to the preamble from a different angle altogether, ".....within the period during which the Bill, if enacted, will be in force—to such an extent as to enable the judgment debtors to meet their liabilities without undue hardship. They have accordingly amended the preamble. The other amendments to the preamble are due to the Committee's decision to delete sub-clause (f) of sub-clause (2) of clause 2, and to make persons who live mainly by manual labour entitled to the same protection as agriculturists."

So far as this preamble is concerned and the intentions of the Select Committee are concerned, it is clear of course that the Select Committee wanted to confine itself to fixing a period of two years. Of course, the original mover of the Bill, Hon'ble Mr. Chaudhuri, in his own previous Bill stated 'pending further legislation.' These words have been deleted and the following words have been added 'improvement of the financial condition of agriculturists and certain other classes of persons'. As for myself, I cannot agree to these words being added to the Bill, because we have got difference of opinion as regards the improvement of the financial condition of the agriculturists. Just now, for instance, some of my friends have asserted that the financial condition of the agriculturists has improved for some rise in the prices of agricultural produce. I do not believe that this rise in prices has given much relief to the agriculturists. This year, we know, for instance, that at the very beginning of the agricultural year 1939-40, agriculturists had already disposed of their paddy and sold it to the Mahajans owing to indebtedness in which they have been involved for so many years. So, this expression 'improvement of the financial condition of the agriculturists' is a matter of opinion.

**The Hon'ble Maulavi MUNAWWAR ALI:** On a point of order, Sir. I think the rules lay down definitely that the same argument must not be repeated. But repetition of the same thing is going on on the floor of the House. I hope, Sir, you will take this into consideration and give your ruling.

**The Hon'ble the SPEAKER:** It is for me to see whether arguments are repeated or not. I shall surely do what will be necessary for me to do if I see that arguments are being repeated.

**Srijut PURNA CHANDRA SARMA:** I was speaking about the financial condition of the agriculturists. I do not remember to have talked anything beyond the point. Personally I think this is a point which needs serious consideration. Therefore, I feel that the amendment of the Select Committee on this point is not proper. It will then give no relief at all.

One other item I need mention in this House is as regards clause 2, sub-clause (3) of the Bill. "The expressions 'land', 'rent' and 'tenant' have the same meaning as in the Tenancy Act applicable to the area concerned and where there is no Tenancy Act applicable to the area, the Tenancy Act, if any, applicable to the district in which the area is included." I think, the addition is superfluous. The original wording has some meaning, but this will rather create some difficulty in the different Courts where this matter will come up for determination.

Next, Sir, I find in the definition of 'agriculturist' in clause 2 of the Bill that it is defined as a person who is liable to pay land revenue not exceeding Rs.100 per annum. This does not give any relief. I find that in clause 3, distinction from this definition is being made and it refers to agriculturists whose land revenue is only of Rs. 75. I do not understand why this distinction is made. If one looks at the Bill itself one will find that the definition of

'agriculturist' is confined to those who pay land revenue below Rs. 100. This definition is not quite the same. It rather creates confusion of ideas. In clause 3 the relief is confined to those only who pay up to a limit of Rs. 75. So, this distinction should not be there. It should be meant for all those agriculturists who pay revenue below Rs. 100.

One other point Sir. In the Explanation given in clause 3 this has been inserted: 'For the purposes of this Act decrees for money shall be deemed not to include decrees for arrears of rent or for sums of money recoverable under any enactment in force as arrears of land revenue.' I personally think that this clause will hit hard a large section of the population in the permanently settled districts of the province.

One very important point which I have noticed in this Bill is the elimination of the awards of the Registrar of the Co-operative Societies. Perhaps many do not know how the peasantry have been hard hit by the liquidators in the rural areas. I personally know many instances where these liquidators are giving more trouble to the debtors than any of the Mahajans for whom this Bill is meant. I submit, Sir, therefore, that Civil Courts should also include the Court of the Registrar of Co-operative Societies. Unless this is included, a large section of our agriculturists who are indebted to the Banks will not get the necessary relief.

Therefore, Sir, until these amendments are made in the Bill itself, I personally cannot see my way to support the measure proposed.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Sir, at the outset, I must mention one fact that this report and Bill has been thoroughly thrashed out in the Select Committee constituted by the Congress-Coalition Government and Mr. Fakhruddin Ali Ahmed presided over that Committee.

**Srijut DEBESWAR SARMAH:** Is that a new fact, Sir? It is down in print.

**The Hon'ble the SPEAKER:** Let me see how the Hon'ble Minister develops his argument.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Babu Dakshinaranjan Gupta Chaudhuri was also a member of that Committee. The Committee submitted a report and we have taken action on that Report. Therefore, Sir, it does not lie well in their mouth to oppose their own report.

**Mr. FAKHHRUDDIN ALI AHMED:** We are not opposing. If the Hon'ble Minister will read the first part of the Select Committee's Report he will find that, what we are saying now is in consistence with the views we have expressed before the Select Committee.

**The Hon'ble the SPEAKER:** What I note from the tone of the debate is that the Opposition is asking Government to give them an idea as to what other measures will be taken up by the Government for the improvement of the economic condition of the people during the time the provision of the Bill when enacted into an Act will be in operation.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Yes, Sir, I am coming to that point. Now, the hon. Mr. Fakhruddin Ali Ahmed has said that we have already got another piece of legislation before us, *viz.*, the Money-lenders' Bill, that will give much relief to the agriculturists, and so, why should there be any necessity for going through this Bill. (Mr. Fakhruddin Ali Ahmed: The Hon'ble Minister has not understood me, Sir). I think I have understood him. Now, Sir, may I

ask the hon. Mr. Fakhruddin Ali Ahmed whether, when this Bill was under the consideration of the Select Committee of which he was the Chairman, the Money-lenders' Bill was not in the Upper House, after having been passed by this House ?

**Mr. FAKHRUDDIN ALI AHMED :** On a point of personal explanation, Sir. May I repeat what I said ? I said, Sir, that this Bill was copied from the United Provinces and Madras, where it was initiated for the purpose of giving temporary relief to the agriculturists till the Legislatures in those Provinces had time to pass the Money-lenders' Bill, Tenancy Bill and the Bill for establishing Debt Conciliation Boards. Now two of such measures have already been adopted in our province. Therefore, there is no necessity for this legislation, the purpose of which is temporary relief unless and until Government have in their mind some specific measure by which they want to give further permanent relief to the masses. That is the information which I have sought from the Hon'ble Minister. It should, therefore, not be understood that I was criticising either this Bill, the Money-lenders' Bill or the establishment of Debt Conciliation Boards.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI :** So, Sir, what I could follow is this. When Debt Conciliation Boards have already been established in our province and when these Boards are likely to give much relief to the agriculturists there is no necessity, according to him, for proceeding with this Bill. May I ask, Sir, when the Bill was under the consideration of the Congress-Coalition Government, of which he was a member, were not the Debt Conciliation Boards also in existence then, and did he not consider about them at that time ?

**Srijut DEBESWAR SARMAH :** On a point of order, Sir. What is the remedy if the Hon'ble Minister is bent upon misunderstanding Mr. Fakhruddin Ali Ahmed ? Mr. Fakhruddin Ali Ahmed has explained his position, still the Hon'ble Minister would not care to follow him and he is talking of something else.

**THE Hon'ble the SPEAKER :** If the hon. member thinks that the Hon'ble Minister had not followed the hon. Mr. Fakhruddin Ali Ahmed, he may have that opinion. But I cannot come to his rescue.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI :** Now, Sir, the point is that we have been asked when this Bill wants to give temporary relief to the poor agriculturists by way of postponing the execution of decrees, what other measures we have adopted or are going to adopt to ameliorate their condition, so that this Bill may be effective.

Sir, Government propose to bring in various measures of relief. The Sylhet Tenancy (Amendment) Bill and the Goalpara Tenancy (Amendment) Bill are already before us. These two legislations have been brought forward purely with the object of giving relief to the agriculturists and the actual cultivators of the soil (*A voice* : What about Ministers' Salaries Bill ?).

Sir, in the Budget we have got a definite scheme for drainage and embankment. We have included that scheme in the Budget for improving the land of the people for agricultural purpose. Will it not increase the fertility of the soil that is in possession of the agriculturists ? So, this Ministry has included this scheme in the Budget only for the improvement of the condition of the agriculturists.

Another thing, Sir. We are going to open model villages, and increase the number of demonstrators. (*A voice*: For Balipara Frontier only). The demonstrators will demonstrate how to utilise improved seeds and improved methods of cultivation. That will also help the agriculturists to improve their condition in the near future. Is it not an ameliorating measure, Sir?

(*A voice*: What are the improved methods of agriculture, according to the Hon'ble Minister?)

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: If the agriculturists use better seeds, the outturn will be better, and so their condition will materially improve.

**Mr. BAIDYANATH MOOKERJEE**: On a point of information, Sir. Is it meant that by application of better seeds only the financial condition of the agriculturists will improve?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: Sir, would you please stop this absolutely undignified way of carrying on the debate by cat-calls and delaying tactics? This subject is converted into general discussion of the Budget, and when the Hon'ble Minister is giving his reply all kinds of interruptions are going on.

**Srijut GOPINATH BARDOLOI**: I take strong exception to what the Hon'ble Leader of the House has said with regard to the debate raised by the members from this side of the House. The Hon'ble Minister-in-charge of the Bill—I say from the manner of his presentation of it—has perhaps altogether missed the point in the report of the Select Committee; I am afraid the Hon'ble Leader of the House is also missing the point raised by Mr. Fakhruddin Ali Ahmed. The main point was how far other relief was proposed to be given to agriculturists not with reference to the budget provisions, but with reference to improving the purchasing capacity and other affairs in regard to their monetary dealings with others and whether on those accounts the Bill was at all necessary. That was really the point raised by my hon. friend here. But the Hon'ble Minister-in-charge has gone to a realm which none of us even dreamt about. Measures like establishment of Debt Conciliation Boards and measures of that kind are really points at issue. But the budgetary provisions to which the Hon'ble Minister is referring are not at all relevant to the point at issue. I wish the Hon'ble Minister and the Leader of the House had read the report more carefully.

**The Hon'ble the SPEAKER**: Order, order. Whether the debate is going to an undignified level or not I am here to see to that (*Hear, hear*). Of course, when certain points are being made out, if any hon. member thinks that by going to make out those points the hon. member is bringing down the debate to an undignified level, he may at once draw my attention to that. But as I have followed the debate, of course, I have noticed that at times certain irrelevant matters were introduced, but I am not prepared to say that the debate was taken to an undignified level (*Hear, hear*). As I was listening to the debate I felt that really a difficulty had been created by the Select Committee itself. The Select Committee has reported:

“The Committee were of opinion that there will be no justification for bringing forward this Bill unless it is proposed to follow it up with definite and well-planned measures calculated to improve the financial condition of the agriculturists and others—within the period during which the Bill, if enacted, will be in force—to such an extent as to enable the judgment debtors to meet their liabilities without undue hardship.”



Having regard to this remark the hon. members of the House are entitled to enquire what other measures are expected to be taken up, and in that view I allowed the discussion to go on in the way in which it has been carried on.

**The Hon'ble Khan Sahib Malauvi MUDABBIR HUSSAIN CHAUDHURI:** I have mentioned some of the measures that would ameliorate the condition of the agriculturists, and when we have got these measures before us and when we are going to legislate about improving the condition of agriculturists we think and we feel that we must have this Bill also passed through this House.

Another point that has been raised by my hon. friend Mr. Sen. was that in the previous drafting of this Bill the words "pending legislation" appeared, and he asked what was this "pending legislation", and he asked me what was the intention of the member who originally sponsored this Bill. In reply, may I not ask him when the Bill was considered by his Government whether he tried to understand what was intended by the hon. member who sponsored that Bill?

Then again, with regard to this point I want to give him a reply that perhaps he has not read the preamble as amended by the Select Committee; it reads as follows:—"Whereas it is expedient to provide for the temporary postponement, pending improvement of the financial condition of agriculturists and certain other classes of persons, for granting relief from indebtedness to agriculturists and such persons, of the execution of certain decrees passed against them by civil courts, it is hereby enacted, etc." Sir, we want to have this legislation passed through this House pending the improvement of the financial condition of the agriculturists and until the financial condition of the agriculturists has improved it is intended to remain in force.

Then, again, another point to which I shall give a reply is the point raised by my hon. friend Mr. Aditya. He said that in the Bill, an original mortgagee has been given protection, but a subsequent transferee of the mortgaged land has not been given any protection, and he asked why was not that done. When a subsequent transferee buys a property with the knowledge that the property is under a mortgage he buys it having the capacity to pay back the mortgaged money, I mean, the money for which the property has been mortgaged. Generally he deducts the mortgage money from the price for payment to the person to whom the property has been mortgaged in order to redeem the property. So, I do not know why the subsequent transferee should also get this benefit. With these explanations I again commend my motion to the acceptance of the House.

**Mr. FAKHRUDDIN ALI AHMED:** The Hon'ble Minister now says that this Bill is necessary to give temporary relief to the peasants, till the Goalpara Tenancy (Amendment) Bill and the Sylhet Tenancy (Amendment) Bill are passed and permanent specific reliefs are provided to the tenants under these better Bills. Does not therefore the Hon'ble Minister think that there is no longer any necessity for this Bill as the measures providing permanent specific relief, that is, the two tenancy laws which are placed on the agenda for the second reading, will be passed at the same time?

**The Hon'ble the SPEAKER:** The hon. member is making a speech.

**Mr. FAKHRUDDIN ALI AHMED:** I am simply pointing out that the measures spoken of by the Hon'ble Ministers are already provided in the two Bills before the House. If that is so, what is the necessity of proceeding with this Bill which according to the Hon'ble Minister seeks to do the same thing but on a temporary basis?

**The Hon'ble the SPEAKER :** This is an argument (*laughter*).  
The hon. member may enquire whether the Hon'ble Minister desires to have those Bills passed.

**Mr. FAKHRUDDIN ALI AHMED :** Yes, Sir, I propose to do it. I want either the Hon'ble Minister-in-charge or the Hon'ble Prime Minister to reply to my query.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Government have nothing further to add, Sir.

**Babu RABINDRA NATH ADITYA :** On a further point of information, Sir. I raised a question whether the Bill really trenched on the domain of the Concurrent List.

**The Hon'ble the SPEAKER :** That will come up when the Bill is taken up clause by clause.

The question is—

“That the Temporary Postponement of Execution of Decrees Bill, 1938 as amended by Select Committee be taken into consideration”.

The motion was adopted.

#### Adjournment

The Assembly was then adjourned till 11 a.m., on Saturday the 2nd March, 1940.

Dated Shillong,  
The 4th April, 1940

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