

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

The 26th July, 1938.

Proceedings of the Bihar Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly Chamber at Patna on Tuesday, the 26th July, 1938 at 11 A.M., the Hon'ble the Speaker, Mr. Ram Dayalu Sinha, in the Chair.

UNSTARRED QUESTIONS AND ANSWERS.

SETTLEMENT OF MOTIHARI RACE-COURSE GROUND.

791. Mr. HARIVANS SAHAY : Will Government be pleased to state the names of those persons who got the settlement of the Motihari race-course and the terms of the settlement ?

Mr. KRISHNA BALLABH SAHAY : The Manager, Bettiah Wards Estate, has proposed settlement of the entire area of the Motihari race-course ground with certain persons at a rent of Rs. 15 and Rs. 25 per *bigha* and Rs. 500 per *bigha salami*. A list of persons with whom the land is proposed to be settled is laid on the *library* table. As the settlement is to be purely for residential purposes, the manager has proposed that the settlement-holders should execute and register a building lease on certain terms and conditions similar to the Government Khasmahal lease. The matter is still under consideration of the Commissioner of the Tirhut Division.

Mr. HARIVANS SAHAY : Will Government be pleased to state if the number of persons with whom the race-course is proposed to be settled is the same as the number in the list ?

Mr. KRISHNA BALLABH SAHAY : The answer is in the affirmative.

Mr. HARIVANS SAHAY : Is it a fact that about 400 persons applied for the settlement of the race-course ?

LEGISLATIVE BUSINESS.

THE CHAMPARAN AGRARIAN (AMENDMENT) BILL, 1938 (BILL NO. 11 OF 1938).

The Hon'ble the SPEAKER: The question is :

That the Champaran Agrarian Bill be taken into consideration.

The motion was adopted.

Mr. HARINANDAN SINGH : Sir, I beg to move :

That in clause 2 of the Bill, after the word " Bengal ", the words " wherever it occurs " be inserted ; and after the words " shall be substituted ", the words " and for the word and figures ' section 103 ', the word, figures and letter ' section 103A ' shall be substituted " be inserted.

Sir, the purpose of this amendment is, as will appear by reference to section 2 of the Champaran Agrarian Act, that the word " Bengal " occurs at more than one place. Therefore, the amendment purports to insert the words " wherever it occurs " and the words and figures " 103A " be substituted for the word and figure " 103 " because the record of rights is at present prepared under section 103A. It is a mere verbal change and I hope the House will accept it.

Mr. BALDEVA SAHAY (Advocate-General) : Sir, the amendments are accepted by Government.

The Hon'ble the SPEAKER: The question is :

That in clause 2 of the Bill, after the word " Bengal ", the words " wherever it occurs " be inserted ; and after the words " shall be substituted ", the words " and for the word and figure " ' section 103 ', " the word, figures and letter ' section 103A ' shall be substituted " be inserted.

The motion was adopted.

The Hon'ble the SPEAKER: The question is :

That clause 2 as amended do stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. HARINANDAN SINGH : Sir, I beg to move :

That in clause 3 of the Bill, in clause (b) of sub-section (1) of the proposed section 4 of the Champaran Agrarian Act, 1918, for the words "said date", the words and comma "date of such settlement, the amount so in excess" be substituted.

Sir, a reference to the Bill will make it clear that the draft is somewhat vague inasmuch as it does not bring out the exact meaning. Instead of that I propose that the words "date of such settlement" be inserted in order to make it more clear. This amendment is also of the same nature and I hope it will be accepted by Government.

Mr. BALDEVA SAHAY (Advocate-General) : I accept the amendment on behalf of Government.

The Hon'ble the SPEAKER : The question is :

That in clause 3 of the Bill, in clause (b) of sub-section (1) of the proposed section 4 of the Champaran Agrarian Act, 1918, for the words "said date", the words and comma "date of such settlement, the amount so in excess" be substituted.

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

That clause 3 as amended do stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 1 do stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That the Title and the Preamble be added to the Bill.

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, I beg to move :

That the Champaran Agrarian (Amendment) Bill, 1938, as settled in the Assembly, be passed.

Dr. Sir GANESH DUTTA SINGH : Sir, it appears that Babu Harivans Sahay who represents a portion of Champaran has got very large information about the management of the Court of Wards and whenever there is any occasion, he never allows it to slip away without passing any remark and bringing the maladministration to the knowledge of Government. Certainly, Champaran, specially Bettiah Raj, must be thankful to him. The dark history of the Bettiah Raj should not be repeated here. Those who have got the experience of the past have not forgotten it and will not forget it as long as they live. But there is no advantage in repeating it here. The Maharani has suffered, the tenants have suffered and nobody knows what else happened there. I know of many things but I do not want to disclose them here. All this has happened during the 40 years of the management under Court of Wards under the Satanic rule of the British Government. Now fortunately we have got *Ram Raj*. What *Ram Raj* has done for those tenants we do not know. No doubt, this Act is there, but it appears from the speech of Mr. Harivans Sahay that this will not give relief to the tenants to that extent which they require, because they have suffered much and this Bill will touch only the fringe of the suffering. My complaint throughout has been against the maladministration of the Court of Wards. The Court of Wards instead of being an ideal administration to be followed by other *zamindars* really follow them. If the Court of Wards is managed properly and if Government estates are managed properly, that will open the eye of *zamindars* how to manage their estates. In order that *zamindars* can manage their estates well, the Court of Wards administration must be made ideal. I brought this matter before the Assembly in September, but up to this time I have not been able to know what has been done for the improvement of the administration of the Court of Wards and Government estates.

The Hon'ble the SPEAKER: The present discussion has to be confined to this Bill.

Dr. Sir GANESH DUTTA SINGH: What I mean is this. When they are cancelling these enhancements, they will give relief, but Government should look into their other grievances and remove them as far as practicable. When Governors are yielding to the Congress Government, there is no reason why these hackly tapny circle officers will not yield to their wishes. If something is beyond the sphere of law, the matter is different. These circle officers who are servant of the Bettiah Raj should be made to look after the tenants and remove their grievances and there is no reason why their grievances should be allowed to continue. Everytime when occasion comes, some bitter experience is placed before the Assembly. The other thing is that if the certificate power is considered to be a curse, as Babu Harivans Sahay has said, and the lands of the tenants have been attached and sold, there is no reason why the certificate power should be continued in this estate when the enhancements on account of *Tin Kathia* system have been reduced. What my submission is that Government should make it a point to see that tenants of the estate who have suffered so long should have relief after the cancellation of these

enhancements which they have paid during the last 40 years. Government should make it a point to see that there is no more suffering in this land.

Mr. HARIVANS SAHAY:

सभापतिजी, हम सर गणेश दत्त सिंह को धन्यवाद देते हैं कि उन्होंने इस मोशन पर अपने विचार प्रगट करते हुए किमानों पर हुए अत्याचारों की तरफ भी अपना ध्यान रखा है। हमें सिर्फ इ ना हो कहना है कि चम्पारन के ऊपर १२५ वर्षों से अत्याचार हो रहा है और उस अत्याचार के धब्बे को आज इस प्रान्त की सरकार धोने जा रही है लेकिन फिर भी मैं यह दुहरा देना चाहता हूँ कि सरकार यह भूल न जाय कि उनका काम यहाँ खतम नहीं हो जाता है। इस बिल के एन क्लोज पर अमल करने के लिये सरकार को बेतिया रियासत पर अपनी निगाह रखनी होगी। सिर्फ कानून पास करने ही से काम नहीं चलेगा। अभी तो यह रिआमत गवर्नमेन्ट के हाथ में है। जहाँ तक हो सके इस बिल को अमली रूप में परिणत करने के लिये और किसानों को जहाँ तक हो सके सुविधाएं देने के लिये गवर्नमेन्ट को काम करना चाहिए। अगर यह गवर्नमेन्ट पहले की गवर्नमेन्ट की तरह इन्तजार करती रहेगी, कि जब रैयत आगे बढ़ेंगे तभी हम आगे बढ़ेंगे, तो उस गवर्नमेन्ट के लिये कोई जस्टीफिकेशन (justification) नहीं है कि वह यहाँ रहे या चम्पारन में रहे या बेतिया रियासत में रहे। मुझे आशा है कि यह सरकार एक आदर्श नीति पर चलेगी और सिर्फ कानून के अक्षरों के मुताबिक ही काम नहीं करेगी, बल्कि उस से भी आगे बढ़ेगी। प्रजाओं को जो उसे सुविधाएं देनी हैं उसको सरकुलर के जरिए या अपने हुक्म के जरिये देगी।

Mr. W. H. MEYRICK: Sir, yesterday I was able to show that these enhancements to which this Bill refers were done in exchange for a legitimate obligation. I think in some of the speeches the hon'ble members endeavoured—one or two of them—to sidetrack the issue and made uncalled-for attack on the planters and on the planting community which has no bearing on the case. There is no question of *abwabs* and things of that kind in this Bill. The Bill concerns enhancements taken by the *mokarridars* in lieu of indigo obligation and I endeavoured yesterday to show that these *mokarridars* held these leases in perpetuity for a very long period, but even when rents were enhanced by them in lieu of the indigo incidence of tenancy, even then the rents were not as

high as in the neighbouring estate. I would again like to emphasise the example I gave yesterday of the three factories Turkaulia, Motihari and Pipra which represented 95 per cent of the enhancements done and which had much lower rentals after enhancements than the rental in the Madhuban estate. All these three factories and the Madhuban estate are in Motihari Sadr subdivision. The Madhuban estate is on the border of these factories.

Mr. HARIVANS SAHAY: On a point of information, Sir. May I know how many *mokarridars* hold their lands under the Madhuban estate and how many indigo factories have their factories in the Madhuban estate?

Mr. W. H. MEYRICK: As far as I know, there was no *mokarridar* under the Madhuban estate and I believe there was one very small area in Dhakka thana where there was some indigo grown in the Madhuban estate; otherwise the entire estate, the extent of about 90 per cent of it, had no indigo grown in it at all and that is why I made a comparison to show that in the Madhuban estate, in which practically no indigo was grown, rents there had been increased from time to time; whereas in the *mokarri* estates belonging to planters where the indigo obligation existed, rents were not raised, and even when enhancement was done in lieu of the indigo obligation, even then the enhanced rent was not nearly as high as that of the neighbouring estate, Madhuban. Yesterday also I based my remarks on the information that I had gained from the evidence stated before the Committee of Enquiry appointed to enquire into the agrarian conditions in Champaran in 1917 and from the report of the Committee and all the figures that I gave were taken out of the evidence or from the report. I think the Advocate-General made a reference to the management of the Madhuban estate. He said that the Settlement Officer had remarked that this was one of the worst managed estates in Champaran. I do not want to dispute that with him, but I do not think the remarks were made with reference to rents. Rents were raised from time to time by legitimate means and had they not been legal, the revisional survey proceedings would not have confirmed, but would have upset them. The opposite was the case, they were confirmed and, therefore, what I have said before shows that in estates where indigo was not done, rents were raised from time to time, and in estates where indigo was done, rents were not raised and, therefore, these enhancements were justifiable. Yesterday in his speech Mr. Harivans Sahay mentioned that there were lands which he could sow now at Rs. 30 a *bigha*. I do not know to what lands he referred, but I cannot believe that there are lands at Rs. 30 a *bigha*. Such a very high rent is not due to enhancement done in lieu of the indigo obligation. I feel that he has mixed up a commutation case under section 40 in which a *mokarridar* has held *bakashi* land, and what was considered at the time an equitable rent by the survey people was fixed then. I think these are the lands to which he refers when he says that there are lands at Rs. 30 a *bigha*.

The new Tenancy Bill passed in 1937 will cure that. He also mentions that planters have got away with two crores of rupees. They may have done for all I know. I certainly do not know in what time, but seeing that planters have been in Champaran for a good many years and have been holding leases 50 years or more under the Bettiah Raj and have put in a good portion of their capital into their estates, built factories and carried on indigo business as well as agriculture, I do not think that they took out very much more than they put in, and I doubt if there is anything unfair even if they did take 2 crores of rupees. The hon'ble member yesterday was unable to tell us who the people were who took this two crores of rupees. I will not deny that in over a period of 120 years there have been cases of *zoolum*, oppression and so on. But I think there are *black sheep* in every community and even now there may be cases of *zoolum*. I do not think that hon'ble members will deny that even in the Congress there are *black sheep* and such things happen even amongst them. This is a thing which every community has to put up with and try to get rid of and I for one should be very glad if, when hon'ble members of Champaran, or for that matter members of any of the districts in North Bihar, hear of any cases where there is any *zoolum* or oppression on the tenants, they will inform me as Secretary of the Planters' Association and give the Planters' Association the chance of dealing with them. We have our rules and we will be too glad if such information will be given to us. I think *rai-yats* have been definitely benefited by planters being there, not only on account of their interest in tenants but also due to the very great interest they take in poor men, who have none else to do so. I maintain that planters have been a good example to all in management of estates. I do not intend to take up more time of the House, but before I resume my seat, I would again point out that taking of *abwabs* has nothing to do with this Bill and it is only used as an attack on planters whereas any such matter has been dealt with by the Enquiry Committee and if *abwabs* were taken before this Act was passed, they certainly are not taken now. The question before the House is as regards this Bill—Do the enhancements made in lieu of the indigo obligation—or call it the incidence of tenancy—, make the rents unduly high? I think from the figures which I gave in my speech yesterday that I have satisfactorily proved that the rent is not unduly high.

Mr. GORAKH PRASHAD : Sir, I was surprised to hear that the rents of holdings in the southern Motihari were lowered down on account of the particular enhancement that attached to them. That suggestion itself goes to suggest in its turn that the tenancy was created after the advent of the planters into the district, or else all the people in that subdivision were without any land till the planters went there and settled lands with these tenants and because they wanted them to cultivate indigo in consideration thereof, the rent was settled at a lower rate. History tells us otherwise. I have studied the point and these planters went there for cultivation of indigo not before the disturbance of 1857. Are we to suppose that before 1857, the whole of Motihari *elaka* was without any population and that there was no tenant, no cultivation of

land—nothing of the kind till then; and after these planters went into Champaran, those tenants followed them and took settlement of land and, therefore, it was that they got lands settled with them at a lower rent because they agreed to cultivate indigo for the benefit of planters? So, I beg to submit that these suggestions are absurd and cannot be accepted for a moment on this point.

Then as regards the treatment meted out to these tenants, I will simply quote few instances. Even lawyers who had no time to go to the country side who had not a *bigha* of land were compelled to supply carts to the planters. The Government pleader, who was then the Chairman of the district board and also the Chairman of the municipality, was required to execute an agreement to ply carts for the benefit of the factories, although he had never any bullock, never any cart, nor even any such animal and yet he was required to execute the agreement.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : May I know, Sir, how this is relevant to the present consideration?

Mr. GORAKH PRASHAD : Sir, there were more than one.....

The Hon'ble the SPEAKER : That is not a matter covered by this Bill.

Mr. GORAKH PRASHAD : Sir, the matter is this. There is a suggestion that there was no *zoolum* at that time existing and so there is no justification for this amendment. The enhancement was willingly accepted by the tenant and there was no coercion.

The Hon'ble the SPEAKER : But the amendment has been accepted by the House.

Mr. GORAKH PRASHAD : Sir, emphasis has been laid on the suggestion that obligations were existing from before the tenants went there. The country was populated, no doubt; it may be thinly populated—that is another thing—but that the whole *elaka* was without any tenant cannot be accepted for a moment.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, as no relevant point has been discussed, I think no reply is necessary.

The Hon'ble the SPEAKER : The question is :

That the Champaran Agrarian Amendment Bill, 1938, as settled in the Assembly, be passed.

The motion was adopted.

THE BIHAR CESS (AMENDMENT) BILL.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, the Bihar Cess (Amendment) Bill is not yet ready. It will be placed before the House later on.