

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

The 12th April, 1939.

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 Wednesday the 12th April, 1939, at 11-30 A.M., the Hon'ble the Speaker, Mr. Ramdayalu Sinha, in the Chair.

STARRED QUESTION AND ANSWER.

STRIKE IN THE COTTON AND JUTE MILLS AT GAYA.

*1. Mr. JAMUNA PRASHAD SINHA: Will Government be pleased to state—

(a) whether it is a fact that the strike in the Cotton and Jute Mills at Gaya commenced from the 31st December, 1938, in which there were lathi charges by the police ;

(b) the time when they came to know for the first time of the said strike and the lathi charges ;

(c) whether it is a fact that up to the 4th January, 1939, about 60 persons received injuries of whom some were admitted into the local hospital and the others were asked to go away after their injuries had been bandaged ;

(d) whether the policemen received any injuries ; if so, how many and whether these injuries were medically examined ;

(e) whether it is a fact that the facts about the said strike and lathi charges were withheld from Government for a certain number of days and the Parliamentary Secretary was informed of the same on telephone for the first time on the 4th January, 1939, in the afternoon by a private person ?

Mr. KRISHNA BALLABH SAHAY : (a) The strike in the Gaya Cotton Mills commenced on the 31st December, 1938.

[In the absence of the questioner, the answer was given at the request of Mr. Jamuna Karjee.

THE CHOTA NAGPUR TENURE-HOLDERS' RENT ACCOUNT (AMENDMENT) BILL, 1939 (BILL NO. 21 OF 1939).

The Hon'ble Mr. SHRI KRISHNA SINHA: Sir, I beg to introduce the Chota Nagpur Tenure-holders' Rent Account (Amendment) Bill, 1939.

The Hon'ble the SPEAKER: The Bill is introduced.

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

That the Chota Nagpur Tenure-holders' Rent Account (Amendment) Bill, 1939, be taken into consideration.

Mr. KRISHNA BALLABH SAHAY: Sir, the Bill which has been introduced by Hon'ble the Prime Minister is intended to remove the difficulties of the co-sharer tenure-holder of Chota Nagpur. Their difficulties arise from the fact that the tenure-holders are jointly liable to pay rent. This position leads to two-fold results. One of the results is that the tenure-holders avoid paying rent, with the consequence that often the landlord suffers, as he does not get rent. The second result that arises from this position is that at times the landlord catches hold of even honest tenure-holders who have either paid rent or are willing to pay rent, with the result that a premium is put on dishonesty and honesty is penalized.

Now, Sir, this inequity was sought to be removed in the year 1929 when the Chota Nagpur Tenure-holders' Separate Rent Account Act was passed. But that Act suffered from two-fold defects. In the first place, in that Act the provision was that only those co-sharers and tenure-holders who held fractional share in all tenures would be entitled to get their rent separated. The second difficulty was that as the Act was intended to apply to permanent tenures only, in one of the cases that came up to the Commissioner of Chota Nagpur in review, the Commissioner held that the Act would not apply to tenures which are resumable. Now, Sir, in some of the districts of Chota Nagpur there are a large number of resumable tenures with the result that the Act proved ineffective.

When this Government came into office, we enquired from the Deputy Commissioner of Chota Nagpur and the Board of Revenue as to how this Act had worked and the information that was supplied to us tells its own tale and proves the necessity of bringing up the present Bill. It was found that in the course of almost 10 years that the Act had been in operation, only one application had been made in Manbhum, two applications for separation of rent account had been made in Singhbhum, 115 applications had been made in Palamau, only 32 applications had been made in the district of Hazaribagh where the problem loomed large and 142 applications had been made in Ranchi. The Commissioner of the Chota Nagpur Division pointed out that so long as the two-fold defect which I have mentioned above remained in the Act, it would not be possible for the co-sharer tenure-holders to take advantage of the object of the Act, namely, that the accounts of the co-sharer tenure-holders should be separated. Therefore, Sir, when in the Legislative Council, Mr. Bishunlal Singh brought a Bill which sought to remove these two

defects, Government accepted his motion for reference of his Bill to a Select Committee. The Bill was referred to a Select Committee and there all the provisions of the Bill were examined very carefully and certain necessary changes were also made, e.g., it was settled in the Select Committee that in order to fix and determine the rent of a co-sharer tenure-holder, the cess valuation should be considered to be the basis. With these amendments, Sir, the Bill emerged from the Select Committee, but unfortunately for the Bill, the hon'ble member who was in charge of it could not be present on the day fixed and the result was that the Bill fell through. Now, Sir, since Government considered that the Bill brought in the Legislative Council by the hon'ble member was an important measure calculated to give relief to genuine sufferers, they have brought up this Bill. This Bill contains all the necessary amendments which were thought necessary. These amendments were based upon the result of the discussion in the Select Committee and upon the opinions received from Deputy Commissioners, the Commissioner of Chota Nagpur and the Board of Revenue. Therefore, at present, the Hon'ble the Prime Minister, instead of moving that the Bill should be referred to a Select Committee, has moved that the Bill should be taken into consideration and he will move later that the Bill should be passed. With these words Sir, I support the motion of the Hon'ble the Prime Minister.

MR. BARALAL KANDARP NATH SHAH DEO* :

सभापति जी, अभी जो बिल हाउस के सामने पेश हुआ है उसके सम्बन्ध में मैं कुछ कह देना चाहता हूँ; क्योंकि उससे हम लोगों को कुछ विशेष लाभ नहीं होगा। इससे हम लोगों को ज्यादा हानि की उम्मीद है। अभी हमारे छोटा नागपुर में रेंट वसूल करने का जो तरीका है वह यह है कि रेंट सूट कमिश्नर के आर्डर से वसूल होता है। जब हम लोग उनके यहां दरखास्त करते हैं तो उनके आर्डर से मालगुजारी अलग २ कर दी जाती है, लेकिन अभी जो बिल पेश किया गया है उससे छोटे २ जमीन्दारों को ज्यादा लाभ नहीं होगा, इस बिल के आयजेक्ट (Objects) और रोजन्स (Reasons) को पढ़ने से भी यही बात मालूम होती है।

हमारे यहां बहुत से जमीन्दार हैं जो मद्रास के टेन्योर होल्डर्स हैं और उन्हीं को अपना रेंट देते हैं। अब हम लोग अगर चाहें कि अपनी मालगुजारी अलग करालें या गवर्नमेंट को दें तो ऐसा नहीं कर सकते हैं। गवर्नमेंट को मालगुजारी सीधे नहीं दे सकते हैं। इसलिये इस बिल से छोटा नागपुर के छोटे बड़े जमीन्दारों में किसी को कुछ फायदा नहीं होगा।

अभी छोटा नागपुर में मालगुजारी के लिये टेन्योर होल्डर्स (tenure holders) के ऊपर नालिश होती है तो उसमें यह बखेड़ा आ जाता

* Speech not corrected by the hon'ble member.

है कि कितने जमीन्दार शामिल हैं। माल एक साथ रहने की वजह से कुछ जमीन्दार जो दे चुके हैं उनका भी नोलाम होता है। ऐसी हालत में छोटा नागपुर टिनेन्सी एक्ट के अनुसार कमिश्नर के पास दरखास्त आती है और कमिश्नर उस दरखास्त के जरिये माल नोलाम होने वाले जमीन्दार के हिस्से को अलग कर देता है और मालगुजारी वसूल किये हुये जमीन्दार की जमीन्दारी बच जाती है।

यह बिल प्रोपाम में कल के लिये था, लेकिन यह आज ही पेश कर दिया गया इस वजह से मैं तैयार हो कर नहीं आया था। मुझे काफी दोलने का मौका नहीं मिला। मैं विशेष कुछ नहीं कह सकता हूँ। गवर्नमेन्ट इस बिल को पास करने के पहले एक बार फिर गौर से विचार कर ले। जिस फायदे के लिये आप यह बिल पास करना चाहते हैं वह फायदा नहीं होता है।

***Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA :** Is it possible for me, Sir, to move at this stage that the Bill be referred to a Select Committee? Will Government like the Bill to be referred to a Select Committee?

The Hon'ble Mr. SHRI KRISHNA SINHA : My friend may give his reasons for referring the Bill to a Select Committee and Government will then consider whether they should raise any objection or not.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : I am obliged to the Hon'ble the Prime Minister, Sir. The few reasons I can state at the moment are that this Bill relates to the interest of tenure-holders of Chota Nagpur and that it also affects the interest of the bigger landlords of Chota Nagpur under whom these tenure-holders hold their tenure. I have been told by the hon'ble Parliamentary Secretary that this Bill had originally come up before the Upper Chamber. Am I correct?

Mr. BALDEVA SAHAY (Advocate-General) : Yes.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : And probably it was also referred to a Select Committee there.

Mr. BALDEVA SAHAY (Advocate-General) : Yes.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : I take it that it was examined by the Select Committee and the report was received but somehow the Bill could not be considered by the Upper Chamber. I should be obliged if the hon'ble Mr. Krishna Ballabh Sahay, would let us know who were the members who attended the Select Committee in the Upper Chamber. I take it, of course, that there were members from the various parties, but all the same I am not quite sure in my mind if the interests of those under whom these tenure-holders

hold their tenures were properly represented there. As such, if there is no such insurmountable difficulty and also if there is no special hurry about this legislation, I would like this Bill to be referred to a Select Committee of this House, consisting specially of Mr. Bara Lal Kandarp Nath Shah Deo of Chota Nagpur and the Maharaja Kumar of Chota Nagpur under whom, I am sure, there are a very larger number of tenure-holders. It is necessary that a fair chance should be given to these interests to have their full say in the matter. We have not to-day many people to represent these interests in this House except the names that I have mentioned just now, and it is necessary, unless there is any hurry which I have not been told, that this Bill be referred to a Select Committee where these interests should find representation. This is obviously the reason why I want the Bill to go to a Select Committee.

Mr. KRISHNA BALLABH SAHAY : Sir, I can give the hon'ble the Leader of the Opposition the names of the members who composed the Select Committee. They were :—

1. Mr. Nageshwar Prasad Singh, M.L.C. (now dead),
2. Mr. Bansi Lal, M.L.C.,
3. Mr. Brijraj Krishna, M.L.C.,
4. Mr. Pishunlal Singh, M.L.C.,
5. Mr. Brajmandan Prasad, M.L.C.,
6. Mr. Saiyid Mobarak Ali, M.L.C.,
7. Mr. Gur Sahay Lal, M.L.C.,
8. Khan Bahadur Saiyid Muhammad Ismail, M.L.C.,
9. Rai Bahadur Satis Chandra Sinha, M.L.C.,
10. Mr. Kamleshwari Prasad Mandal, M.L.C., and
11. Mr. Saiyid Naqi Imam, M.L.C.

Other persons were also invited to attend it and they were :—

1. Mr. Sukhlal Singh, M.L.A., from Hazaribagh,
2. Mr. Chhatradhari Prasad, Pleader, Hazaribagh,
3. Rai Bahadur Thakur Bhoja Nath Singh, from Daltonganj,
4. Rai Bahadur P. K. Banerjee, Ranchi,
5. Mr. Baldeva Sahay, and
6. Myself.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : Sir, the list of members of the Select Committee and a few of those who were specially invited confirms me in my belief that this Bill ought to go to the Select Committee. While Government certainly did take very great care in inviting quite a large number of people, and I know they are representative people who can speak about the conditions of Chota Nagpur, they missed to invite the Maharaja Kumar of Chota Nagpur. He is one person, in my opinion, who must have been called and consulted on a question of this kind. The second thing that I would

like to urge is that this Bill relates to Chota Nagpur, but the principles ordinarily, I think, at a later stage would also apply, at any rate, will be required to be applied, to Bihar proper too.

Sir, Government benches do not always appear to be very attentive to what is told to them.....

The Hon'ble the SPEAKER : The Hon'ble the Leader of the Opposition says that he is not being listened to by the Treasury benches. He is entitled to be so heard.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : When everybody else was asked to be consulted, the Maharaja Kumar of Chota Nagpur, who really represents the interests of tenure-holders who hold their tenures there, must have been given an opportunity to have his say on this Bill. I take it that neither he was consulted, nor anybody who represents the interests of the Maharaja of Chota Nagpur or of bigger landlords of Chota Nagpur. I think it will not take a long time, it will take one day to fix the Select Committee including the Maharaj Kumar of Chota Nagpur as a member, after which the Select Committee can finish the Bill.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, utmost care was taken to consult as many persons as possible and to know the real feeling of Chota Nagpur in the matter. Not only members from Chota Nagpur and the Legislative Council were on the Select Committee, but lawyers of repute who could be expected to know the laws regarding these tenure-holders in Chota Nagpur were there. The Government Pleader of Ranchi, who, I think, spoke on behalf of the Maharaja of Chota Nagpur, was there in the Select Committee. A gentleman was there to represent the interests of the Raja Sahib of Ramgarh and I think my impression is that the matter was thoroughly considered there. Nothing was sought to be done by mere force of vote. Even after all this, if the hon'ble the Leader of the Opposition thinks that this Bill should be referred to a Select Committee, Government can possibly have no objection ; because I do not want this impression to go round that I wanted to thrust the Bill on the House against its desire. If my friend thinks that there are principles in this Bill which require to be considered again in the House, I have no objection.

Mr. UPENDRA MOHAN DAS GUPTA : Sir, I want to say some thing about section 6 of the Act. I have been attempting to place this matter before Government for some time.

The Hon'ble the SPEAKER : The question at present is whether the motion should be moved for reference of the Bill to a Select Committee. That is the point under consideration now. Has the hon'ble member got anything to say to that ?

Mr. UPENDRA MOHAN DAS GUPTA : No, Sir.

Mr. SUKHLAL SINGH :

हुजूर, सेलेक्ट कमिटी के मुतलिक हमें कुछ कहना है।

The Hon'ble the SPEAKER :

आप कह सकते हैं।

Mr. SUKHLAL SINGH :

मैं गवर्नमेंट को और खास कर माननीय प्राइम मिनिस्टर साहब को इस बिल के लिये धन्यवाद देता हूँ। इस बिल का आना जरूरी था। यावू कृष्ण-वल्लभ सहाय ने कहा है कि यह बिल अपरसेम्बर में यावू विशुनलाल सिंह, एम० एल० सो० के नाम पर आया था लेकिन किसी वजह से वह आगे नहीं बढ़ सका। गवर्नमेंट मेहरबानी कर के यह बिल लाया है। अभी माननीय यावू सो० पी० एन० सिन्हा ने सेलेक्ट कमिटी को जो बात कही है, मैं उसे नहीं चाहता हूँ। वजह इसकी यह है कि बहुत दिन बीत रहे हैं। मानभूम, हजारबाग और रांची के जागीरदार लोग इतने परेशान हो रहे हैं कि वे चाहते हैं कि जल्दी यह बिल पास हो जाय। गचे' मैं खुद इस बिल से पूरा संतुष्ट नहीं हूँ फिर भी जिस हद तक यह आया है उसके बाद इसे सेलेक्ट कमिटी में ले जा कर समय लगाना मुनासिब नहीं मालूम होता है। अभी इतनी परेशानी है कि इस बिल के जरिये जो कुछ रिलीफ मिलती है उसमें अब बिलम्ब नहीं होना चाहिये। मैं यावू चन्द्रदेवर प्रसाद नारायण सिंह से अनुरोध करूंगा कि कुछ दिनों तक इसके मुताबिक आप काम होने दें और देख लें कि इससे किसको क्या आटा या नफा है? मैंने रामगढ़ स्टेट के जमींदार बाबू कामाख्या नारायण सिंह जी से बातें की थी। इस विषय पर उनकी कोई आपत्ति नहीं है। जहां तक मैं समझता हूँ कि जमीन्दारों के खिलाफ कोई बात इसमें नहीं है गचे' रेनू एकाउन्ट सेपरेट होने पर ऐसा रखा गया है कि अगर किसी हिस्सेदार से रोल नहीं वसूल होगा तो फिर समूचा टेन्योर (tenure) नीलाम पर चढ़ जायगा। मैं इस कानून को नहीं पसन्द करता हूँ, फि भी इस बिल के जरिये कुछ रिलीफ मिलती है। अच्छा है कि जहां तक जल्द हो सके इस बिल को काम में लाया जाय और सेलेक्ट कमिटी में देकर बिलम्ब ना ज जाय। मुझे इतना ही कहना था।

MR. DEOKI NANDAN PRASHAD :

सभापति जी, अभी जो छोटा नागपुर रेंट [एकाउंट] सेपरेट बिल पुनूर के सामने पेश किया गया है, उसको ओपीजीशन के नेता बाबू चंद्रेश्वर प्रसाद नारायण सिंह ने कहा है कि सेलेक्ट कमिटी में भेजा जाय। मैं समझता हूँ कि यह बिल अपर चैंबर के एक मेम्बर की ओर से आया था। करोब डेढ़-दो साल हो गये यह अभी से आसमान में लटक रहा था। जब यह अपर चैंबर में आया था तो किसी वजह से उस मेम्बर को गैरहाजिरी से वह पेश नहीं हो सका। अब सरकार इसे लायी है। सेलेक्ट कमिटी से यह बिल गुजर चुका है। मैं नहीं समझता हूँ कि इस बिल के लिये अब सेलेक्ट कमिटी बनो थो, उसमें महाराज कुमार और बड़ालाल कन्दर्प नाथ शाह देव के नहीं रहने की वजह उन लोगों को या बड़े २ जमींदारों या छोटे जमींदारों को क्या हानि हुई। इस बिल में कोई विशेष बात नहीं है। सिर्फ इतना ही है कि छोटे २ जमींदार जो अण्डर टेन्योर होल्डरस (under Tenure Holders) हैं, उन्हें बड़े २ स्टेटों से ज़ागीरों के रूप में ख़ुद मिली है। कई हिस्सेदारों में किसी के माल न देने के कारण सब का हिस्सा या पूरा स्टेट बिक्री कर दी जातो है। इससे निरपराधों को दुःख होता है। हिस्सेदारों का अलग-अलग करके रेंट वसूल किया जाय। मैं नहीं समझता हूँ कि क्यों इसकी सेलेक्ट कमिटी में भेजने का प्रस्ताव किया जा रहा है। इसलिये मैं इस प्रस्ताव का घोर विरोध करता हूँ। इसकी सेलेक्ट कमिटी में न भेज कर जल्द से जल्द पास करने में देर न की जाय। वस, मुझे इतनाही कहना है।

MR. CHANDRESHVAR PRASHAD NARAYAN SINHA : Sir, I am thankful to the Hon'ble the Prime Minister for accepting the suggestion that I have just now made and, accordingly, with your permission I now formally move :

That the Chota Nagpur Tenure-holders' Rent Account (Amendment) Bill, 1939, be referred to a Select Committee consisting of the following members :—

The Hon'ble the Prime Minister,

The Parliamentary Secretary in charge of Revenue,

The Maharaj Kumar of Chota Nagpur,

Mr. Bara Lal Kandarp Nath Shah Deo,

Mr. Krishna Ballabh Sahay, and

The Advocate-General.

I do not think it necessary to make it bigger than this.

Mr. BARA LAL KANDARP NATH SHAH DEO : I want our leader should be there. So I beg to move :

That the name of Mr. Chandreshwar Prashad Narayan Sinha be added to the list of the members of the Select Committee.

The Hon'ble Mr. SHRI KRISHNA SINHA : No Select Committee can be complete without him.

The Hon'ble the SPEAKER : The question is :

That the name of Mr. Chandreshwar Prashad Narayan Sinha be added to the list of members of the Select Committee.

The motion was adopted.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, I would like to add a few more names to the list of members proposed for the Select Committee. I think Chota Nagpur should be better represented in the Select Committee.

Therefore, I beg to move that the following three names be added to the list of the members of the Select Committee :—

- (1) Mr. Sukhlal Singh,
- (2) Mr. Jadubans Sahay, and
- (3) Mr. Khetra Nath Sen Gupta.

The Hon'ble the SPEAKER : The question is :

That the names of—

- Mr. Sukhlal Singh,
Mr. Jadubans Sahay, and
Mr. Khetra Nath Sen Gupta

be added to the list of members of the Select Committee.

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

That the Chota Nagpur Tenure-holders' Rent Account (Amendment) Bill, 1939, be referred to a Select Committee consisting of the following members :—

- (1) The Hon'ble Mr. Sri Krishna Sinha,
- (2) Mahoraj Kumar Raj Kishore Nath Shah Deo,
- (3) Mr. Baralal Kandarp Nath Shah Deo,
- (4) Mr. Sarangdhar Sinha,
- (5) Mr. Krishna Ballabh Sahay,
- (6) Mr. Baldeva Sahay (Advocate-General),
- (7) Mr. Sukhlal Singh,
- (8) Mr. Jadubans Sahay,
- (9) Mr. Khetra Nath Sen Gupta, and
- (10) Mr. Chandreshwar Prashad Narayan Sinha.

The motion was adopted.