

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES, 1938.

The 5th March, 1938.

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Mr. BADRUL HASAN : We have not received the report, Sir.

The Hon'ble Mr. SHRI KRISHNA SINHA : Copies will be circulated now.

THE CHOTA NAGPUR TENANCY (AMENDMENT) BILL, 1937 (BILL NO. 8 OF 1937)
—concd.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, I beg to present the report of the Select Committee on the Chota Nagpur Tenancy (Amendment) Bill, 1938.

(The report was presented.)

[Interval for lunch.]

The Hon'ble the SPEAKER : What is the result of the discussion with respect to Mr. Lakra's amendments.

The Hon'ble Mr. SHRI KRISHNA SINHA : Perhaps he has three amendments standing in his name, but he will move only one of them and will withdraw the other two.

Sir, I move :

That the Chota Nagpur Tenancy (Amendment) Bill, 1937, as reported by the Select Committee, be taken into consideration.

The Hon'ble the SPEAKER : The question is :

That the Chota Nagpur Tenancy (Amendment) Bill, 1937, as reported by the Select Committee, be taken into consideration.

The motion was adopted.

The Hon'ble the SPEAKER : I am told that the hon'ble member is moving only one of his amendments. Is that so ?

Mr. BONIFACE LAKRA : Yes, Sir.

The Hon'ble the SPEAKER : Which one is it ?

Mr. BONIFACE LAKRA : The first one, Sir, relating to clause 9.

The Hon'ble the SPEAKER : And what about the amendments of Mr. Sukhlal Singh ?

The Hon'ble Mr. SHRI KRISHNA SINHA : They are not in order Sir.

Mr. SUKHLAL SINGH : A few of them are in order, Sir.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : Have they not been submitted to you, Sir, all together? The question is whether these amendments are in time, and it is for you to admit them or not.

The Hon'ble the SPEAKER : Yes, as I observed in the first hour some hon'ble members approached me and told me that they had explained the proposed amendments to the Advocate-General and that they had his consent. Under the circumstances I told them that I would be willing to suspend the rule. But I understand it is impossible to consider them now as they are not in the proper form. It is difficult to put them in the proper form and scrutinise them to see if they are according to the rules. So, unless the thing is an agreed proposition, I am afraid I cannot suspend the rules.

So, the thing comes to this that we have got only one amendment which is coming before the House, namely, the first amendment of Mr. Lakra relating to clause 9. That is the position.

The Hon'ble the SPEAKER : The question is :

That clause 2, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. BALDEVA SAHAY (Advocate-General) : Sir, may I draw your attention to what may possibly be a printing mistake at page 4 with reference to clause 3?

The Hon'ble Mr. SHRI KRISHNA SINHA : We have not reached that stage yet.

Mr. BALDEVA SAHAY (Advocate-General) : I am sorry, Sir, that clause is not yet reached.

The Hon'ble the SPEAKER : The question is :

That clause 3, as reported by the Select Committee, 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 4, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 4 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 5, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 6, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 6 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 7, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 7 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 8, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 8 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 9, as reported by the Select Committee, do stand part of the Bill.

Mr. BONIFACE LAKRA : Sir, I beg to move :

That in clause 9 of the Bill, in sub-section (3) of the proposed section 46, after the words " his holding " the words " or a portion of his holding " be inserted.

The Hon'ble Mr. SHRI KRISHNA SINHA : Sir, Government accept the amendment.

Mr. UPENDRA MOHAN DAS GUPTA : Sir, we have not heard what he has moved.

The Hon'ble the SPEAKER : His amendment is that the words " or a portion of his holding " be added to sub-clause (3) after the word " holding " in the fourth line of the sub-clause. After the addition the sub-clause will read thus :—

An occupancy *raiyyat*, who is an aboriginal or a member of a scheduled caste, may transfer his right in his holding, or a portion of his holding, by sale, gift, will or exchange to another aboriginal or to another person.

Mr. BALDEVA SAHAY (Advocate-General) : May I draw your attention to another printing mistake at page 14 ? The expression within the brackets " (A non-aboriginal *raiyyat*) " should be in italics, because it has to be omitted.

The Hon'ble the SPEAKER : The question is :

That in clause 9 of the Bill, in sub-section (3) of the proposed section 46 after the words " his holding " the words " or a portion of his holding " be inserted.

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

That clause 9, as settled in the Assembly, do stand part of the Bill.

The motion was adopted.

Clause 9, as amended, was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 10, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 10 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 11, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 11 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 12, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 12 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 13, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 13 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 14, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 14 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 15, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 15 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 16, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 16 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 17, as reported by the Select Committee, do stand part of the Bill.

Mr. BALDEVA SAHAY (Advocate-General) : There is a printing mistake. The word "letter" ought to read "letters".

The Hon'ble the SPEAKER : The question is :

That clause 17, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 17 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 18, as reported by the Select Committee, do stand part of the Bill.

Mr. Shaikh MUHAMMAD HUSAIN : Sir, there is an amendment to this clause.

The Hon'ble the SPEAKER : It is not in order. I am very sorry that I cannot help the hon'ble member.

The Hon'ble the SPEAKER : The question is :

That clause 18, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 18 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 19, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 19 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 20, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 20 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 21, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 21 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 22, as reported by the Select Committee, do stand part of the Bill.

Mr. BALDEVA SAHAY (Advocate-General): There is a printing mistake in the marginal note: " Amendment of section 86 " which should read " Amendment of section 85 ".

The Hon'ble the SPEAKER : The question is :

That clause 22, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 22 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 23, as reported by the Select Committee, do stand part of the Bill.

Mr. BALDEVA SAHAY (Advocate-General): There is also a mistake here. In clause (b) in the sixth line the expression " the words, figures, letter and brackets " should be " the words, figures and letter ". The word " brackets " is unnecessary, because in fact there are no brackets.

The Hon'ble the SPEAKER: The question is :

That clause 23, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 23 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 24, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 24 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 25, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 25 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 26, as reported by the Select Committee, do stand part of the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 27, as reported by the Select Committee, do stand part of the Bill.

Mr. BALDEVA SAHAY (Advocate General): Sir, in clause (b) after the words " shall be sold ", the words " the proceeds of " be inserted.

The Hon'ble the SPEAKER: I should like to treat it as an amendment.

The question is :

That in clause 27 of the Bill, in sub-clause (b), after the words " shall be sold " the words " the proceeds of " be inserted.

The motion was adopted.

The Hon'ble the SPEAKER: The question is :

That clause 27, as settled in the Assembly, do stand part of the Bill.

The motion was adopted.

Clause 27, as amended, was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 28, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 28 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 29, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 29 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 30, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 30 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 31, as reported by the Select Committee, do stand part of the Bill

The motion was adopted.

Clause 31 was added to the Bill.

The Hon'ble the SPEAKER: The question is :

That clause 1, as reported by the Select Committee, be added to 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, as reported by the Select Committee, be added to the Bill.

The motion was adopted.

The title and preamble were added to the Bill.

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

That the Chota Nagpur Tenancy (Amendment) Bill, 1937, as settled in the Assembly, be passed.

Mr. UPENDRA MOHAN DAS GUPTA: Sir, I request Government to consider the case of tenure-holders and under-tenure-holders. Why were they treated in a step-motherly fashion? The *zamindars* are not sent to jail for arrears of revenue. Then, what is the justification for sending the tenure-holders to jail? The favours the *raiya*s get by this Act are not extended to the tenure-holders. I, therefore, request Government to make these sections applicable to the tenure-holders also.

The Hon'ble Mr. SHRI KRISHNA SINHA: Sir, I have already said on a previous occasion that the problem of tenure-holders and under-tenure-holders is altogether different from that of tenants and under-tenants. On that occasion, I had said that Government would certainly be ready to consider the case of tenure-holders and under-tenure holders also. Some members from Purnea saw me and I told them that I would look into the problem of tenure-holders. Certainly, Government are not going to give a step-motherly treatment to any class of *raiya*s. When is the proper time comes, their cases will be considered and if it is thought that legislation is necessary, it will be brought before the Assembly.

Mr. MUHAMMAD TAHIR: Sir, I am glad to say that the case of tenure-holders has got its place in Chota Nagpur also. We have also placed this fact before Government before and we were told that a Bill in regard to the tenure-holders would be brought up hereafter. But up till now we see that no such step has been taken, and since the views are coming from all round, we want that we should be assured that a Bill would be introduced in this session because there is great hardship, so far as the tenure-holders are concerned.

The Hon'ble Mr. SHRI KRISHNA SINHA: Sir, it is difficult for me to bring any Bill in this session as the hands of Government are so full that it will not be possible for me to promise that such a Bill will be brought before the Assembly. But, as I have said, Government will try to give relief as much as possible.

The Hon'ble the SPEAKER: The question is:

That the Chota Nagpur Tenancy (Amendment) Bill, 1937, as settled in the Assembly, be passed.

The motion was adopted.

The Hon'ble the SPEAKER:

The Bengal Troops and Transport and Travellers' Assistance Registration (Amendment) Bill, 1938, १५ फरवरी को साप्लोगों को circulate कर दिया गया था। इसका गवर्नमेन्ट ने नोटिस दी है कि यह बिल ७ मार्च १९३८ को एसेम्बली में पेश होगा। जो Provincial programme छपा है उसमें इसको शामिल कर दिया जायगा।

The Assembly then adjourned till 11.30 o'clock on Monday, the 7th March, 1938.