CHAPTER - 5

LEGISLATIONS DURING 1937-1943

In an earlier chapter (Chapter 3), the formation of the League-Proja Coalition ministry has been discussed. According to League-Proja agreement the Coalition Government drew up a 'joint definite programme'.¹ This was as follows:

1. In view of the fact that the land revenue system, known as the Permanent Settlement, and the Land Laws of Bengal, had arrested the economic development of the province and had adversely affected the national outlook of the people, a committee of enquiry be immediately appointed to devise ways and means to get them replaced by a more equitable system and laws suitable to the needs and requirements of the people.


3. Amendment of the Public Demands Recovery Act specially to mitigate the rigours of the certificate procedure.

4. To devise ways and means of freeing the cultivators from the crushing burden of indebtedness.

5. Amendment of the Co-operative Societies Act so as to make it really conducive to the economic advancement of the people.

6. Immediate introduction of free compulsory primary education without taxation of the poor who were unable to bear the burden.

¹ Star of India, February 24, 1937. Also The Indian Annual Register, vol. 11, 1938, pp. 219-223.
7. Reduction in the cost of administration.

8. To control the price of jute through (a) limitation of production, (b) marketing boards, (c) other suitable measures.

9. Resuscitation of dead and dying rivers and khals through local manual labour.

10. To undertake measures of public health and rural sanitation.

11. Repeal of tobacco tax and taxes on the necessities of life.

12. Repeal of repressive laws and release of political prisoners and detenus.

13. To devise ways and means of solving the unemployment problem.

14. Amendment of the Calcutta University Act and the establishment of a Board of Secondary Education in Bengal.


To fulfil the election pledges and to implement the programme, the Coalition Ministry took some effective measures and introduced some beneficial reforms and legislations.

**The Bengal Tenancy (Amendment) Act, 1938**

The first important legislation was the Bengal Tenancy (Amendment) Act, 1938. It is well known that the economy of the country is land-based. So any government which intended economic improvement...
had to look after land first. The fate of the tenants of Bengal was decided by the Permanent Settlement of 1793. Since then they were oppressed in the hands of the Zamindars and their 'gamastas' (agents). The most obvious financial result of the Permanent Settlement was that 'the land revenue which is the main source of income of a government in an agricultural country, remained almost entirely inelastic for 150 years'.\(^3\) From 1793 to 1859, administratively, the British Government was concerned primarily with safeguarding their revenue. That was the background of all the legislations which were passed until the Rent Act of 1859. This Act defined the right of occupancy as 12 years' continuous possession of the land in the hands of a raiyat. It laid down that rent must be fair and equitable and it recognised the Zamindar's right to claim enhancement on the ground that there had been an increase in areas, that the value of produce had increased or that the rent of a particular holding was below the prevailing rate. It was also provided that ejectment for non-payment of rent could only be made through the Courts. The deficiency of the Rent Act led to the Tenancy Act of 1885. It enacted that a raiyat who had been in possession of any land for 12 years, either himself or through inheritance, would become a settled raiyat of the village, with occupancy rights in the land he already possessed, and would immediately acquire those rights in any new land which he took into cultivation.

Here it should be noted that raiyats were those who held land on payment of rents to an intermediary.\(^4\) There were also under-

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raiyats in land holding system and under-raiyats were those who leased land from a raiyat. Actually tenants in Bengal as determined by the Bengal Tenancy Act of 1885 and amended in 1928 were classified under the following main categories: raiyats, under-raiyats and bargadars (share croppers). Raiyats as well as under-raiyats were divided into two categories, occupancy tenants and non-occupancy tenants.

The right of a raiyat was made a protected interest in the event of his superior landlord being sold up, he was given the right of mortgaging his holding and of subletting it for a period of not more than 9 years. It was also laid down that raiyats should not be ejected for arrears of rent, but that their holdings must be sold up in the Civil Court.

The Bengal Tenancy Act, 1885, could not fulfil the interests of the raiyats. So a Bill to revise the Act was introduced in the Bengal Legislative Council on December 3, 1925. The necessity for amending the Act was explained in the Statement of Objects and Reasons. The Bill went to a Select Committee where many members gave a note of dissent. However, the Bill after further discussion was ultimately turned into an Act in 1928. The major provisions were as follows:

i) holdings were declared to be transferable in whole or part, subject to a transfer for amounting to 20 per cent of the sale price or five times the rent. The landlord was given a right of pre-emption on payment of the sale price plus 10 per cent as compensation to the purchase. He also retained the right to levy a fee for the sub-

5 The Calcutta Gazette, July 22, 1928.
division of holdings in the case of part transfers because the Act did not make it incumbent on the landlords to divide the holdings in such cases.

ii) in order to prevent land from passing to mortgages for indefinite periods, occupancy raiyats were allowed to give usufructuary mortgages only for a period of 15 years.

iii) occupancy raiyats were given all rights in trees.

iv) the right to commute rent in kind into a cash rent was abolished mainly on the ground of the agitation against the proposal of Sir John Kerr Committee to give occupancy rights to a certain class of bargadars whose rent might then be commuted to the detriment of many middle class people.⁶

As most of the members of the Bengal Legislative Council were from landed class the Bengal Tenancy Amendment Act 1928 looked after mainly the interests of the landlords. The landlords were given the right of pre-emption.

The Bengal Tenancy Act 1885 which was replaced by the Bengal Tenancy Act, 1928, had been amended 'at the behest of the tenants' several times between 1937 and 1946.⁷ Instead of thinking to abolish Permanent Settlement forthwith the new government tried to introduce some reforms in tenancy. So soon after they took charge, the Bengal Tenancy (Amendment) Bill 1937 was introduced in the beginning of the Second Session of the Assembly. In the Statement

of Objects and Reasons for the Bill it was stated that some of the existing provisions of the Bengal Tenancy Act had been found to operate rather harshly on the cultivators. So the object of the Bill was not a radical reform of the existing system of the land tenure but to lessen the burden on the cultivator by making the amendments to the law which appeared to be most urgently required. Notice for introduction and consideration the Bill was given on September 2 and amendments were received up to September 7, 1937. One thousand seven hundred and thirty seven amendments were tabled on this Bill and in addition 75 Short Notice amendments were admitted. The Assembly Department had to cope with this large volume of amendments and to get the agenda ready within two days. The Bill was introduced on September 10 and the motion for consideration was moved immediately afterwards. Excluding the time for the disposal of the dilatory motions and for the third reading of the Bill with over 1,800 amendments, including a large number of extremely complicated and most contentious amendments, the Bill took only 11$\frac{1}{4}$ days of actual sitting days. The followings were the main provisions of the Bill:

1. Abolition of landlords' transfer fees and the right of pre-emption.
2. Repeal of Chapter XIII A which allowed landlords the use on certain conditions of the certificate procedure for realising their rents.
3. Giving under-riayats the right to surrender their holdings.

8 Calcutta Gazette Extraordinary, August 27, 1937, p. 234.
9 Report of the Working of the Legislative Assembly - Government of West Bengal April 1937 to July 1939, p. 3.
4. Immediate summary penalty for the extinction of abwabs (cess).

5. Empowering Government to suspend any or all of the provisions of the Act relating to the enhancement of rent.

6. Giving powers of surrender to tenure holders.

7. Allowing landlords to sue for a portion of their arrears of rent instead of for the whole amount.

8. Allowing structures solely for religious purposes to be erected on holdings on certain conditions.

9. Giving increased facilities for the sub-division of tenures and holdings.

10. Providing for the suspension or abatement from rent when a tenure or holding is lost (diluvion).

11. Reducing the rate of interest on arrears of rent from 12\% to 6\%.

12. Giving occupancy and under-raiyat the same rights of transfer fee as occupancy raiyats.

13. Giving facilities to occupancy raiyats to regain possession under certain conditions of mortgaged holdings.\(^\text{10}\)

The Revenue Minister Bijoy Prasad Singh Roy while introducing the Bill in the House pointed out that it was not only to fulfil the pledges given by Fazlul Huq or his party to the electorate. He wanted to be clear in his language and said that the Congress,

\(^{10}\) Calcutta Gazette, August 27, 1937, 1937, p. 234.
the non-Congress Hindus, the Mussalmans, the Scheduled Castes and even those who returned from the special electorates had one object in view, namely, the amelioration of the condition of the masses in Bengal and 'this Bill is nothing but a prelude to the fulfilment of that great pledge, the pledge that was given by all unanimously'.¹¹ This was repeated by the Revenue Minister, when Tulsi Chandra Goswami, Deputy Leader of the Congress Parliamentary Party characterised the Bill as 'a dishonest measure', as 'a great deceit'.¹² George Campbell, the Leader of the European Group in the legislature, in moving for circulation of the Bill said that his 'first objection to taking the Bill into consideration on floor of the House is the speed with which this measure has been thrust upon us .... There was a compromise on the question of rights in 1928 and I cannot see in view of its magnitude the necessity for this hasty legislation'.¹³ He also pointed out that there were certain dangers in weakening the powers of the landlords and breaking such connection as there was between them and the tenants and the under-tenants. Moreover, it seemed to him that the general tendency of the legislation apart from whether or not it benefitted the tillers of the soil, was to deal a definite blow at the landlords who were on the verge of expropriation. The Bill certainly required much more consideration. He wanted the Bill to be sent to a Select Committee.¹⁴

Another European member, W.C. Wordsworth expressed that there was considerable amount of class prejudice in the Bill and that it made no sincere endeavour to find where social justice laid between

¹¹ Bengal Legislative Assembly Proceedings, vol. LI, No.4, p.1254.
¹² Ibid, p. 1328.
landlords, tenants, intermediaries and Government. Another Anglo-Indian member, J.W. Chippendale said that though he had no interest in the Bill concerned still he made three points clear, (a) that this was an important Bill and a very difficult piece of legislation, (b) that it was being rushed through and (c) that any measure that was rushed could not produce any good result. So he was also in favour of sending the Bill to a Select Committee. Thus it was clear that at the initial stage the European Group in the Assembly opposed the enactment of the Bill quickly. The Premier declared that if the Bill was not carried he would resign. Ultimately the Europeans withdrew their opposition and remained neutral.

The interests of the landed persons were clear from the speech of a landlord, Shibsekhareswar Roy in the Assembly when he said, 'we feel that an act of great injustice is going to be perpetrated on the landholders by the provisions of the Bill'. Such was also the attitude of the Upper House in general.

At the initial stage the policy of the Congress was in favour of sending the Bill to a Select Committee but when the Government withdrew the proposal, Sarat Chandra Bose, the Leader of the Opposition, withdrew their parallel proposal and at the same time, pointed out two reasons behind the withdrawal. First, his Party could not agree to support, a Select Committee consisting of 34 members and secondly, no member of a particular group of the Proja Party in the House was included in the proposed Select Committee. 

16 Ibid, p. 1323.
17 Ibid, p. 1263.
After critical discussion the Bengal Tenancy (Amendment) Bill was passed by the Legislative Assembly on September 30, 1937 and by the Legislative Council (as the Bengal Tenancy Amendment Bill, 1938) on April 1, 1938 with certain amendments. Then the Bill as amended by the Council was passed by the Assembly on April 7, 1938 and sent to the Governor. The Governor delayed his consent to it.

The Ministry was criticised for their inability to secure assent to the Bill by May 31, 1938 as stipulated by the Legislature. Sanaulla, the Secretary of the Independent Proja Party said that one month's delay meant approximately an average loss of 3 lacs of rupees on account of the obnoxious 'salam' alone. He further appealed to the tenants of Bengal to hold public meetings and pass resolutions demanding the immediate resignation of the Cabinet if the assent was not received within the prescribed date and to organise themselves for the bitter fighting ahead.^[19]

The Governor, however, returned the Bill on July 29, 1938 to the Legislature in pursuance of the provisions of the proviso to section 75 of the Government of India Act, 1935, with two suggested amendments.^[20] He recommended that the legislatures should not make further amendments. The Speaker of the Assembly read the Governor's message before the House on the same date and the Bill with some amendments as recommended by the Governor was passed by the Assembly on August 3, 1938. The Governor's message was read before the Council by the President on August 8 and the Council passed the Bill on the 12th with amendments as recommended by the Governor.

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19 Advance, May 19, 1938.

20 One was in respect of the commencement clause of the Bill and the other was regarding the suspension of the enhancement of rent for a period of 10 years.
Ultimately the enactment of the Bill was first published in the Calcutta Gazettee on August 18, 1938 and came into force from that date.

The principal changes effected by the amending Act VI of 1938 were the following:

1. Landholders' transfer fee and their right of pre-emption had been abolished. Right of pre-emption had been given to co-sharer tenants of occupancy holdings. Right of appeal had been given from an order made in pre-emption proceeding under new Section 26F.\textsuperscript{21}

2. All the provisions of the Act relating to enhancement of rent had been suspended for a period of ten years with effect from the 27th of August 1937 (Section 75A).

3. Tenants had been given the right to get immediate possession of diluviated lands of tenures or holdings on their reappearance within twenty years of the date of diluvion and in such a case the landlords would get more than four years' rent. Diluvion had been expressly made a ground for abatement of rent (86A).

4. Tenure holders had been given the right to surrender their tenures (85A). All classes of under-raiyats had been given the right to surrender their holdings.

5. Chapter XIII A which allowed the landlords to use on certain conditions of the certificate procedure for realising their rents had been repealed.

6. Under-raiyats with right of occupancy had now the same right of transfer as occupancy raiyats.

7. Under-raiyat lease could now be created for an unlimited period (Section 48H had been repealed).

8. The provisions of chapter VII applicable to under-raiyats had been given retrospective operation (New Section 47A).

9. All usufructuary mortgages on occupancy holdings subsisting on crop after the 1st August 1937, entered into before the commencement of the Amending Act of 1928, would be deemed to have taken effect as complete usufructuary mortgages for a period not exceeding 15 years and such mortgages would be extinguished on the expiry of the same period. Greater facilities had been given to occupancy raiyats to regain possession under certain conditions of mortgage holdings.

10. Increased facilities for the sub-division of tenures of holdings had been given. Division of tenancy or distribution of rent might be made upto Rs. 2/- in the case of tenures and Re. 1/- in case of holdings.

11. Rate of interest on arrears of rent had been reduced from 12½% to 6½%.

12. Realisation of abwab (cess) by the landlord or his agent had been made punishable with fine. An appeal lay to the District Judge against an order imposing a fine and the

order of the District Judge on such appeal would be final.

13. Landlords had been given the right to institute suits for portions of arrears of rent instead of for the whole amount. Landlords could not bring another rent suit until after 9 months from the date of the institution of the previous suit.

14. The definition of 'holding' had been given retrospective effect and applied to holding created before the Amending Act IV of 1928.

15. (a) Service of special summons would now ordinarily be effected by registered post with A.D.

(b) Rent decree could not be executed until the expiry of 60 days from the date of the decree.

(c) No interest was to be paid from the date of decree.

(d) Provisions for deposit of half of decretal amount in the case of applications setting aside ex-parte rent decree under sub-clause (ii) of clause (k) had been omitted.23

These measures were no doubt helpful to the poor peasants of Bengal and that as the first instance added glory to the Fazlul Huq Government.

23 Two years of Provincial Autonomy, Govt. of Bengal 1939, pp.1-3. Also Indian Annual Register, vol. II, 1938, p. 220.
The Bengal Public Demands Recovery (Amendment) Act, 1938

The Bengal tenants were not happy with the Bengal Public Demands Recovery Act, 1913, as it had been used to operate at times with rigour. On March 4, 1938, Bijoy Prasad Singh Roy, the Minister in charge of Revenue, while introducing the Public Demands Recovery (Amendment) Bill, 1937, said that it was a very simple measure and it was in the interest of the agriculturists. In order to provide them with sufficient credit facilities, Government had already established five Land Mortgage Banks in different districts and they proposed to guarantee interest charges on those five Land Mortgage Banks to the extent of 12½ lakhs of rupees. It was, therefore, necessary that Government should be armed with sufficient powers to secure realisation of the dues. In all other Indian provinces the dues of Land Mortgage Banks were realised under the Public Demands Recovery Act. The proposal in the present Bill was to extend the same facilities to the Co-operative Credit Societies and Land Mortgage Banks of Bengal.24

In the meantime, on September 16, 1937, a non-official Public Demands Recovery (Amendment) Bill came from a Krishak Proja member Abu Hossain Sarkar and was circulated for eliciting public opinion. Then again, when it came to the House on March 2, 1938, it was decided to re-circulate the Bill for the same purpose thereon by February 8, 1939 by 115 to 87 votes.25

When the Government Bill came, Abu Hossain Sarkar by way of amendment moved that the Bill be circulated for the purpose of eliciting public opinion thereon by July 31, 1938. Rai Harendra

Nath, Chowdhury, Emdadul Huq, Narendra Nath Dasgupta and Nalina-kshya Sanyal of Opposition supported this motion for circulation. But it was lost by 66 to 98 votes.²⁶ The pattern of voting showed that those who voted for non-circulation of the Bill of A.H. Sarkar wanted only after two days, the Government Bill to be circulated for public opinion. Elimination of 'certificate procedure' was demanded for the Government considered it as dire necessity. Singh Roy justified restricted 'certificate procedure' on the ground that the borrowers who were in a position to pay but were unwilling to pay could be compelled to pay to the relief of other borrowers.²⁷

The Bill was, however, duly passed. The Ministry had taken adequate steps either to suspend the operation of the previous Act or to mitigate its rigour²⁸ by issuing definite executive orders from time to time and by publishing press notes.

Debt Settlement Boards

In Bengal as elsewhere the relief of rural indebtedness was linked with tenancy reforms. Coming to the office the Ministry found an Agricultural Debtors Act (1935) already in the Statute Book and a number of Debt Conciliation Boards in operation. The Act could be criticised on the grounds that it was an interference with the sanctity of contract, its working and procedure were defective and it ruined all rural credit. Still it 'served as a useful buffer at a time when indebtedness had become such a serious problem in the Province, that grave results might have ensued had there been no means for bringing creditors and debtors together'.²⁸

²⁶ B.L.A.P., No. 2, pp. 233-34.
The procedure of the Boards, however, had not been satisfactory. The Act had introduced a number of technicalities which had sometimes proved to be beyond the administrative capacity of Boards that had no legal training.\textsuperscript{29}

The first thing that the Huq Ministry did was to take in hand the extension of the area for the operation of the Act. With this view, an additional sum of 14\textonehalf lakhs had been provided in the budget estimate for the year 1937-38 for the establishment of debt conciliation boards in all the districts of the Province.\textsuperscript{30} The number of Boards was increased at an average rate of 150 per month and in June 1937 the decision was taken to extend the Act to the remaining districts in the plains of Bengal. On August 9, in reply to a question put by Abdul Bari why Debt Settlement Board was not established in Murshidabad district, the Minister-in-charge of Co-operative Credit and Rural Indebtedness Department, Mukunda Behari Mullick, stated that such Boards were established in 20 other districts and that in the opinion of local officers the scarcity which had prevailed, rendered conditions unfavourable for the establishment of Debt Settlement Boards in Murshidabad. But the Minister assured that as soon as formal proposals were received from the local officers, Boards would be established in the district.\textsuperscript{31}

The establishment of such Boards continued throughout 1937 and 1938. The Government report stated that in 1937 there were 1,752 Boards at work in 20 districts. By the end of 1938 the number

\textsuperscript{30} B.L.A.P., vol. LX, No. 1, p. 49.
\textsuperscript{31} Ibid, No. 2, p. 6.
had nearly doubled with the establishment of 3,228 ordinary Boards and 116 Special Boards in all the 25 plain districts. The same progress was maintained in the year 1939 also and in course of 3 months a few more Boards were added, their numbers coming up to 3,291 ordinary and 125 special. At the same time another set of Special Boards had been established dealing with cases of debtors who were also applicants for loans to Land Mortgage Banks.\(^{32}\)

By 1938 the village conciliation boards settled claims amounting to Rs. 36,716,302 and the amount awarded on these claims was of the order of Rs. 17,87,818 while the pending claims amounted to Rs. 260,954,30.\(^{33}\)

**The Bengal Agricultural Debtors (Amendment) Act, 1940**

To remove the defects and to make up the deficiencies of the Agricultural Debtors Act, 1935, the Bengal Agricultural Debtors (Amendment) Bill, 1939 was moved by the Minister, Mukunda Behari Mullick on March 31. He proposed to refer it to a Select Committee of 11 members. The first and foremost object of the Bill was to secure a more rapid disposal of cases. The important provisions of the Bill, as emphasised by the Minister were as follows:

1. 'to exclude the Municipal dues and the Union Board rates from the operation of the existing Act .... By clause 5, it is intended that where there are joint debtors they will get relief by a proper application being made to the Debt Settlement Boards,'

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\(^{32}\) Two Years of Provincial Autonomy, p. 10.

2. 'By clauses 6 and 7, (it was proposed) to shorten the period of time that is taken unduly in getting notices served';

3. 'By clause 9 of the amending Bill, it is intended to give proper relief with regard to that class of debt known as usufructuary mortgage in this Province';

4. Clause 14 provides that 'when the matter is brought before the Appellate Court, the Appellate Court will have the power to issue notice for the staying of any matter that may be pending before any Civil or Revenue Court';

5. 'Debt will be considered to exist up to the point when the sale will be confirmed, if there is any sale held by the Civil Court' (Clause 15).  

From the Opposition, the Congress members P. Banerjee and Narendra Nath Dasgupta moved that the Bill be circulated for the purpose of eliciting public opinion thereon by June 1939. Ishwar Das Jalan supported the motion of P. Banerjee. Jogesh Chandra Gupta on behalf of the Opposition raised the question that the Congress Assembly Party could not work in a Select Committee which was not represented by the Krishak Proja Party. Anyway, it was decided that the proposed Select Committee would report 'as early as possible'.

The report of the Select Committee with a few changes was taken into consideration on November 27, 1939. P. Banerjee, Dhirendra Nath Dutta, Sasanka Sekhar Sanyal and some more members

raised motions of recommittal. Main points of their motions were the clear definition of 'debtors', exclusion of rent altogether from the definition of debts, 'application for necessary provisions of the Indian Limitation Act 1908, and legislative fixation of the maximum amount of debt which can be dealt with under the provisions of this Act, together with definite rules for governing such fixation'.

J.W.R. Steaves on behalf of the European Group welcomed 'any amending Bill which will tend to make for more satisfactory working and give relief to the class of people for whom it was intended'. He mentioned 'two notable improvements on the original Bill as emerged from the Select Committee, namely - (a) limitation of debts to debts incurred prior to 1st January, 1940, and (b) the provision made for right of appeal to District Judges .... Coming to the Bill itself, we have tabled an amendment with regard to clause 2(2) for the clearer definition of 'Debtor' ....

'In my opinion the recent rise in prices of commodities has saved the situation, as had this not happened - that is, the rise in prices of commodities - there is no doubt in my mind that chaos would have been created in the mufassil due to the inefficient working of the majority of the debt conciliation boards.'

'.... I hope that the raiyat, in view of the present prices of commodities, will utilise the higher income in liquidating his debts and so save all the expenses and trouble of having to lay cases before the debt conciliation boards. This would gradually stop the operation of this Bengal Agricultural Debtors Act which is only justifiable as an

emergency measure, where a drastic remedy is required'.

After discussion on several points the Bill was accepted by the House with a few amendments finally presented by the Minister on December 20. The Upper House with few more amendments returned the Bill to the Assembly on March 12, 1940 and it was finally enacted.

The Bengal Co-operative Societies Act, 1939

Legislations in Bengal dealing with agricultural credit and the co-operative movement comprised Co-operative Societies Act, 1939, Agricultural Debtors (Amendment) Act, 1940 (already discussed) and Money Lenders Act, 1940. In the province there were 25,000 agricultural credit societies, the membership of which covered 6 per cent of the rural population.

The reorganisation of the Co-operative Department was the fifth item of the programme of the Ministry. The first step in this sphere which they took up, was to bring the Co-operative Department and the Debt Conciliation administration under a single portfolio. When they assumed office they found things in Co-operative Department practically in a moribund condition. In fact, although the agriculturists were naturally the backbone of co-operative movement there was no comprehensive policy either to reconstruct the movement or to devise ways and means for improving their economic condition.

Before introducing the Bengal Co-operative Societies Bill, 1938, the Minister-in-charge, Mukunda Behari Mullick, invited a conference in February of all the members of both the Houses of

the Legislature connected with the Co-operative movement. Some other non-members were also invited who had taken an interest in co-operative movement. The co-operative rules so far were based upon the Co-operative Act of 1904 and then upon the Act of 1912 passed by the Central Legislature. Informing the above to the House, the Minister said that the scope of the present Bill was very much widened. The preamble of this Bill stated that it was presented with the idea of 'promoting thrift, self-help and mutual aid, among the persons with needs and interests in common to the end'; and better conditions of living and better methods of production and business might thereby result. The Minister assured that the Bill was very comprehensive in character. 'It is not an amendment' he said, 'as we generally understand it by that term, but it is intended to cover the whole ground regarding the principles of co-operation as can be applied to our lives for these purposes'. The Bill had been divided into 15 different chapters consisting of 134 clauses, and to those four schedules were also attached. The provisions of the Bill might be broadly classified under the following three different heads, (1) provisions made for the purpose of encouraging the progress and development of Co-operative Societies as self-governing institutions, (2) provisions for rectification of existing defects in the working of the Societies and (3) provisions for safeguarding laxity and abuses in the administration of the Societies.

In fact, the Co-operative Societies Bill proposed to give wider powers to the Registrar to control Societies if the rules were contravened, or if there was mismanagement. In order to

overcome isolation it desired to compel members of Societies to report sales, mortgages or transfer of any kind, and it proposed to limit loans to the maximum credit of each member. At the same time it provided a penalty for the issue of loans in excess of the stipulated amounts. A Land Mortgage Bank was to be empowered to apply for the distraint and sale of crops if any instalment had remained unpaid for more than one month. The Bill did not separate supervision from audit. Although the Select Committee was in favour of separation in principle, they were unable for financial and other reasons to recommend it. The Royal Commission on Agriculture, 1928, already pointed out the desirability of separating these two branches - supervision and audit - of co-operatives.

When the Bill was presented by the Minister on August 3, 1938 to send it to a Select Committee, the Opposition members, Niharendu Dutta Mazumdar, Nagendra Nath Sen, Narendra Nath Dasgupta, Sibnath Banerjee, Rai Harendranath Chowdhury and others moved motions to circulate the Bill for public opinion.

The tone of the Chief Minister was very appealing during this time. He said, 'it is one of the most important Bills which the Government can undertake for the amelioration of the condition of the people and I think all sections of the House, apart from all political considerations, will join and co-operate with the Government and let us have the full benefit of their advice in order to bring about a piece of legislation which will be of immense benefit especially to the poor agriculturists, who demand cheap credit to be provided for them as quickly as possible'.

It was however, decided that the Select Committee of 17 members would submit their report on the Bill as early as possible.

The Bill had been before the public for two years. There had been observations in the press and on the platform regarding the various clauses of the Bill. The Modern Review took a leading part in criticising the Bill for some time. The journal wrote in July 1940. 'There is nothing in the Bill excepting the term 'co-operative' appended to its title to indicate that it deals with, and proposes to further, co-operative principles. It is more like a disciplinary police measure with which to chastise and punish non-official co-operative workers, than one for the promotion of the co-operative movement'. It also stated that there were 'other basic matters in which also the Bill departs from sound co-operative principles'.

The Select Committee sat in more than 41 meetings. As stated by an European M.L.A., W.C. Wordsworth (also a member), the Committee had ultimately 'arrived at a certain balance of agreement with certain important points of disagreement'. So he opposed the motion of recommittal of Nalinakshya Sanyal when the Bill came before the House for discussion from the Select Committee on July 17, 1940. Suresh Chandra Banerjee, Niharendu Dutta Mazumdar, Sibnath Banerjee and some other Congress members and Syed Jalauddin Hashemy of Krishak Proja Party supported the motion of N. Sanyal. Abdulla-al-Mahmood of Coalition Party opposed the motion. Opposing the motion, Wordsworth said, 'We know that there has been very much that is faulty in the working of co-operative credit in this province as in other provinces. ... It is the human weakness that has led people for many many years to borrow more money from Co-operative Societies than they have paid back. If it were not that, we would

41 Modern Review, July 1940.
42 B.L.A.P., vol. LVII, No. 1, p. 211.
not have occasion to speak about any failure in that department; and I do not see how we can contrive any clause that will help the department or any co-operative credit society in dealing with this fundamental human difficulty. We are, in this Bill, trying to incorporate our experience for many years, nearly 30 years — perhaps more. .... This Bill, if we do what we can to improve it in its passage through the House, will, I think, encourage and stimulate the beginning of better things ...

There was discussion on the Bill clause by clause in the House and divisions were sought on several amendments by the Opposition. The Opposition were voted out. During a fortnight-long debate on the Bengal Co-operative Societies Bill, the leader of the Opposition, Sarat Chandra Bose, remained silent leaving the responsibility mainly to Nalinakshya Sanyal and Satyapriya Banerjee. But when the Bill was going to be passed he opposed to the passing of the Bill on the grounds that (a) too much power had been given to the Registrar; (b) non-acceptance of the suggestion of Satyapriya Banerjee for the formation of an Advisory Committee and (c) no steps taken for ensuring the proper selection of the Registrar. He suggested that 'Government should have taken steps, proper steps, necessary steps to encourage the spontaneous growth of Co-operative Societies so that the slackness which we have seen in their administration might be things of the past and the people and their representatives might be induced to take a more active, a more healthy, a more efficient part in the administration of Co-operative Societies and might contribute to the well-being of

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the masses at large. Sir, the officialisation is the thing which we on this side of the House condemn most today. He also cited the examples of Holland, Japan, Denmark, France, etc., where co-operative movement succeeded. At this moment the Chief Minister said that 'no member of Government and certainly not even the most sanguine member of the Coalition Party ever expected that a Bill sponsored by this Government would pass without a scratch from the hands of the Opposition, but the general manner in which the Leader of the Opposition has criticised the Bill encourages me to claim that the Bill is really free from serious defects, and has been able to attain perfection as much as is humanly possible. Co-operation, is not a mere child's play. It is, one of those baffling problems, which have engaged the attention of philanthropists all over the world, of economists who have engaged all their life in rendering the lives of poor peasants all over the country more pleasant, more enjoyable than it really is.... I admit, Sir, co-operation to be genuine ought to have its roots in the quiet, homely, simple and honest lives of the villagers and that co-operation, if it is to succeed at all, ought to be allowed to have a spontaneous growth without interference from anybody. Things, however, in this country, are somewhat different from those countries which have been mentioned by the Leader of the Opposition. He further stated that 'I do realise that it would be an ideal thing if the co-operative movement were allowed to develop by itself, and I do claim that in this Bill an attempt has been made to decentralise powers as much as possible, and although some objectionable features are there, I am quite sure that if the leaders of the people can take up this movement and the Government are

assured that public opinion is really in favour of Government holding its hands from the movement, nothing would give the members of Government greater pleasure than to be allowed to be relieved of this responsibility of looking after this movement, which is after all a people's movement, and should be entirely in people's hands'. He appealed to the leaders of political thought 'to co-operate apart from political views or predilections'.

The Bill was passed by 81 to 50 votes.

The Bengal Money Lenders Act, 1940

Under the Government of India Act, 1935 money lending had been allocated as a provincial subject. Hitherto there was no real comprehensive substantive law in Bengal controlling money-lending transactions which were governed by the general laws of contract, evidence, transfer of property and other laws of a general character in accordance with the Civil Procedure Code. The Bengal Money Lenders Act, 1933, although a step after the Usurious Loans Act 1918, failed to afford the desired relief to the borrowers, especially to the poorer classes. So the Money Lenders Act, 1940 was an important legislation in this respect. The Bill first came to the Assembly in 1938. The Nawab Musharruff Hossain, Minister-in-charge of Judicial and Legislative Department placed before the House the report of the Select Committee and moved the motion for consideration on 3rd April 1939. The Bill desired to relieve the borrowers in the province from heavy burdens of debt to money lenders. It provided for the regulation of money lending, registration of money-lending, registration of money lenders and the reduction with retrospective effect, of rates of interest.

to 8 and 10 per cent on secured and unsecured loans, respectively. There was provision for payment of decretal amounts in instalments both in respect of secured and unsecured loans, also for reopening of transactions in particular cases under certain conditions.

The Bill, as the Government stated, designed to counteract the economic and social evils existing in the province. The measure sought to distinguish between loans contracted for business and commercial purposes for bettering the conditions of the borrowers and loans contracted for uneconomic purposes. To control the profession of money-lending, provisions had been made for the registration and licensing of money lenders under pain of penalties so as to prevent unscrupulous persons for practising unfair means on the borrowers. Money lenders were required to maintain necessary accounts in prescribed forms and to supply statements of such accounts to the borrowers on reasonable demand. Facilities had been provided to afford borrowers opportunities to know the position when the original creditor assigned loans to others. The borrowers were given some important facilities.

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47 Third Year of Provincial Autonomy, Govt. of Bengal, 1940, p. 76.
48 Ibid, pp. 76-78.

The salient features in the interest of the borrowers were as follows:

'(1) No borrower shall be liable to pay after the commencement of this Act -

(a) any sum in respect of principal and interest which together with any amount already paid or included in any decree in respect of a loan exceeds twice the principal of the original loan;

(b) on account of interest outstanding on the date up to which such liability is computed, a sum greater than the principal outstanding on such date;

(c) interest at a rate per annum exceeding in the case of:
   (i) unsecured loan, ten percent simple,
   (ii) secured loan, eight percent simple,
whether such loan advanced or such amount was paid or such decree was passed or such interest accorded before or after the commencement of this Act;

(2) no borrower shall after the commencement of this Act, be deemed to have been liable to pay before the date of such commencement in respect of interest paid before such date or included in a decree passed before such date, interest at rates per annum exceeding those specified above.

No Court shall, in any decree passed in any suit to which this Act applies-

(a) if the loan to which the decree relates was advanced before the commencement of this Act, allow any interest on the decretal amount, or

(b) if the loan to which the decree relates was advanced after the commencement of this Act, allow any interest other than interest not exceeding six per cent per annum on the principal sum adjudged.

In case of loans in kind, the money value of the commodity at the time when and in the locality where the loan was advanced shall for the purposes of this Act, be deemed to be the principal of the loan and in determining the amount which may, subject to the provisions of this chapter be decreed in respect of any loan repayable in kind, the Court shall take into consideration the market value of the commodity in the said locality at the date or dates of repayment.

Any agreement between a lender and a borrower or intending borrower for the payment to the lender of any sum on account of costs, charges or expenses incidental or relating to the negotiations for, or the granting of, the loan or proposed loan, shall be illegal, and if any sum is paid to a lender by the borrower or intending borrower as, for or on account of any such costs, charges or expenses, that sum shall be recoverable as a debt due to the borrower or intending borrower, or in the event of the loan being completed, shall, if not so recovered, be set off against the amount actually lent and that amount shall be deemed to be reduced accordingly.

Powers have been vested in Courts to direct payment by instalments, to confine sale of property only to so much of the property as to satisfy the decree, to reopen questions in matters of decrees already passed, prohibition of execution of decrees by arrest and detention in prison. The borrower has further been given the facility to move competent Courts to make enquiry for taking accounts and declaring the amount due and to deposit in Court money due to the lender. Entry of an amount in the bond, etc., different from the amount actually lent and molestation of a debtor have been declared penal.
Though the rate of interest was fixed it can be mentioned that there was difficulty in enforcing the rates. The money lender could always evade the law by entering in the bond a larger sum than the actual loan. Moreover, difficulty might also arise in enforcing the provisions of the Bill, where persons who were not by profession money-lenders but who used to make advances of money or paddy to their tenants or bargadars. In Jalpaiguri district it was the genuine practice that adhairs were financed by their jotdars.49 Money-lending business was a curse to the poor people of Bengal particularly to the agriculturists. Moulvi Mozammel Haque in the House narrated a tragic incident of a peasant of Bhola sub-division how his landed property of two thousand rupees was swallowed as compound interest by a money lender for his loan of two maunds of rice.50 The Select Committee of the Legislature, constituted for the purpose opined that there was a crying necessity for controlling money-lending in the country.

During the discussions in the Assembly, Debi Prasad Khaitan, a Chamber representative stood up to oppose the Bill. He said that during last twenty years of his life he was carrying on an agitation for cheapening the money-lending facilities in this country but he was opposing the Bill because he felt that what was being done was not to make money cheap but to make it so dear that it would be impossible to obtain it.51 He thought that 'what the Select Committee has done is to transform a useful horse, presented to this House, to a ferocious tiger'. He questioned 'as to whether the Bill, as amended by the Select Committee, was within its powers to be amended'. By taking away 'loans given for trade, commercial and

51 Ibid, p. 275.
industrial purposes, from the purview of the Bill' it 'no longer remains a Money Lenders Bill, but what has become a money-checking Bill in this Province'. He asked the Minister, 'whether agriculture or commerce or industry can be carried on anywhere in the Province without the credit remaining in full strength'. At this moment the European member George Campbell uttered 'hear, hear'. Khaitan cited many provisions of the Bill and claimed that they were ultra vires.

W.C. Wordsworth welcomed Khaitan's speech and congratulated him. Reminding the House of his note of dissent in the Select Committee, Wordsworth said that the proper title of the Bill should be 'Abolition of Credit and therefore of Borrower'. He read the resolution of Bengal Co-operative Bank (himself Chairman) in which it was stated that it (the Bill coming into Act) would be 'death-blow to co-operative credit in Bengal'. In this connection it may be mentioned that there were many money lenders among the Europeans in Bengal and the most important and noticeable feature of the Bill was that though European members in the Assembly were always supporting the Government Bills, they opposed it with Khaitan for obvious reasons.

Hamiduddin Ahmed of Coalition Party referred to Khaitan's speech and said, 'objections on technical ground are always resorted to when the facts do not support a case, but to me who has a mind to do substantial justice, facts are more appealing'. He summarised the provisions of the Bill with the following words, 'The main theme of the amendment is to enable a debtor, who has no repaying

capacity to pay the debt within a specified period, according to circumstances, to restrict unfair speculation by reducing the maximum interest payable for a loan and lastly to regulate the money lending business in order to bring the unscrupulous and dishonest creditor under control. None of these rights can be said by any stretch of language to be tantamount to expropriating anybody's right. Jalaluddin Ahmed, of Coalition Party questioned Khaitan's point of view and said, 'we are in this unfortunate position that our agriculturists and middle class too are indebted and indebted to an extent that it will be very difficult for any government to tackle the problem satisfactorily only with Debt Conciliation Boards. If I had the power I would have asked the Bengal Government not to introduce a Debt Conciliation measure but to introduce a Debt Cancellation measure'.

Another Coalition member Abdul Bari voiced the feeling of the official bloc and said, 'even today Mr. Khaitan and his group and Mr. Wordsworth and the group that he is representing want to perpetuate the tyranny and despotism of the money lenders by their trying to shelve this Money Lenders Bill'. Abu Hossain Sarkar opined that Wordsworth had a wrong notion of co-operative movement. He said 'we wanted to teach agriculturists of the country how to socialise the instruments of production - not that we cared whether this money lending business prospered in Bengal or not'. Suggesting the improvement of the Bill he continued, 'if the Bill passed into law it will not touch the future rural credit - the dead horse - but it will only scale down the rate of interest and cut down the debts, the agriculturists would be compelled to pay according to

55 Ibid, p. 299.
56 Ibid, p. 298.
these old contracts. The commodity prices were very high when the loans were taken and therefore it is desirable that by a legislation of this House we should scale down the debts as the commodity prices are low now so that the agriculturists may put up this old arms'.

In the opinion of the Speaker Azizul Huq the Bill was probably the most complicated one that had been brought up before the House since the introduction of the Constitution and it had undoubtedly been made still more complicated by the numerous changes recommended by the Select Committee. He, however, gave his ruling to the points raised by D.P. Khaitan that some of the provisions of the Bill were beyond the jurisdiction of the Provincial Legislature. He started saying, 'I may note at the outset that the question of ultra viras or intra viras is a matter that can ultimately be decided by authoritative judicial decisions if any, my function is merely to examine the question in so far as it is necessary to decide the admissibility of the motions arising out of the provisions of the Bill'. Then he discussed some relevant items of the Constitution and came to the conclusion that 'Money lending being in the exclusively Provincial List, whoever does money lending, bank, corporation or person must come within the scope of Provincial List .... If money lending is not included, it defeats the objective of Statute in providing money lending within the Provincial List'. The Speaker said that the argument of Khaitan about the regulation of trade and commerce law was not conclusive. Finally he asserted, 'I am anxious that our rights and

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58 Ibid, p. 325.
60 Ibid, p. 331.
powers should not be a whit less than what we have. It would be
dangerous for the Speaker to throw out far-reaching provision of
a very important Bill, unless he is fully satisfied, beyond any
reasonable doubt that the Bill is definitely outside the scope
of our powers'. 61

Abu Hossain Sarkar mentioning the Speaker's ruling said
that the Money Lenders Bill, far from destroying trade and com­
merce and drying up credit in the country, would facilitate the
flow of credit and promote trade and industry in the country be­
cause it would adjust money lending to the existing condition of
the country. 62 The Chief Minister Fazlul Huq appealed to good
sense of the members and expressed his practical view with the
following words:

'There are those who think that if this Bill is passed
into law, it will choke all the resources of rural
credit .... There are others who hope that if this Bill
is passed into law the millenium will come for the agricul­
turists and that the peasantry of Bengal will not be the
miserable lot of wretched humanity which they are at the
present moment .... For a happier, healthier and a larger
Bengal the co-operation of all sections of the people is
needed and no legislation can achieve its object which
is based on the transitory triumph of those who command
the majority of votes by riding roughshod over the feel­
ings and sentiments of those whom circumstances may have
placed in a minority in this House'. 63

63 Ibid, pp. 351-353.
The Congress members were not opposed to the spirit of the Bill, but they had something to say in implementation.

The Bill was, however, passed by both Houses and was reserved for consideration of the Governor General. In July 1940, it was assented to and came as Bengal Act X of 1940. It constituted 'a landmark in the history of agrarian Bengal'.

The money-lending class, whether Indian or European thought the Bill as an attack on their interest. They unitedly opposed the Bill tooth and nail and argued that it would shrink the money lending business and thereby trade and commerce. But the poor people were being tortured by the money lenders through the system of compound interest and many agriculturists became landless and helpless. Other borrowers also were not spared. So they welcomed the Act.

On Education

Education was the next important subject to be discussed in the Legislature. The Government boasted that in few other spheres perhaps had the constructive achievements of the government been more remarkable than in the sphere of Education. The Chief Minister himself took the charge of the Department of Education. The problems of 'higher secondary and primary education had alike engaged attention'. There might have been differences of opinion about the achievement of the Government in the field of education but educational problem was much more discussed both inside and outside the legislature and sometimes bitterness arose out of it.

65 Two Years of Provincial Autonomy, Govt. of Bengal 1939, p. 25.
Introduction of free compulsory primary education was an election pledge of the contestant parties during the election. The Coalition Government presented the same programme and on behalf of the new Ministry Fazlul Huq gave the assurances that there would be immediate introduction of free compulsory primary education without taxation of the poor who could not bear the burden of taxation. In this connection it may be noted that as the Chief Minister, Fazlul Huq could have taken the coveted Home portfolio. But since he seriously wanted the educational development of the province he himself took the charge of Education and emphasised on the need for educational development. But very often he was criticised for alleged communal fervour in his policy.

The condition of primary education in Bengal was very much unsatisfactory. The official Quinquennial Review of the Progress of Education in Bengal, 1932-37 had pointed a gloomy picture of education of the period which was the result of financial depression. The new Ministry found two alternatives before them - either to wait for an indefinite period till sufficient revenues were forthcoming so that primary education might be made free and compulsory or to put into operation the Primary Education Act of 1930, and to begin with the education of the children through the imposition of primary education cess.

The Ministry pursued vigorously the plan of implementing the Act in districts. After due considerations the Government admitted that levying some kind of cess was unavoidable. It was therefore

68 pp. 2-3.
* All the districts of Pre-Partition Bengal are shown in Map 3, p.VII.
decided that the Government would go ahead with the establishment of School Boards in the districts where they had not been formed as yet and the imposition of cess in areas where it was not being realised. At the time the districts were classified into four categories.  

The House was also alert about the primary education question. A non-official resolution in this connection was moved by Syed Abdul Bari on August 24, 1938. The resolution runs - 'The question before the House is that this Assembly is of opinion that immediate steps be taken for the introduction of free and compulsory primary education in the province of Bengal including Calcutta and all other municipal areas and that while all parts of the province both rural and urban including the city of Calcutta should be called upon to contribute to the cost of primary education and should be included within the scope of one single Act, the cultivators of the province should be excluded from the burden of any such taxation on the ground that they have to bear an additional commodity tax on jute,  

The categories are mentioned below:  

1. The districts having both District School Boards and Cess viz. Mymensingh, Dacca, Tippera, Noakhali (Cess from April 15, 1938) and Chittagong (Cess from April 15, 1939), Jalpaiguri (Cess from April 15, 1939), Howrah (District School Board from 1st April and Cess from April 15).  

2. The districts having District School Boards with Cess imposed but the order for its realisation temporarily suspended viz., Chittagong, Noakhali, Faridpur, Pabna, Bogra, Rangpur, Dinajpur, Nadia and Murshidabad.  

3. The districts having a District School Board but no cess viz., Birbhum.  

4. The districts with no District School Boards (and consequently no cess) viz., Bakarganj, Rajshahi, Malda, 24-Parganas, Jessore, Khulna, Burdwan, Bankura, Midnapore and Hooghly. (Two Years of Provincial Autonomy, pp. 28-29).
yielding on annual revenue of 3.50 crores to the Central and Provincial governments'. This was agreed to, of course after considerable discussions. The Government did not oppose it but the Premier speaking on behalf of the Government explained the significance of the proposed measure. 70

Actually within 1938, the Primary Education Act, 1930 had been extended empowering the District School Boards to impose the cess for the introduction of free primary education in some areas. In order to introduce the Act throughout the Province, Government had decided as soon as the economic situation permitted, to cancel the suspension order for the realisation of cess in the 7 districts mentioned in (2); impose cess in Birbhum District mentioned in (3) and establish District School Boards and also impose cess in 10 districts named in (4) (As mentioned in footnote 69).

An additional sum of Rs. 5 lakhs provided in the Education Budget for 1938-39 had been sanctioned for the improvement of primary education in the districts of Mymensingh, Dacca and Tippera which had taken upon themselves to pay the cess in order to see that free primary schools under the Act were set up in those districts in the course of the next few months. The same amount of Rs. 5 lakhs additional provision had been repeated in the next year's Budget (1939-40). It was decided that the amount would be distributed among districts in due course on consideration of their requirements of grants from the government. Steps were also being taken for starting training classes in selected High English Schools under the supervision of the Headmasters with effect from January 1940. This was done with the purpose of securing adequate supply of trained

70 B.L.A.P., vol. LIII, No. 4, p. 120.
teachers to meet the demand for fresh teachers from the districts when the Act would be implemented. A sum of Rs. 66,700 had been provided in the Budget for the purpose of extension of primary education scheme first in the districts of Mymensingh, Dacca and Tippera. The scheme involved an ultimate expenditure of Rs. 18,58,5000.

Confusion on the levying of cess under the Primary Education Act, 1930 was being created. Wild and exaggerated stories that the tenants would have to pay a heavy amount in the form of cess were being circulated in order to mislead the ignorant people. The tenants actually had not to pay even a single pice more than their statutory share of the cess. 'A raiyat who is paying say Rs. 10 as annual rent to the landlords, will not have to pay more than nine annas per annum as his share of the cess. This will be much less than what he is paying now for the education of his children or even of one child'.

Presiding at the Annual Meeting of the Government and Corporation-Aided Calcutta Primary School Teachers' Association at Albert Hall, Calcutta on 22 January 1939, Santosh Kumar Basu, M.L.A., remarked that the expedient of imposing an education cess on the owners and occupiers of landed property which had been adopted in the Bengal Primary Education Act had hardly any chance of success in this impoverished province. His idea was that only by a 'courageous policy of drastic reduction and readjustment in the cost of administration, entitling them to the taxation of large scale profits that the problem of finance can be successfully solved by those in power'.

72 The Statesman, January 23, 1939.
While presenting the Budget Estimates for the year 1939-40 the Finance Minister, Nalini Ranjan Sarkar admitted that the introduction of universal free primary education was an item of outstanding importance in the programme of development and the cost involved in that scheme was very large. He narrated the real condition and difficulties thereon. 73

The government in their orders No. 4267 Edn. dated the 27th July 1938 and No. 4290 Edn. dated the 30th July 1938 appointed a Committee with the Chairmanship of Dr. W.A. Jenkins to advise

73 Budget 1939-40 - Appendix III. He stated the following:

It depends upon the number of years at school for which provision is required. For the purpose of a rough estimate it may be assumed that four years schooling between the ages of 6 and 9 will enable the pupils to attain literacy. The number of children in Bengal between these ages is about 53 lakhs. On the assumption that each school would be a three teacher school for 90 boys, and allowing the expenses for books, writing materials, teaching apparatus and contingencies, it is estimated that the average cost per child will be Rs. 12/- per annum. On this basis even if 25 per cent of this 53 lakhs of children between 6 and 9 do not for some reason or the other join the primary schools, the total cost is not likely to be less than Rs. 4½ crores per annum. This however is exclusive of the cost on account of site and building, for it may be assumed that these will be provided free by the local people. If instead of a four year course an eight years' course is desired such as is provided in most advanced countries, the cost will obviously be doubled.

The present expenditure on primary education is about 90 lakhs, out of which 33½ lakhs is met from Provincial revenues and the balance is derived from the contribution of local bodies and fees. When the education cess is introduced all over the Province it will bring in Rs. 1 crore and 20 lakhs. Since fees will not be levied a further sum of nearly three crores will be required to give complete effect to the scheme. It is obviously not possible for the Province to fund such large resources. And it is to the Central Government, who have big and elastic sources of income, that the Province must turn for assistance in this matter. The Central Government may be approached to help the Province to the extent of about half the amount required, not of course out of its existing resources but from new taxation imposed on suitable items under the taxation powers of the Centre. It is hoped that such a proposal will have the support of all other Provinces as they are equally interested in this matter. To persuade the Government of India to offer such help to the Provinces will no doubt take some time. The Province should meanwhile try to find out other sources in addition to the cess from which it is going to meet its own share of the
Government concerning the problems of Adult and Primary Education. The Committee submitted its report in 1941. Another Committee under the Chairmanship of Mowla Box had been appointed by Fazlul Huq. According to the recommendations of the Committee, compulsory free primary education was granted in principle. In the sphere of primary education Government had gone ahead with the establishment of School Boards and the imposition of cess. The cess continued to be realised in the districts of Mymensingh, Dacca and Tippera and was imposed in the districts of Chittagong, Noakhali, Faridpur and Jalpaiguri during the year 1939-40. The School Board was established and cess was also imposed in the district of 24-Parganas during the year. An extra grant of Rs. 57,600 was sanctioned in 1939-40 for grant in aid to girls' primary schools and maktabs in rural areas under the control of District Boards. This extra money had helped the growth of girls' primary education in rural areas where the demand for such education had been insisted upon. But the financial problem was not solved with the imposition of the cess. In most districts the requirements were much in excess of resources viz., receipts from the cess and the existing Government grants.

73 Contd.

expenses of primary education, assuming that the centre is prevailed upon to contribute the share demanded of it. The scheme of Primary Education cannot apparently start all at once in all districts. As and when it starts in a district the cess will be levied then and for the balance of charges in excess of the amount of cess, Government will have to explore fresh sources of revenue.

75 Third Year of Provincial Autonomy, p. 19.
Secondary Education Bill, 1940 and 1942

A storm blew in Bengal during the period under discussion over the question of Secondary Education Bill. The Ministry planned to constitute a Secondary Education Board in Bengal in the line recommended by the Calcutta University Commission 1917-19, commonly known as the Sadler Commission. The Commission had noticed that Secondary education like University education in Bengal had reached a stage at which further satisfactory progress was impossible without a complete reorganisation of the existing administrative conditions. So while introducing the Secondary Education Bill in the Bengal Legislative Assembly on August 21, 1940, the Premier who was also the Education Minister said, 'this Bill is not a hurried piece of legislation undertaken in order to transfer from one body to another, or designed as a political measure from motives that have emerged during the political developments of the past few years. It is a measure designed to ensure educational reforms that have long been needed and the urgency of which has been stressed by educationists for over twenty years'. Since 1923 draft Bills for Secondary Education Reforms and legislation were submitted to University from time to time but without any result.

When the report of the drafting of Secondary Education Bill by Fazlul Huq and his colleagues was released in the Press, reactions came from different corners. For example, the Ananda Bazar Patrika stated that the news was quite important but the public were not fully alive to its seriousness. If the educated community in Bengal was not alert and if it did not express firmly its attitude to the proposed legislation, there was reason to fear that

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secondary education in Bengal under the new arrangement would be revolutionised. The Patrika feared that first, the proposed measure would jeopardise secondary education instead of promoting it. Secondly, it would take away the control of secondary education from Calcutta University and give it to a newly constituted board and that would give real control to the government. Thirdly, such arrangements would be made with regard to the method of instruction, text book, etc., as would satisfy the Moslem public. This meant that communalism would be encouraged in the educational sphere.

Another newspaper, claimed to be a nationalist paper, warned the Chief Minister in its editorial inter alia 'we may tell the Hon'ble Mr. A.K. Fazlul Huq that we will have not plain sailing in such a controversial matter and that only thoughtless meteorologists will venture to give him guarantee for a fair weather and a calm sea'. It also expressed that the Committee appointed by the Syndicate of the Calcutta University to consider the draft Secondary Education Bill forwarded by the Government of Bengal, while submitting the report disapproved the Bill on the following among other grounds :-

1. 'the Government Bill seeks to vest the entire authority to control and regulate Secondary Education in the Secretariat or in the Department of Education.

2. 'Government Bill provides for communal representation in the proposed Board to which the University had been throughout opposing in principle.

1 May 13, 1937 (Ananda Bazar Patrika).
2 Advance, June 2, 1937.
3 Members of the Committee were Acharya P.C. Roy, Vice-Chancellor S.P. Mookerjee, P.N. Banerjee, Khagen Mitra, C.C. Biswas, Kudrati Khuda and Mr. Siddiqui.
3. 'The Bill provides that within one year from the coming into force of the Act all the secondary schools (more than 200) will automatically be disqualified .... This procedure is shortsighted and unfair to those who have built up the secondary schools in Bengal.

4. 'The Bill does not make provision for adequate funds for want of which the University has not been able to effect necessary reforms.

5. 'The Bill proposes to replace the existing double control of secondary education by the University and the Department of Education, by a triple control by the University, the Government and the proposed Board. The Committee favours unitary control.

6. 'The Bill formulates detailed audit rules and procedure in the Statute instead of leaving these to the competent authority'.

A post independence assessment may be of interest in this connection. Almost immediately after independence, separate Boards of Secondary Education were created in both the Bengals. So, the Calcutta University in its centenary year reassessed with the words, 'the question that was posed by the Bill was whether the University, with its ever-increasing activities claiming its full attention could do justice to the two thousand and odd schools of Bengal, Assam .... It is true that the hands of the University were too full. Moreover, the responsibilities were divided and the secondary schools were under dual control. Inspection was done by the Education Directorate and text books were prescribed partly by them and

81 Advance - December 12, 1937.
partly by the University. There was good case for the creation of a separate Board of Secondary Education'. 82 But it was equally necessary to make the Board independent, it should have sufficient funds to open vocational schools and the University should be sufficiently compensated when the Board took over the conduct of matriculation Examination. In fact there was a hunch that the ruling party had a plan to start a Muslim University in Calcutta with the Islamia College as nucleus and that 'was frustrated by the staunch opposition of the University and by the rapid changing political situation of the country'. 83

The Senate of the Calcutta University also opposed the draft Bill. A public meeting at Albert Hall on December 21 presided over by Acharya P.C. Roy, opined that the recommendations of the Sadler Commission were violated in the Bill. The resolution adopted in the meeting stated, 'the provisions of the draft Secondary Education Bill are of extremely reactionary and unsatisfactory character and well calculated to prove disaster to the interests of education in this province. The meeting therefore urges the Government to abandon the proposed Bill'. 84

Pro-Muslim League Press on the other hand, expressed the opposite opinion. The Star of India in an editorial commented, 'The Bill is now said to be ready .... The establishment of the Board would mean the reduction of the University's powers of mischief and for the same reasons for which the owners of vested rights do not want to part with their privileges, the family of hagemony which is now going strong in College Square will certainly

82 Hundred Years of the University of Calcutta - University of Calcutta 1957, pp. 401-402.
83 Ibid, p. 402.
84 Advance, December 22, 1937.
not consent to its own break up'. The Azad stated that with
the publication of the report that the Hon'ble Minister of Edu-
cation was engaged in drafting a Bill to regulate the Secondary
education in the province, an extremely deplorable unrest had
come to prevail among the so-called nationalist newspapers. Accord­
ing to the Azad, the Calcutta University had been serving only the
cause of the Hindus so long. Then the paper referred to Teachers'
Journal which, according to it, wrote on the strength of informa­
tion received from a reliable source, that the proposed Secondary
Education Board would have its duties confined to the sanction
of grants-in-aid for schools while Calcutta University would con­
tinue to control the selection of text books. The Journal also
wrote that copies of the draft Bill had already been sent to
Dacca and Calcutta University authorities. The Azad added that
if the report proved to be true, the Muslims of Bengal would con­
sider the proposed measure to be useless. The Muslims rebelled
against the various injustices and oppressions of the Calcutta
University and they were looking forward to the future with the
hope that they would be partially got rid of the ruinous grip of
the University when the Secondary Board was constituted. If the
proposed measure disappointed them, they firmly believed that the
consequences would not be pleasant to any party. The Muslims wanted
that the number of Muslim members on the Board should be in propor­
tion to their percentage in the population in the Province and
they should be elected quite independently by the Muslims.86

So, from the beginning of the new administration, the problems
concerning the proposed Secondary Education Bill were receiving
added attention in the press and many public meetings were held on

85 Star of India, March 1, 1937.
86 Azad, May 14, 1937.
this issue, besides discussions in the Legislature. Opinions were expressed in favour and against the proposed Bill. The Muslims in general supported it and the Hindus opposed it vehemently. The allegations of the Hindus that the Bill would curtail power of the University, establish governmental control over Secondary and High English Schools and include more Muslim members in the Secondary Education Board, were counter-acted by the Azad. It argued that under non-governmental (that is, Calcutta University's) control development of education was not sure. Moreover, as there were Muslim as well as Hindu members in the proposed Board, there was no genuine cause of grievance on the part of the Hindus. But protests went on. A meeting held at Shradhananda Park, Calcutta and presided over by S.P. Mookerjee, called for a Hindu protest against the proposed Bill by observing an 'All Bengal Protest Day'. It described the Bill as the new anti-Hindu measure proposed to be initiated by the Government of Bengal.

In fact, the idea of establishing a secondary education board was an old one but delay in taking legislative initiative was due to the difficulties faced by Fazlul Huq in maintaining his control in the Assembly. Besides, there were protests from the Hindu Press and the Hindu middle class. The communal reactions on the establishment of the Board had to be considered by the Government. Attacks from both the Hindus and the Muslims were rounded over the Bill. J.H. Broomfield without going into details has called the Bill 'the Ministry's chief villainy' in the field of education policy. It is said that behind the drafting of the Bill there was a political motive. The European officers particularly the Director of Education

87 July 15, 1938.
88 The Statesman, August 5, 1940.
89 op.cit., p. 294.
Jenkins tried to utilise the sentiment of the Muslim community. So before them he showed that the European officers were eager to develop the Muslim community educationally, but the actual motive was to make a division between the two communities.\textsuperscript{90}

However a series of conferences with the authorities of the Universities of Dacca and Calcutta and the representatives of the different groups in the Bengal Legislature\textsuperscript{were held} for several times since 1937. The results of those deliberations had been embodied in a Bill (Secondary Education Bill) drafted by a senior educational officer, which was under the consideration of the Government. Ultimately the Chief Minister presented the Bill before the House on August 21, 1940. First, he proposed the names of the members of the Select Committee and the question arising out of that proposal was discussed in the House. Thereafter he proceeded with the main features of the Bill.

The Bill proposed to establish a Board of Secondary Education to regulate and control secondary education which embraced all other branches of education other than primary and university. The education in the madrassahs and in the middle schools was thus included in the proposed board, not to speak of education in the high schools. The Board itself was comparatively a large body of 50 members designed to be representative of all bodies concerned with secondary education. The Sadler Commission had recommended a much smaller body of 15 to 18 members. However the government considered that the conditions had changed since those recommendations were made. The Chief Minister added that the legislature was responsible to the people and also had obligation for the educational welfare

\textsuperscript{90} K.P. Biswas, p. 46.
of the province. The number of schools had increased, girls' education had developed and the situation had in general changed so that it was not possible to provide for the representation of all legitimate matters in a small body. So a larger Board was required. It would be responsible for secondary education. The actual executive decisions of the board would be carried on by a small specially constituted Executive Council. To assist the Executive Council and also to safeguard special interests, statutory committees would be set up for girls' education, Muslim education and the education for scheduled castes. The Bill also provided for the setting up of a Finance Committee, a Publication Committee and a Matriculation Syllabus Committee.  

The Chief Minister then dealt with the controversial aspects of the Bill and said, 'This Bill has been called a communal measure - communal because in the first place it guarantees the presence of Muslim representatives and in the second place because the number of these representatives is averred to be too large. Our critics state that there is no room for communal consideration in educational matters. This is a new discovery. The Sadler Commission stated - "There should be an adequate representation of Hindu and Muslim opinion and interests ...." The Muslims are the majority community in the province, and they have a vital interest in secondary education and they rightly insist on having a just representation in its control and development. They claim the right to an effective voice in deciding the nation's educational policy. They do not deny an effective voice to other communities, but they (Muslims) can hardly be expected to tolerate a position

in which their effective representation is not guaranteed as a right .... Proportional representation may be attractive in theory, in practice, as members of this House are aware, it breeds undesirable electioneering practices and communal bitterness and does not necessarily achieve the end of which it is designed ....

'Excluding the President whose community cannot at present be ascertained there are 49 members of whom 22 will be Hindus, 20 Muslims and 7 Europeans. These figures are obtained by assuming existing occupants for the ex-officio posts and assuming as it appears certain, that the Head Mistress elected will be a Hindu. In other words there will be 44.9 per cent Hindus, 40.8 per cent Muslims and 14.3 per cent Europeans. We have given the Hindus a greater representation than the Muslims and yet we are accused of being unjust to them. On the Executive Council excluding the President, there will be 7 Hindus, 5 Muslims and 1 European. This gives the Hindus 53.8 per cent, the Muslims 38.4 per cent and the Europeans 7.7 per cent. Even if the President be not a Hindu the provisions for Hindu, Muslim and the European interests are concerned, therefore, there can I think, be no justified criticism of our proposals. Criticisms can come only from those who are determined at all costs to retain the controlling influence in the hands of one community only'.

In short, the fundamentals embodied in the Bill on which the Ministry was not prepared to yield were first, the presence on the Board of adequate representation of the various communities must be guaranteed; secondly, the Board must be largely autonomous and must have complete control of all Secondary School activities and

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thirdly, such ultimate control over the Board's activities as necessary must be exercised by Government.\footnote{B.L.A.P., vol. LVII, No. 5, pp. 3-6.}

The Bill was bitterly criticised by the Opposition members and they wanted it to be circulated for eliciting public opinion. Rai Harendra Nath Chowdhury of the Congress initiated the Opposition attack. The Schedule Caste members like Rasik Lal Biswas and others in general opposed the proposal for circulation of the Bill for public opinion and supported the Government. They wanted it to go to Select Committee. In the voting, 'Ayes' being 121 and 'Nos' 60 the Bill was to go to a Select Committee and it was decided that report would be submitted within November 30. Here it may be of interest to note that the Congress Party's motion for circulation of the Bill for the purpose of eliciting public opinion was rejected by 131 votes to 71.\footnote{Ibid, pp. 314-16.} An analysis of the voting showed that all the Hindu members excepting the Hindu Ministers voted for it while all the Muslim members excepting three independent members (Abdul Hakeem, Nausher Ali and A.M.A. Zaman) voted against it. The European members voted with the Government. Their resolution was like this - 'Resolved that Mr. Wordsworth put before the Assembly the view that all groups might profitably combine to gather the Education Minister's rosebuds while they may, while they are fresh and fragrant, since if there is delay through circulation the roses may all be withered before action is possible'.\footnote{Ibid, p. 218.} The announcement of the result of the voting was followed by shouts from the Congress benches 'Hindu Ministers Resign'.

With the report of the Select Committee, the Bill again came to the House for discussion in 1941. It was an atmosphere of
uncertainty and disappointment because the negotiations carried on by the Special Committee with a view to coming to an agreed settlement failed and it failed on the vital point of the constitution of the Secondary Education Board.

The Bill in a new form was introduced in 1942 also. The main object of the Bill was to provide for regulation, control and development of secondary education. The Bill was ultimately referred to a Select Committee to submit the report by July 31, of the year. There were dissentions in the House when many participants asserted that education must be secular. But at the same time there was general agreement that it should look after the development of the backward castes.

The Calcutta Municipal (Amendment) Act, 1939

More controversial Bill proposed in the Bengal Legislature was the Calcutta Municipal Bill, 1939. The Calcutta Corporation was the centre of political battles for last few decades particularly since the days of Chittaranjan Das. The Minister-in-charge, Nawab Habibullah Bahadur of Dacca placed the Bill before the House on February 24, 1939 and proposed the names of the members of the Select Committee. Then he tried to explain the reasons which actuated government in proposing a reversion to the system of separate electorate for the Muslims in elections to the Calcutta Corporation. Then he referred to the intentions of the Calcutta Municipal Act of 1899, the amending Bill of 1913 and that of 1921 introduced by Surendranath Banerjea in Bengal Legislative Council for general electorate and to the opinion of the Muslim members who, though minority in the Council, were in favour of separate electorate
because they represented the majority population in the province. The Minister further said that experience of the working of the joint electorate which came into force with effect from the fourth general election held in March 1933, clearly demonstrated that the Muslim Councillors returned through joint electorate, were men representing the views, not of the rate payers belonging to their own community, but of the majority community on whose votes they had to rely for their success at the election. As a matter of fact that was one reason, besides several others, why at the last general election held in March 1936, a large section of the Muslims decided to boycott the Corporation elections, and in consequence Government had to make appointments to certain seats reserved for the Muslims on account of complete failure of election to those seats. Even since then, there has been an insistent demand, both inside and outside the Legislature, for the restoration of separate electorate for Muslims in the elections to the Calcutta Corporation. On the analogy of the electoral provisions of the Government of India Act, 1935, Government have, therefore, considered it necessary to take immediate steps for meeting this demand so that the next general election of the Corporation may be held on the basis of separate electorate for Muslims.

Then Nawab Habibullah cited the example of Bombay where in Borough Municipal Act and District Local Boards Act there was provision for separate electorate for the Muslims. He further stated that in the Calcutta Municipal (Amendment) Bill, 1939, it was proposed to create separate electoral constituencies for Anglo-Indians and for Labour and to allot two extra seats to each of these constituencies. It was also proposed to reserve seven seats for the

Scheduled Castes in the general constituencies. So it was found necessary to increase the total number of elective seats from 77 to 84, which would be distributed in the following manner:

<table>
<thead>
<tr>
<th>Category</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Seats</td>
<td>46</td>
</tr>
<tr>
<td>Muslim Seats</td>
<td>22</td>
</tr>
<tr>
<td>Labour</td>
<td>2</td>
</tr>
<tr>
<td>Special Constituencies</td>
<td>2</td>
</tr>
<tr>
<td>Bengal Chamber of Commerce</td>
<td>6</td>
</tr>
<tr>
<td>Calcutta Traders Association</td>
<td>4</td>
</tr>
<tr>
<td>Calcutta Port Commissioners</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>84</strong></td>
</tr>
</tbody>
</table>

It was further cited that according to the latest compiled figures, the proportion of the Muslim population in the city was not less than 26 per cent. The allotment of 22 out of 84 elective seats to the Muslims was therefore, in accordance with the proportion of the community to the total population. The Anglo-Indians formed 1.4 per cent of the total population. On the basis of population they were strictly entitled to a little above one seat. The Scheduled Caste Hindus formed about 9 per cent of the total population of Calcutta. On that basis they were entitled to a little over 7 out of 84 elective seats. The proposal with regard to the representation of Labour on the Corporation followed the principle adopted in Madras and Bombay.

The Nawab Bahadur concluded with the frank confession that the Government had introduced the measure in deference to the in­sistent demand of the majority of the people of the province and at the same time expressed high hopes saying that, 'I believe that once the suspicion that exists rightly or wrongly, that Muslim interests are not safe in Hindu hands, and vice versa, disappears through joint work and endeavour in common sphere by bona fide, accredited, representatives of Muslims and Hindus, the way will be clear for a real, abiding union of the two communities which make up the Bengali race that stands for what Bengal has done in the past and will achieve in the future. Believe me that such a day will not be long to come if only the two communities will learn to render justice and fair play to each other, and each will look upon the other as an equal partner, banishing altogether the idea of either domination or subordination in the governance of this province. And it is precisely because this belief is almost a faith, so far as I am concerned, that I have made myself respon­sible for this Bill hoping thereby to make a contribution to the solution of the most outstanding problem that confronts both Mus­lims and Hindus alike'.

The Bill was hotly discussed outside and inside the House. Opinions were expressed both in favour and against it. Protest meetings against the Bill were held in Calcutta from different corners. The Hindu citizens of Calcutta organised a meeting at Albert Hall under the Chairmanship of Ramananda Chatterjee, the vetron editor of the Prabasi and the Modern Review to protest against the Calcutta Municipal (Amendment) Bill, 1939 and urged that 'in case the Bill was passed by sheer numerical strength of

the Muslims, the Hindu members should resign in a body' from the Corporation. He also criticised the attitude of the Congress people and reminded them of what 'Rastrapati' Subhas Chandra Bose had said for carrying on relentless agitation against the Bill. A protest meeting of Indian Christian Association, Bengal at 85/1, South Road, Entally, Calcutta, presided over by S.C. Mukherjee passed a resolution condemning the Bill 'as a reactionary piece of legislation and ultra-communal in its outlook' and as such in the opinion of the meeting, 'it should be dropped'. But in view of the fact that 'provisions have been made in the Bill for the separate representation of the Anglo Indian community, the Scheduled Castes and Labour, on the Calcutta Corporation' the meeting while reiterating its faith to joint electorates, urged upon the Government for the reservation, in the general constituencies, two seats for the Indian Christian community. A meeting of the Council of Action of the Bengal Muslim Progressive Party presided over by Maulana Abdul Karim, resolved inter alia that 'the provision of separate electorate proposed in the Calcutta Municipal (Amendment) Bill, 1939 is highly prejudicial to the interests of the Bengal Muslim residents of Calcutta'. The Bill also was criticised as 'deliberately framed with the sole desire of crippling the influence of the great Hindu community over the civic affairs of the city'.

The Star of India on February 20 on the other hand, described the Bengal Muslim Progressive Party as 'Stillborn Progressive Party'. The Muslim League in a meeting at Albert Hall on February 18, supported the Bill and demanded for reservations in services for the

99 Amrita Bazar Patrika, March 19, 1939.
100 The Statesman, February 21, 1939.
101 Amrita Bazar Patrika, March 20, 1939.
Muslims. It was resolved in the meeting that on behalf of the Muslims of Calcutta it 'expresses its full confidence in the Huq Ministry of Bengal and whole-heartedly supports the proposed Calcutta Municipal Amendment Bill providing for the re-introduction of separate electorates and safeguards for the interests of the minorities. Further this meeting resolves that unless this Bill is passed and separate electorates re-introduced in the Corporation of Calcutta the Muslims will not rest'. The Azad also in its editorials analysed the character of population composition of Calcutta and according to ratio demanded separate electorate and services for the Muslims.

The motion being introduced by the Minister several Opposition members viz., Abu Hossain Sarkar, Atul Krishna Ghosh, Jalaluddin Hashemy, N.N. Dasgupta, Santosh Kumar Bose, A.K. Maji, P. Banerjee, C. Griffiths moved the motion for circulation. Santosh Kumar Basu said that if the communal electorate got statutory recognition the consequence would not be happy. Abu Hossain Sarkar did not consider that the measure was meant to benefit the Muslim Community of Bengal as a whole. It was meant to introduce separate electorate in the Calcutta Corporation for the benefit of a section of Muslims residing in Calcutta only. In course of his speech he said, 'I pray, Sir, these Ispahanis and Siddiqis and other gentlemen who came from Iran and other places instead of instilling communalism in our country may go to the country of His Majesty, Reza Shah Palhavi and fight with him to introduce separate electorate there'. Syed Nausher Ali and A.M.A. Zaman also strongly opposed

103 Star of India, February 20, 1939.
104 Azad, March 10, 11, 1939.
the Bill, C. Griffiths opposed it for, the Anglo Indians had not been fairly represented in the Corporation, especially since the Europeans had not claimed territorial seats.

Birat Chandra Mandal, from Scheduled Caste Group congratulated the Minister, M.A.H. Isphahani said, 'I was bitter opponent of separate electorates as I considered separate electorate to be grossly anti-national. Experience of later years, however, Sir, demonstrated in a most convincing manner that my belief was incorrect one'.

The Bill however came to the Assembly from the Select Committee on April 18, 1939 with five recommittal motions, four from the Congress and one from the Krishak Proja Party. It was obvious that the Congress was keen to obstruct the passing of the Bill. Nalinakshya Sanyal obstructed with a point of order in the midst of introduction by the Minister-in-charge. He (Sanyal) raised arguments for taking up other Bills for discussion before this Bill. But Nawab Habibullah summarised the provisions of the Bill in a very pointed form: 'There are five principles involved in this Bill. Firstly, is this House prepared to grant separate electorate to the Muslims or accept joint electorate for them? Secondly, is this House prepared to give representation to Labour? Thirdly, is this House prepared to give representation to Anglo-Indians? Fourthly, is this House prepared to give representation to the Scheduled Castes? And fifthly, is this House prepared to accept nomination or not?'

108 Ibid, No. 6, p. 77.
There was uproarious scene in the Assembly during the discussion of the Bill. In the fifth session this Bill occupied the important place next to the Money Lenders Bill. Four hundred and ninety one amendments were tabled first. Again when the Bill came up for the reconsideration with amendments from Council, there came 152 amendments. While discussion was going on, Rai Narendra Nath Chowdhury said, 'The Corporation at its meeting held on the 31st March passed the following resolution with regard to this Bill viz., "Whereas in the opinion of the Corporation, the Government has failed to satisfactorily explain, in the Statement of Objects and Reasons attached to the Bill, the necessity of altering the present system of the joint electorate for the purpose of election to the Corporation, explaining the desirability to form separate constituencies for the Scheduled Castes and whereas, in the opinion of the Corporation, neither the undue weightage given to the Muslims, nor the allotment of seats to their respective areas is justified, this Corporation opposes the principle and details of the Bill". He thus urged upon the government that the Select Committee should reconsider the Bill. Pulin Behary Mullick from Scheduled Caste Group demanded separate electorate for the Scheduled Castes instead of reserved seats within Hindu constituency. However, the move for reconsideration of the Bill was lost by 83 to 123 votes.

The second reading of the Bill took several days. The debate took an interesting turn and generated much heat when the Leader of the Opposition, Sarat Chandra Bose and the Leader of the House, Abul Kasem Fazlul Huq participated in the third reading. Sarat Bose

110 B.L.A.P., vol. LIV, No. 6, p. 66.
mentioned the united opposition to the Bill by Krishak Proja Party, Independent Scheduled Caste Party besides the Congress and objected to the distribution of seats. Fazlul Huq on the other hand in the course of his lengthy speech (interrupted several times by the Opposition) dealt with the virtues of the Bill. He referred to the Lucknow Pact, where all the leading Hindu leaders admitted the logic of separate electorate for the Muslims. After the consent of the Upper House, the Bill received the Governor's assent in July 1939.

**Calcutta Municipal (Amendment and Validation) Act, 1939**

Earlier on March 31, 1939, Hussain Saheed Suhrawardy, on behalf of Nawab Habibullah Bahadur moved the Calcutta Municipal (Amendment and Validation) Bill, 1939 in the House. Through this Bill the Government wanted to postpone the election of the Corporation for a year, so that the new election might take place under the new Act (which had been under the consideration of the Select Committee). The Bill, proposed that the existing body be continued in the meantime. Congress led by S.K. Basu strongly objected. A circulation motion moved by Atul Krishna Ghosh was put and lost. The Bill was passed.

**Calcutta Municipal (Amendment) Bill, 1940**

On the 4th of September, 1940 the Nawab Habibullah Bahadur of Dacca moved the Calcutta Municipal (Amendment) Bill, 1940. He sought to refer the matter to a Select Committee. Satya Priya Banerjee from the Congress moved a motion for circulation. A lively debate with occasional hot exchanges continued for four days. On

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August 10, the motion of the Minister was carried, the motion of S.P. Banerjee being defeated by 127 to 88 votes. In the Statement of Objects and Reasons for the Bill it had been said, 'The experience of the working of Calcutta Municipal Act 1923 during the last 16 years has demonstrated that the political views of the party in power in the Corporation have very largely influenced the day-to-day administration of the Corporation with the result that efficiency of the administration has been impaired.... Frequent interference with the executive has been a disquieting feature of the administration. Appointment to posts under the Corporation has often been made on personal or party consideration and complaints of maladministration which can be traced often to a deliberate evasion or infringement of the provisions of law have been persistently brought to the notice of Government'. In the proposed Bill, the Government sought to assume power of any of the departments or committees of the Corporation. There were proposals to appoint Chief Executive Officer of the Corporation by the Government from I.C.S. or B.C.S. cadres and to appoint a Service Commission for the senior posts of the Corporation.

In the course of the debate, the entire Opposition severely criticised the Government, for in their opinion it was an endeavour to end the very concept of local self-government. Many speakers belonging to Congress and Krishak Proja Party admitted that there were omissions and commissions in the civic administrations but that should be dealt with within the provisions of the existing Act. But the Government never used such provisions. Nor they had constituted any Committee or Commission for enquiry against the

Corporation. According to the Opposition, the Ministry was more corrupt than the Corporation. So they had no moral right to infringe on the freedom of the Corporation.

Nawab Bahadur in course of his speech said that the criticisms so far received, appeared to be based on misconceptions of the powers and functions of a Corporation. It seemed to have been assumed that when a self-governing institution enjoying large powers of internal administration was created by statutes it should be entirely free from outside control and that even if its affairs were grossly mismanaged, neither the Government nor the Legislature should have any power or control over its actions. In other words an autonomous institution was intended to function as an 'imperium in imperio'. The Minister continued that he was doubtful that this was a doctrine which could hardly be accepted or defended on principle. The Corporation was a creation of the Statute with limited powers and functions, to be exercised and discharged for certain specific purposes and Government could not divest themselves of their ultimate responsibility for seeing that its powers were not abused or that its duties were performed in a sound, suitable and efficient manner. The Minister also mentioned that Chief Executive Officers of Bombay and Madras (where Congress was in power) were also appointed by Governments.

Nelli Sengupta while admitting that 'there are faults in the Corporation', enquired 'is there any perfect administration in any country?' She also mentioned several achievements of the Corporation. To her 'there are undoubtedly some very good clauses in this Bill, for instance the franchise matter. But why do you take away

with one hand what you are giving with the other?' was her ques-
tion.115

Many Muslim members of the Opposition including A.M.A. Zaman, Shamsuddin Ahmed, Abu Hossain Sarkar complained that with the sepa-
rate electorate there were an increase of non-Bengali Muslims and a decrease of Bengali Muslims. Hisith Nath Kundu said, 'there is a ghost concealed in those mustard seeds which you are using as chants to drive ghosts away'.116

Referring to the corruption in the Corporation several Coali-
tion members had mentioned Subhas Bose's remark that it was an 'Augean Stable'. The speech of Syed Badrudduja who was in Corpora-
tion and in Coalition was interesting. His frank confession was that 'never before in my public life was I faced with a more diffi-
cult and uncomfortable situation than what confronts me at the pre-
sent moment. Torn between divided allegiance to the Corporation of Calcutta and the Coalition Party in the Bengal Legislative Assembly I feel a little ill at ease this evening to discuss the Calcutta Municipal (Amendment) Bill, 1940'. Even though he cited many instan-
ces of the nepotism and corruption of the Calcutta Corporation and supported the Minister's motion for Select Committee, he admitted that Corporation's attitude to the communal question was much super-
ior. He said, 'I will declare on the floor of the House that no self-governing institutions in Bengal under Hindu domination not excluding the University of Calcutta has been more sympathetic to Muslim aspiration and demands than the Corporation of Calcutta under the inspiration and guidance of one of the noblest souls (Chittaranjan Das) that ever breathed in Bengal .... The policy of

Deshbandhu Chittaranjan Das was for a time pursued by two of his illustrious successors, Messrs. Jatindra Mohan Sengupta and Subhas Chandra Bose. Mr. Subhas Chandra Bose as Chief Executive Officer of the Calcutta Corporation declared in no uncertain terms on the floor of the Corporation Council in 1924, "Hindus have hitherto enjoyed a sort of monopoly in the matter of appointments. Times, however, have changed, and the Corporation today has got to respond to the spirit of the time. Monopoly has got to cease". Nalini Ranjan Sarkar supported the circulation motion. M.A.H. Ispahani was highly critical of the charge of infringement by the Opposition. Shamsuddin Ahmed said that his party was supporting the circulation motion on merit and that his party was not wedded to any other party as seen from their support to the Government with regard to Secondary Education Bill.

The leader of the European Group, M. Walker gave a strong support to the Bill. Referring to J.C. Gupta's mentioning of British tradition Walker said, 'Mr. Gupta may call us un-British but we have at least learnt that the British self-governing institutions are the product of long years of trial and error and of sometimes bitter experience'. The Leader of the Opposition, Sarat Chandra Bose on the concluding day made a thrashing attack on the Government. Regarding the previous record of I.C.S. Chairmen of the Corporation he said, 'They looked after the portion of Calcutta between Dhurmatolla Street and Lower Circular Road and neglected the other portions of Calcutta during thirty years of their regime. But that is not the case with the present Corporation'. Refuting the Coalition members' charge of communalism in

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118 Ibid, p. 405.
the Corporation appointments he said that two relations of the Chief Minister had been appointed in the Corporation only recently. He concluded with the words, 'that the present Bill is an attempt to rob the city of its freedom and to put on it the shackles of slavery. We are determined so far as lies in our power to frustrate that attempt and even if we do not succeed in this Legislature, we shall succeed in the not distant future outside the Legislature'.

The Chief Minister Fazlul Huq replying to Sarat Chandra Bose said that although two of his relatives had been appointed in the Corporation, both of them were appointed on merit and he also cited instances. To Fazlul Huq the agitations against the Bill were communal in nature. Indeed, he pointed out that Sarat Bose knew that the Hindus were so communally minded that 75 per cent of the citizens of Calcutta who were Hindus would vote against the Bill. Santosh Kumar Bose, objected and said that the Chief Minister could not be allowed to accuse the entire community in the manner he had done. The Speaker appealed to the Chief Minister not to discuss the Bill on the communal plane. The Chief Minister immediately withdrew the expression.

On August 5, 1941, the Minister-in-charge moved the motion for consideration of the Bill in the House. Nalinakshya Sanyal on August 6, moved a motion for recommittal to the same Select Committee in view of certain welcome gestures of understanding that had come from both the parties. He urged upon the Government for a round table 'to come to some kind of understanding'. The motion for recommittal to a Select Committee was carried unanimously with few changes of names.

Jute Ordinance and Jute Regulation Act, 1940

As stated before the eighth item of the Programme of the Coalition Government was to control the price of jute by various means. There was organised propaganda for the restriction of the cultivation of jute. As a result, the area under this crop was curtailed to some extent and there was a rise in its price. But this did not occur until the cultivators had sold most of their stock. The condition was almost same in subsequent years also. Actually Jute Restriction was a delicate problem for the Government where the interests of the Europeans were involved. Anyway, to prevent a serious fall in prices in the jute industry the Government promulgated the Bengal Jute Ordinance on September 9, 1938. The ordinance produced a salutary result in maintaining prices at an economic level and in stabilising the conditions in the industry. After six months the jute mills entered into a voluntary agreement to control their output which was expected to serve the same purpose as the Ordinance. The Ordinance was accordingly withdrawn with effect from February 19, 1939.

122 Ibid, (From 1937 to 1941).
123 Two Years of Provincial Autonomy, p. 91.
The Jute Ordinance restricted the hours of work in the jute mills, and this action of Government helped to stimulate confidence in the future of the jute industry. But in Tippera, Government's jute restriction propaganda made little headway against the counter-agitation of those who found it useful to further their political ends by giving support to the claims of the tillers of the soil. Unlike the Bengal Tenancy (Amendment) Act, the Bengal Jute Ordinance did not find much appreciation from the Press. It was asserted that it was quite pro quo granted to the European Group in return for their assistance in defeating the no-confidence motions moved on the 8th August. For example one comment by an important Congressman can be quoted - 'As the present Ministers are compelled to depend upon the help and guidance of the non-Indian elements, they are leaning more towards the interests of the Europeans than the Indians. It is for the consideration of the European interests that they have refused to fix a minimum price of jute'.

Jute Regulation Bill, 1939 was an important Bill of the Winter Session (Nov. 27 - Dec. 20) of the Bengal Legislative Assembly. Tamizuddin Khan, the Minister of Agriculture introduced the Bill in the House on November 30. He expressed great concern over the problem of jute. There was immediate necessity of regulating supply in accordance with demand. The outbreak of the war created further problem. The Minister clarified the changing situation in the following words - 'Before the outbreak of the war opinion was overwhelmingly in favour of restriction of the next year's crop. But in the wake of the outbreak of the war and the rise in

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125 Rezaul Karim - Article in Hindusthan Standard, Sept. 11, 1938.
prices many who were ere long in favour of restriction have begun to entertain doubt about the wisdom of enforcing restriction in the coming year'. 126

The Bill was referred to a Select Committee without any division. The Bill in the first place provided for the making of a record of the land upon which every individual grower cultivated jute in any given year. The second part of the Bill 'relates to the regulation of the growing of jute in future years. The provisions in this part will enable Government to adjust the supply of raw jute to the demand of the world by declaring before the sowing season of any year that the area upon which the next crop may be sown shall be regulated and the extent of such regulation. This declaration will be based on due consideration of stocks at the end of the season and a forecast of the demand. Thereupon on the basis of the prepared record allotment will be made to individual growers, through the agency of local committees, of specific areas on which the cultivation of jute in the season immediately following will be permitted under licence'. 127

The Bill came for discussion in the next Session (Budget Session 15 February to 9 April 1940). While replying to the debate on the Bill on March 4, the Minister-in-charge, Tamizuddin Khan said that the problem of problems was the regulation of jute and the fixation of a minimum price for the crop, and the warehousing scheme, etc., the entire exercise would be absolutely futile if the supply was not regulated to the demand. He informed the House that Government had decided to abandon its policy of regulation of jute in 1940 with a very heavy heart, because, on account of

127 Ibid, p. 149 (Speech of the Minister-in-charge).
the proposal of regulating the crop this year being given up, an apprehension existed that the next year's crop would be very much in excess of the proper demand, and if the apprehension proved to be true, the prices would fall. Therefore, he thought that those who had urged the Government to withdraw the restriction policy in 1940 had taken a very grave responsibility on themselves. He did not agree with the observation made by one of the opposing members that the interests of the mill owners and those of the cultivators were always antagonistic. The Finance Minister pointed out that the mill owners performed a very important function in the matter of distribution of the commodity. The Bill, however, was passed and received the assent of the Governor.

In the meantime in the last part of the preceding year the House discussed Jute Futures Ordinance. Bankim Mukherjee moved the first resolution disapproving the Bengal Raw Jute Futures Ordinance, 1939 which was known as the Bengal Ordinance No. 1 of 1939 and was promulgated by the Governor under Section 88(1) of the Government of India Act, 1935. According to Bankim Mukherjee the Ordinance itself was annoying but it could be tolerated if it was meant to help the poor and the helpless. The present Ordinance was introduced at a time when the majority of agriculturists had already sold out their jute, secondly the minimum price that it fixed was even below the amount that an average agriculturist was expected to spend for producing jute in his land. He desired that the Government would see their way in raising the minimum price of jute to a 'higher figure viz. Rs. 50 or Rs. 60 (per maund) in normal times and over Rs. 100 during war time'.

Maulvi Abdul Wahed Bokainagri condemned the Ordinance and said that it was issued at a time when most of the produce of the agriculturists were sold. Only the middlemen and the richer section of agriculturists who could hold their produce obtained the advantages. He said that the minimum price fixed by the Ordinance was ludicrous and when the Krishak Proja Party demanded by a resolution that the 'minimum price of jute should be fixed at Rs. 10' the Government turned it down on the ground that it could not be fixed unless the Government of Assam and Bihar were consulted. But now it was seen that the Bengal Government alone could fix the minimum price of jute. He threatened the Government to face the agriculturists en masse, the consequence of which would be dangerous for the Government. The discussion was adjourned and was taken into consideration in the next year, on August 8, 1940. This long gap was mostly due to the war.

This time also the Ordinance was subjected to sharp criticism. Jalaluddin Hashemy, the Krishak Proja Party leader moved a motion disapproving the whole thing. In the course of the debate, references were made by the Opposition members to rumours current in the market that some Ministers themselves were involved in speculative operation for their personal gains. Walker, a European leader, referring to those remarks said that there should be categorical denials from the Ministry regarding those allegations.

Suhrawardy strongly assured to the House that the only consideration regarding Jute Ordinance was to serve the best interest of the cultivators and there was no other motive. 129

Other Important Bills

It is evident that Fazlul Huq and his Ministry had a will to implement their programme. So they tried to bring some other social reforms and to introduce some more social legislations for rural and other developments, which on the whole were not controversial. The important Acts in this respect were the Bengal Tanks Improvement Act, 1938, the Bengal Famine Insurance Fund Act, 1938, the Bengal Maternity Benefit Act, 1939, the Bengal Rural Poor and Unemployed Relief Act, 1939, and the Bengal Shops and Establishments Act, 1940.

In 1935-36 distress in Murshidabad, Burdwan, Birbhum, Bankura and Hooghly brought the question of improvement of tanks which were the principal source of irrigation in those places. Through gradual silting and failure on the part of their owners to reexcavate the tanks those became shallow. As there was very little rainfall in 1934-35 many of the tanks dried up and consequently extensive areas were left uncultivated and acute distress followed. To mitigate the drought in future the Ministry felt the necessity of making special provision for the re-excavation and proper maintenance of old tanks and 'bunds'. The result was the introduction of the Bengal Tanks Improvement Bill, 1937, in the Bengal Legislative Assembly. While the motion for Select Committee was in the House, N. Sanyal opposed it for he wanted that the Bill should cover every kind of water supply besides irrigation. The Bill should cover every kind of water supply besides irrigation. The Bill while enacted provided first of all for the issue of a notice on the owners of silted up tanks and 'bunds', asking them to execute the necessary repairs. If the owners did not comply with the
notice, collector then might empower a private person, a local 
authority or a co-operative society to carry out the repairs and 
recover the cost in easy instalments from the persons benefitted.

With the improvement of tanks the Government looked to the 
bigger question of the resuscitation of dead and dying rivers. 
In 1937 they undertook and completed a contour survey of western 
and a part of central Bengal and three big schemes viz., the 
Hooghly Howrah flushing scheme, the More Project and the Dakeswar 
Scheme were prepared.

The Bengal Famine Insurance Fund Bill, 1937, provided for 
the establishment and maintenance of a fund for the purpose clear 
from the name of the Bill. That was meant for expenditure on re-
 lief of and insurance against famine and distress caused by seri-
 ous drought, flood, earthquake and other natural calamities. In 
1938, a minor amendment was first passed by the Council when it 
was introduced on March 1. N. Sanyal objected to the introduction 
of the Bill in the Council on constitutional ground for it was a 
Money Bill. But the Deputy Leader of the Congress Party, Santosh 
Kumar Bose supported Nazimuddin. His point was that since it was 
an amendment, the Council could initiate. Ultimately the Bill was 
passed. This Famine Insurance Fund Act was no doubt a progressive 
legislation which really intended to benefit the peasantry. The 
provincial Government contributed Rs. 10,00,000 for the initiation 
of the fund in 1938-39 which was proposed to build up and maintain 
at Rs. 12,00,000 by annual contributions of Rs. 2,00,000.130

The Maternity Benefit Bill was an important one in the field 
of labour legislation in Bengal. This Bill provided the women 

130 Two Years of Provincial Autonomy, p. 4.
workers employed in industry in Bengal, with the assurance of subsistence and to enable them to keep their jobs. The Act came into force on January 1, 1940. According to this Act, 'No notice of dismissal given without sufficient cause by an employer to a woman within a period of six months before her delivery shall have the effect of depriving her of any maternity benefit to which but for such notice she may have become entitled under this Act'.

The Bengal Poor and Unemployed Relief Bill received special attention of the House and provided some assistance to the poor and unemployed. The Bill contemplated to maintain a statistics of the distressed and unemployed persons. The Bill was first introduced in the Council and then a joint Select Committee was formed. The Council first passed the Bill and then it was introduced in the Assembly. The Speaker Azizul Huq took strong exception in presenting the Bill in the Council on constitutional reasons. For he considered that since it was a Money Bill, Section 82, of the Government of India Act did not permit the introduction of the Bill in the Upper House. It was a Congress sponsored Bill but Nazimuddin himself tried to soften the attitude of the Speaker. However the Speaker allowed the consideration of the Bill as a special case.

The Bengal Shops and Establishments Act, 1940 for the first time made some favourable and honorable provisions for those employed in shops. It provided for holidays for employees without loss of pay on one and half days each week and for closing on other days at 8 p.m. This Act also regularised the payment of wages and overtime and entitled employees to obtain a fortnight's leave on full pay each year. The Act was applied first in Calcutta.

131 The Bengal Maternity Benefit Act, 1939, Section 7, Sub-Sec.(2).
An interesting Bill on social problem came from a non-official member. That was the Abolition of Dowry Bill. On July 26, 1940, Altaf Hussain of Coalition Group sponsored the Bengal Marriage Dowry Prevention Bill to put a stop to the dowry system and penalise the giving and taking of dowry. Similar type of Bill also came from Idris Ahmed Mia and Surendranath Biswas. The Minister-in-charge of the Judicial Department, Nawab Musharraf Hossain pointed out that if they wanted to interfere in social affairs, they would find themselves in a position when they would not know what to do. He further said, 'This is a Bill which wants to put a stop to a social evil. A similar Bill was presented before the Upper House by Rai Surendra Narayan Singh Bahadur and it went to the Select Committee, it was practically thrown out' and 'the reason is that if you want to trend upon social affairs, you will place yourself in such a dangerous position that you do not know what actually will be the effect of it. You know the Bill wants to make illegal all dowry and dowry has been defined in a particular way. Now, if you say that a man has paid any dowry, the effect of that will be that he will be sent to jail for three months'. The motion of Musharraf Hossain that the Bill be circulated for the purpose of eliciting further opinion thereon by the 26th January 1941 was then put and agreed to.

On the same type of Bill placed by Surendranath Biswas coming to the House on April 4, 1941, Mukunda Behari Mullick also agreed that the Bill he circulated for the purpose of eliciting further opinion thereon by December 31, 1941. But ultimately there was no enactment.

Acts of 1942

In fact after December 1941, Fazlul Huq's government produced no important social legislation. In 1942 regarding legislation the activity of the Legislature was limited. Only four were passed during the year.

The Bengal Public Demands Recovery (Amendment) Bill, was passed on March 26, 1942. The aim of the Bill was to amend the Bengal Public Demands Recovery Act 1913 for the purpose of protecting honest debtors from detention in civil prison and to confine such detention to debtors proved to be recalcitrant or fraudulent and dishonest and for providing certain other reliefs.

The Bengal Act II 1942, namely, the Bengal Agricultural Debtors (Amendment) Act 1942 intended to amend the Bengal Agricultural Debtors Act 1935 for the purpose of providing machinery for the restoration of debtors to possession of their immovable properties sold in execution of decree during passage of the said Act through the legislation. The Bill was passed on May 7, 1942. In the same month the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill was passed. It extended the operation of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940 which was due to expire on May 29, 1942, for one year more, pending the introduction of permanent and more comprehensive legislation on the subject.

The Bengal Criminal Law (Industrial Areas) Amendment Act came into being on June 1, 1942. Its purpose was to prevent theft of 'unidentifiable articles' in industrial areas. Several other
minor Bills were also introduced which could not draw much attention of the House at that time.

**Evaluation**

The Krishak Proja Party of Fazlul Huq was keen to ameliorate the conditions of the raiyats. Fazlul Huq himself had genuine sympathy for them. So after assuming office his Ministry sought to reform tenancy laws of the previous period. He had one advantage. A sizeable number of his M.L.A. supporters came from rural Bengal who had knowledge about the real conditions of the raiyats. In the Congress Legislative Party there were divergent elements - the landlords, the educated upper class, middle class and also a few commoners. So the Congress was no match for Fazlul Huq's party in this urgent matter of tenancy problem where immediate reforms were needed. In fact, the Congress also wanted tenancy reforms but at the same time it had to look to so many interests. The landholders were in favour of protecting their own interests and that had been clear from the speech of Shib Sekharaeswar Roy in the House. The European group, though critical to some extent, did not go against the Ministry for the tenancy legislation was not hampering their influence or interests. After more than four decades the Bengal Tenancy (Amendment) Act, 1938, has been characterised by Nalinakshya Sanyal, one of the most vocal and alert Congress members of the House, as a 'trump card of Fazlul Huq'. Sasanka Sekhar Sanyal, another Congress member recollected it as 'a silver lining in the gloomy dark cloud at that time'. According to him the peasants got a new life and prospects.

133 Interview with Khagendra Nath Das Gupta, the then Congress M.L.A.
134 Interview with N. Sanyal on 8.1.82.
135 Interview with Sasanka S. Sanyal on 16.1.82.
The impact of the act was so significant that even the legislators belonging to the opposite camp unhesitatingly admitted its importance even after four decades. It speaks of the progressive character of the said legislation.

Other legislations of the Coalition Ministry of Fazlul Huq dealing with the problems of the agriculturists, their credit problem and the co-operative movement were the Bengal Public Demands Recovery (Amendment) Act, 1938, the Bengal Agricultural Debtors (Amendment) Act, 1940, the Bengal Co-operative Societies Act, 1939 and the Bengal Money Lenders Act, 1940. The above Acts in bill form created mixed reaction in the House amongst the different parties and groups. A parallel to the first Bill was presented by the Opposition Proja Group member, Abu Hussain Sarkar. But in the tussle over the two, the Government Bill won as usual.

The enforcement of the establishment of Debt Settlement Boards - special and ordinary - in the districts attracted the people by and large. To give greater relief to the agricultural debtors, the passing of the Bengal Agricultural Debtors (Amendment) Act received some opposition on technical points of definition of 'debtor' etc. The European group welcomed the Bill. In spite of some limitations, these measures 'saved the middle class, the lower middle class and the poor people of Bengal. It was a boon from the heaven'.

The passing of the Co-operative Societies Bill was regarded by the Ministerial Party as an urgent business. But in this respect sharp reaction came from the Congress Opposition. They

136 Interview with Sasanka Sekhar Sanyal on 18.1.82.
alleged that nepotism and corruption had been there in the co-operative system in Bengal. The spokesmen of the Opposition at this time in the House were Nalinakshya Sanyal and Satyapriya Banerjee. The Bill was also criticised by the Pro-Congress Press and public.

The European Group as usual supported this governmental measure. The Opposition condemned the officialisation of the co-operative system. The Ministerial Party admitted the deficiencies of the system but at the same time pointed out that most of those were due to human failure. To be successful the co-operative movement should come spontaneously from the people. It was remarkable that the Bill was passed through division in the House.

Money-lending business had been a curse to the poor people of Bengal as elsewhere. The debate on Money Lenders Bill in the Assembly reflected diverse interests of the members. Money lending group in the Legislature represented by Debi Prasad Khaitan and European members opposed the Bill. The European group though generally supporting the Government now took a different line for their vested interests and talked in common voice with D.P. Khaitan. It was thought by the business community that money lending had been hampered and thereby trade also. But the Opposition, that is, the Congress and Abu Hussain Sarkar group of Proja Party were soft with the Bill. Actually it proved a saviour for the poor agriculturists seeking to get out of the 'clutches of the blood suckers'.

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137 Interview with Prabhu Dayal Himmat Singka (an M.L.A. elected in 1937 but resigned after one year to make room for Iswar Das Jalan) on 31.5.85.

138 Interview with Prince Kazem Ali Mirza on 10.1.82, a Krishak Proja M.L.A.
The most controversial Bills of the time were the Secondary Education Bill and the Calcutta Municipal (Amendment) Bill. The proposal of the Government for the establishment of a Secondary Education Board as recommended by the Sadler Commission was not acceptable to the Hindu members of the Legislature except the Hindu Ministers. The Hindu intelligentsia of Bengal also opposed it. It was evident from the voting pattern in the House and it was also reflected in the press owned by the Hindus and also in different public forums. The Hindus were afraid of Muslim control over Calcutta University and on education therein. Through the proposed Secondary Education Board there was scope for governmental control and thereby Muslim control. The Bill could be explained as a tussle of the Muslim and Hindu 'bhadralok' to spread their influence on education. On this issue sometimes heat was generated in and outside the House on the selection of text books, recitation of Bande Mataram and the emblem of the Calcutta University, that is, 'Shree' and 'Padma'. Party politics and to be more candid, communal politics were not so much evident elsewhere as it was manifest in the case of the Secondary Education Bill.

The same picture could be seen in and outside the House on the Calcutta Municipal Amendment Bill over the question of separate electorate versus general and joint electorate. It is well known that the Calcutta Corporation had been the centre of politics for a long time and during the period it became more complicated. The Hindu interests were not ready to give up their control over the main centre of the Province.

Jute was the major source of prosperity of Bengal. To tackle the jute problems Jute Ordinance and Jute Regulation Bill had been
passed. There were resentments in the House against the Jute Ordinance.

An important characteristic of the Legislature was that so many non-official Bills were allowed to be presented before the House and one of those namely, the Bengal Poor and Unemployed Relief Bill came from the Upper House. This Bill was passed. Another interesting non-official Bill known as the Abolition of Dowry Bill attracted the attention of the House. However, it could not be enacted because of strong resistance from the vested interests, mainly from the Upper House.

Other benevolent and social legislations were the Bengal Tanks Improvement Act, Famine Insurance Fund Act, the Bengal Shops and Establishments Act, the Bengal Maternity Benefit Act, the Bengal Non-Agricultural Tenancy Act, the Bengal Criminal Law (Amendment) Act. Being less controversial, these created less noise and received less opposition.