

PROCEEDINGS

OF THE

FIRST LEGISLATIVE ASSEMBLY OF BIHAR.

VOLUME I—1937.

CONTENTS.

The 22nd July, 1937.

PAGE.

Appointment of a person to perform the duties of the office of Speaker, pending the election of a Speaker	17
Appointment of a person before whom the members shall make and subscribe their oath until the election of a Speaker	17
Members sworn	18—25
Appendix	27

The 23rd July, 1937.

Members sworn	31
Election of Speaker	31—55
Resolution regarding Bihta Railway disaster (<i>contd.</i>)	55
Election of Deputy Speaker	55—57
Resolution regarding Bihta Railway disaster (<i>adopted</i>)	58—60
Statement regarding the date for the next meeting	61

The 23rd August, 1937.

Observation of the Hon'ble the Speaker regarding maintenance of order in the Assembly Chamber and the visitors' gallery	65—66
Members sworn	66
Address by the Hon'ble the Speaker—Welcome to members	66

The Hon'ble the SPEAKER: The question is :

That the title and the preamble do stand part of the Bill.

The motion was adopted.

The title and the preamble were added to the Bill.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA : Sir, I beg to move :

That the Bihar Famine Relief Fund (Expenditure) Bill, 1937, be passed.

The Hon'ble the SPEAKER: The question is :

That the Bihar Famine Relief Fund (Expenditure) Bill, 1937, be passed.

The motion was adopted.

THE BIHAR STAMP (AMENDMENT) BILL, 1937 (BILL NO. 6 OF 1937)—*contd.*

Mr. JAGAT NARAYAN LAL : Sir, I beg to introduce the Bihar Stamp (Amendment) Bill, 1937.

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

Mr. JAGAT NARAYAN LAL : Sir, I beg to move :

That the Bihar Stamp (Amendment) Bill, 1937, be taken into consideration

The purpose of the Bill has been stated in the Statement of Objects and Reasons, which runs thus—

The Bill proposes an enhancement in the rates of stamp duty on certain instruments, etc., with the intention of increasing revenue from these stamp duties. The proposed rates follow generally those adopted in Bengal in 1922 (though in the case of leases and gifts of higher value the rates are somewhat higher) and it is expected that their adoption in this province will result in an increase of revenue of approximately Rs. 3½ lakhs a year.

The Hon'ble the SPEAKER : With respect to this motion notice of an amendment has been received from Mr. Chandreshvar Prashad Narayan Sinha saying that the Bill be circulated for eliciting public opinion thereon by the 30th October, 1937.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : Sir, I beg to move:

That the Bihar Stamp (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th October, 1937.

Sir, my reasons for moving this amendment are practically the same as those that I had expressed on the last occasion when we were considering the Bihar Entertainments Duty Bill, 1937. I move, Sir, that the Bihar Stamp (Amendment) Bill, 1937, be circulated for eliciting public opinion thereon by the 30th October, 1937. As I have expressed just now that my reasons are practically the same that I had expressed on the last occasion, I will not go into details, but I will remind the House of the principles underlying this amendment of mine. I will repeat again on this occasion that any measure of this kind which proposes any kind of taxation and which necessarily will affect a very large number of people of this province irrespective of their class, community or avocation of life, should be undertaken with sufficient circumspection. It is absolutely essential that public opinion should be gathered with regard to this measure before it is either taken into consideration or passed in this Assembly. If the Secretary or the Hon'ble the Finance Member had given any reasons for the urgency of the matter, then and then alone, I submit, the House could be asked to take an extraordinary step of cutting short the necessary stage through which all the Bills should pass. This is one of the privileges of the people of any country, which, unless there are some important reasons, I again submit, should not be withdrawn by a popular Government. We have had a surplus budget. We have not got a scheme.....

Mr. HAFIZ ZAFAR HASAN : Sir, I would request the hon'ble member to speak louder.

The Hon'ble the SPEAKER : He is doing his best and it is not possible for him to raise his voice any more.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : May I ask the hon'ble member to come somewhere closer to me, Sir ?

(Voice : And what about others ?)

Mr. TAJAMUL HUSAIN : I propose, Sir, that the leader of the opposition should stand somewhere in the middle of the House and then everybody will hear him.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : Sir, I have left that for some people who from time to time make some performances in the House.

As I was submitting to you, Sir, that I consider that this is one of the privileges of the people that they should be taken into confidence. When I say that they should be taken into confidence, I mean that they should be given an opportunity to express their opinion on measures like this. It is true that we, who represent them in this House, will have the opportunity to consider it at greater length when the Bill comes for passing in this House. At the stage of passage we may have some opportunity to consider it clause by clause. I also admit that when the Bill goes to

a Select Committee some of the members will have an opportunity to examine the Bill thoroughly in the Select Committee, but in spite of all this you will agree with me that a proper examination of the Bill by the public cannot be ensured by this procedure. Measures of taxation are considered the most important in any country and I again maintain that it is not a sound practice that the Government is asking this House to adopt by cutting short one of the most important stages through which any Act or Bill must pass. This is an important and the main reason why I ask that the Bill be circulated for eliciting public opinion. As for the merits of the Bill, it is not a proper time for me to enter into them and I do not do that, but I will again maintain that as this Bill will affect every class of people, whether Zamindar or tenant, it is necessary that they should be afforded an opportunity to express their opinion.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA: Sir, I have listened to the observations of the leader of the opposition. I am in agreement with him that important measures of taxation must be placed before the public for expression of their opinion, but, as stated on the previous occasion, all measures of taxation cannot be put on the same footing. The Bill which we have just passed is also a measure of taxation, but a small measure of taxation like that or one which we have under discussion need not be submitted to the scrutiny of the public in the manner in which a comprehensive measure of taxation ought to be done. So far as this Bill is concerned, it will be noticed that the object of the Bill is to get more revenue to the province. The leader of the opposition has referred to the budget as a surplus budget, but he knows very well that this surplus budget is an illusory thing. He knows it very well that the amount available for expenditure on nation building departments is practically nil, and this surplus has been arrived at by cutting down various new schemes that the *interim* Ministry had proposed. If we had allowed those schemes to be operated, the budget would have been a deficit budget. But since we took care to cut down or put in abeyance some of those schemes which the *interim* Ministry had decided the savings have resulted in some sort of surplus in the budget. Then, there has been expression of opinion from various sections of the House that various measures of relief must be taken up by the Government and in my budget speech I have already suggested that although the present Government had no time to recast the budget which was in press, they are certainly considering the various useful schemes which they will place before the House and more supplementary demands for execution thereof. The province is certainly in need of money and that cannot be challenged. Whether this particular taxation measure which seeks to give 3½ lakhs of revenue to this province should be sent on circulation and thus delayed is a matter for the members of this House to decide, but in my opinion this tactics should not be adopted with regard to this measure at least. If there be any big Bill which will certainly touch larger classes of people, that will have to be circulated or that will have to be subjected to the criticism of the public and their opinion will certainly be ascertained, but this small measure of taxation, which is not

in any case revolutionary and which only adopts the principles accepted in the sister province of Bengal in most cases excepting one or two, should not be circulated for public criticism, which the hon'ble leader of the opposition suggests. I, therefore, think that his purpose will be served. If he makes a motion for circulating this Bill to a Select Committee where in the Bill may be subjected to a scrutiny clause by clause and some measure of agreement may be arrived at. The opposition members will have ample opportunity to place their view before the Select Committee and then the Select Committee will be competent to deal with it and if the Bill emerges out of the Select Committee without any great alteration, I think the House will be at liberty to consider it at a later stage if you, Sir, allot a further date for consideration of official Bills. With these observations, I am opposing the motion for circulating the Bill for eliciting public opinion thereon.

Dr. Sir GANESH DUTTA SINGH: Sir, I support the motion for circulation. It is rather an unusual thing to rush through a Bill for taxation. It is true, Sir, that in this Bill the Bengal Act has been mostly adopted and I may also inform the Hon'ble the Finance Minister that all other provinces also amended this Act. But he must think why this province did not do it, when all the provinces amended the Act. Sir, this province had an unusual financial difficulty more than once, pay of officers were reduced, including Ministers, Members and the Governor, but this Bill was not amended. The sum of Rs. 3½ lakhs was a very big amount. Education demand was reduced, Public Health demand was reduced, but still the Bill was not amended. There must be some good reason for this. Sir, you will find that the number of documents is on the increase. Because of dearth of money in the market people want to take loan, sell property and it would be very hard upon them to double the stamp duty. With the stamp duty, Sir, the registration fee is also increased. It has some relation with that. If the Hon'ble the Finance Minister refers to the Registration Report, he will find additional increase in all the provinces :—

Patna	..	..	..	17.6 per cent.
Gaya	..	..	..	14.2 "
Shahabad	..	..	..	13.3 "

(Increase in the number of registered documents):—

Tirhut—Saran	..	..	..	6.
Champanan	..	..	..	5.
Muzaffarpur	..	..	..	12.7
Darbhanga	..	..	..	10.6
Monghyr	...	..	..	6.2
Bhagalpur	..	..	..	8.6
Purnea	..	..	..	9.4

Sonthal Parganas 7—per cent (because it is generally considered that there are not many money-lenders):—

Hazaribagh	..	..	..	13
Ranchi	..	..	..	—6.9
Palamau	..	..	..	5.6
Manbhum	..	..	..	10.6
Singhbhum	..	..	..	31.5

I shall give you also the number of increase in the revenue. The revenue increased by 5 per cent and that 5 per cent gave you about 2½ lakhs. I think that will perhaps satisfy you when there is so much increase in the registration of documents. You should not put obstacles in the way by an increase in the stamp duty. By doing this you will perhaps get 3½ lakhs revenue, but you ought to see how it would be hard upon both the debtors and creditors. There is another factor which is not to be lost sight of. A very large number of tenants are executing documents and it would be very hard on them if they have to pay double stamp duty and registration fee. Their number is very large, more than a lakh of documents are executed by tenants alone. If it is circulated, what will be the harm? Most likely there will be a November session and this Bill is to come into force from January next, if it is circulated, opinion may be submitted within a month or so. There will be no harm. You will be ready by the end of October, so that it may be taken up in the November session and if it is passed, it may come into force from January. But public opinion Sir, should not be shut out. It is quite possible that people may have to submit their views, specially the officers who are in charge of the Registration Department and others like the District Magistrates and Commissioners. Sir, it is to their advantage to circulate the Bill, but it is of no advantage if public view is shut out. The money will not be put into the pocket of Government at once. There are still several months for them to wait. I see no harm in circulating the Bill. I have already submitted that the number of documents has increased and people are in great difficulty in getting money. Supposing, Sir, I want to borrow money. I settle with a money-lender and go to the court. Now I will have to pay more on account of stamp duty than what I am paying now. You should consider the case of debtors also and not only of Government revenue. I admit that Government revenue is a very important factor, but the condition of people is also to be considered. I again repeat, Sir, that Government must look to the fact why this Bill was not amended so long, while other provinces amended and my idea is that there is no harm in circulating the Bill.

Mr. MUHAMMAD SHAFI :

جناب صدر—جب کہ یہ لیا ٹیکس لگائے یا بڑھائے کا سوال پیش ہوتا ہے اس وقت فوراً یہ خیال پیدا ہوتا ہے کہ اس اضافہ سے ملک کو نائد ہوگا یا نقصان۔ خاص کر کے وہ ٹیکس جسکا اثر انسان کے متفرق شعبہ زندگی پر

پڑتا ہو۔ اس وقت یہ بھی خیال کرنے کی ضرورت ہوتی ہے کہ آیا تجویز شدہ ٹیکس کے علاوہ کوئی اور بہتر اور آسان طریقہ آمدنی میں اضافہ کر لیا جاسکتا ہے کہ نہیں Stamp Bill (جو زیر غور ہے) کے ذریعہ سے ۶۵ مدات پر ٹیکس بڑھانے کی تجویز ہے۔ یہ مدات ایسے ہیں جنکا تعلق یہاں کے مختلف طبقہ کے لوگوں سے ہے۔ اور انکا اثر انکے اقتصادی اور کاروباری زندگی پر پڑتا ہے۔ اس بل کے پاس ہو جانے پر قرضہ لینے والوں اور مجبوروں کو بھی زیادہ ٹیکس دینا ہوگا۔ مجبوری کی حالت میں قبائلیہ کرنے والے بھی اضافہ سے نہیں بچ سکتے ہیں۔ رہن اور گروپر ریڈ لینے والے اپنی تمام مجبوریوں کے بارجوں پر اس اضافہ سے نہیں بچ سکتے ہیں۔ اسوقت صحیح کہنا یہ ہے کہ اس بل کو جسکا اثر اسقدر وسیع ہو اس جلدی میں پاس نہ کرنا چاہئے۔ اسپر رائے عامہ لینے صرف قرین مصلحت ہی نہیں ہے بلکہ عین دانش مندی ہے اس ٹیکس کے اضافہ کا اثر کسانوں، تاجروں، انصاف چاہنے والوں اور دیگر کاروباریوں پر ہوگا۔ کیا ایسی صورت میں مناسب نہیں ہے کہ رائے عامہ سے فائدہ اڑھایا جائے۔ اسکے ذریعہ سے آپکو مختلف ماہریں کی رائے بھی ملیگی۔ میں نے مانا کہ اپ قوم کے نمائندہ ہیں لیکن کیا انکی خواہش کو دریافت کرنا کوئی غیر مناسب بات ہے۔ رائے عامہ کے جاننے کے لئے کوئی زیادہ دن تک انتظار نہیں کرنا پڑیگا۔ نومبر تک تو یہ بات ہو جاسکتی ہے۔ ایسی صورت میں اگر حکومت ترمیم کو قبول کرے تو کوئی نقصان نہ ہوگا۔ اگر حکومت نے ایسا کیا تو اسکا بہت بڑا فائدہ ہے ہوگا کہ اس مجلس قانون ساز کے ممبروں کو ان لوگوں کی رائے سے واقفیت ہو جائیگی جنپر اس قانون کا اثر پڑنے والا ہے۔ یہ ایک بیک ہملوگوں کے سامنے آیا ہے اسلئے اس التوا سے مزید غور کرنے کا موقع بھی ملیگا۔ میں حکومت کو یقین دلاتا ہوں کہ میری مخالفت خواہ مخواہ مخالفت کی غرض سے نہیں ہے بلکہ میں دیانت سے سمجھتا ہوں کہ رائے عامہ کے جاننے اور اسپر مزید غور کرنے کی ضرورت ہے۔ یہ نہیں کہا جاسکتا کہ Select Committee کے چند ممبران ہر نقطہ نظر سے واقف ہونگے۔ حقیقت تو یہ ہے کہ یہ بل Entertain-ment Bill کی طرح نہیں ہے۔ ہملوگوں نے Entertain-ment Bill کے پاس ہونے میں مدد کی کیونکہ اس میں مضمون صاف تھا اور اسکے لئے زیادہ غور کرنے کی اتنی ضرورت نہ تھی۔ لیکن یہ Stamp Bill ایسا نہیں ہے۔ اسکا اثر امیروں کے علاوہ غریبوں پر بھی پڑتا ہے۔ اسکا اثر انصاف پر پڑیگا۔

تجارت کاشتکاری اور متفرق قسم کے کاروبار پر ہوگا۔ اس لئے اسکے پاس کرانے میں اتنی جلدی نہ کی جائے اور سونچ بچار کر قدم رکھا جائے۔ مجھے امید ہے کہ حکومت ایک معمولی استدعا کو قبول کر کے قوم کو فائدہ پہنچانے کی کوشش کریگی۔

By what date it should have to be reported.

The Hon'ble the SPEAKER : The 30th October.

Mr. SAIYID RAFIUDDIN AHMAD RIZVI : Sir, I rise to oppose the amendment moved by Mr. Chandreshvar Prashad Narayan Sinha. The reasons for opposing the amendments are that ever since in this House we have been crying and condemning the budget presented to us, we wanted more money, we wanted, of course, Sir, a great deal of expenditure for the nation-building departments. We all know, Sir, that the sources for taxation unfortunately in this province are rather limited. We wanted, of course, Sir, and there is demand from almost every quarter that the excise ought to have been entirely abolished. In face of all those and particularly from that quarter the demand is that why the Congress Government have not given effect to their own programme of abolition. Now when that Government comes for taxation then of course, Sir, the matter is opposed and delayed. We know, we want money for the nation-building departments. We all know that there is no disagreement on this point. We have said and we have all expressed our opinion that we want, as soon as possible, free compulsory primary education. The point is how to achieve that. These are the ways and means which the Government have adopted and tried to get some money and for what, for education and for so many other things. The discussion, Sir, on this subject I do not think is rather of a useful character. We should all agree and pass the Bill. If there is any amendment with regard to a certain particular item the matter ought to be considered either in the Select Committee or on the floor of this House. At a later stage we should move amendment with regard to certain hardships and all that, not, of course, for delaying generally the consideration and passing of this Bill. I do not want to take time of the House any further on this point. I hope that the House will agree that the amendment should be withdrawn and the Bill should be taken into consideration and passed at a later stage.

Mr. SAIYID ALI MANZAR : I support the amendment moved by Sir Ganesh Datta Singh and Mr. Chandreshvar Prasad Narayan Sinha that the Bill should be sent for circulation. This Bill affects a large number of people and it is only in the fitness of things that public opinion should be elicited when important changes are to be made in some of the items. Sir, I find that the amounts have almost been doubled. And one class of people, that is the lawyers, have been seriously affected by this Bill. I find in the schedule that the amount has been increased from Rs. 500 to Rs. 700 for persons desiring to be admitted as advocates and

from Rs. 250 to Rs. 500 for persons who want to be enrolled as Solicitors. Of course, the last item does not affect anybody in this province because there is no system of Solicitors here, but certainly I submit that Rs. 700 is a very big amount and this is a matter which concerns a large number of people who join the profession of law. It is, Sir, an amount which cannot very well be paid by persons who are about to enter the threshold of this profession. For a junior lawyer to pay Rs. 700 in one lump sum I submit is a very big amount. Besides, there is no urgency why this Bill should be rushed through. Therefore my submission is that an opportunity should be given to the public to express their opinion on the changes that have been introduced in this Bill. I, therefore, Sir, support the amendment that the Bill be sent for circulation.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : May I know if it is the Government's last reply or some observations which the Hon'ble the Finance Minister wants to make? If the former, I may be given an opportunity to speak before Government make a reply.

The Hon'ble the SPEAKER : Certainly.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : There is not much to add except that only one argument has been raised both by the Government and one of the supporters of the Bill or I should say the opponents of my amendment, namely, that although for all purposes outwardly the budget may appear to be a surplus budget for all intents and purposes it should be considered to be a deficit budget because there are so many items of development and works of public welfare that have got to be taken up. Taxations are not luxuries. They are not undertaken under hypothetical conditions or because the Government may conceive or may have a wish to do hundred and one things and, therefore, this, that and other items of income should be enhanced and that taxation measure should be adopted. Those are not sound principles, in my opinion, of running a Government. I am not against measures of development. All that I claim is this. Let those measures be first approved by the House. Let them be approved by the people then you should try to raise money equal to your expenditure that you proposed. At present you have not got any clear cut scheme that you can present to the House. Then, Sir, I take objection to one word that has been used by the Finance Minister, namely, that this tactics should not be adopted. I personally think that he was very ill-advised to use this word. It is not good telling the opposition or the members who cannot always acquiesce in his views that some tactics with some ulterior motives is being adopted. This is, I think, a matter which the persons responsible for running the Government ought to know and ought, in my opinion, try to imbibe better habits of speaking. At any moment even if genuine motions come up before you, you may start feeling that there is nothing behind it except an effort to delay things. As a matter of fact, there is no intention on our part of delaying things but at the same time we cannot under any circumstances permit ourselves to be a party to a haphazard or hurried legislation and

the people of the province have claim to know what is going to be done, how it will affect them and what purpose it will serve. Unless these conditions have been satisfied, we cannot agree hurriedly to any programme that comes up only because it comes from Government benches. Now, so far as the principle is concerned, the necessity for circulation, I have had valuable support from the hon'ble Sir Ganesh Dutta Singh, Maulavi Shafi and others. I hope that all these things will be borne in mind by the Finance Minister and I hope he will have no difficulty in allowing the Bill to go for circulation and I assure him that there is no tactics underlying this. It is absolutely with a genuine motive of affording opportunity to the people outside for expression of opinion that this motion has been moved.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA : Sir, I waited to see if the feeling voiced by the Leader of the Opposition is shared by the various sections of this House. I find that he has not been supported in his motion by more than two or three hon'ble members, all of whom belong to the same party. I therefore do not believe that this desire is shared by a larger number of members of this House that the Bill should be circulated for eliciting public opinion. So far as his assurance about tactics is concerned I am glad to accept it though I did not suggest that he personally was prompted by any sordid motive. I give him credit for all that he has said, for the lofty principle he has enunciated, but the difficulty which I am feeling is rather of different nature. The arguments which Sir Ganesh Dutta Singh has adduced are quite good enough for the rejection of this Bill. I do not think that any better opinion or more considered opinion is likely to be placed before the House if the Bill is circulated for public criticism, because all arguments which could be adduced against the acceptance of my motion had been adduced and had been anticipated by at least two hon'ble members on the opposite side. If it is the intention of the opposition that the Bill should not be passed then they must say so plainly and candidly and I will certainly appreciate their desire, but so far as their demand to send the Bill for circulation is concerned and then wait for the result of the circulation, for further motions of delay, I am not in agreement. I feel convinced that the Government is in need of money. Although I have not placed any cut and dried scheme before the House, the House is aware that there are quite a number of schemes ready at hand but I am painfully aware that we have not got any money at our disposal to give effect to any one of the numerous schemes which the House has indirectly accepted and I am sure the House will never object to their adoption. It is the dire need of money which stands in the way of executing them. It is no good urging that since the Government have not placed before the House any cut and dried scheme they are not in need of any money for expenditure. I think the Leader of the Opposition realises it as well as any other hon'ble member of this House that for want of money no scheme of nation-building character can be introduced or can be given effect to. During budget discussion most of the hon'ble members of this House have made one or other suggestion and I think

they have not forgotten that each one of the major suggestions which they have made will cost a very considerable sum to the Government but they have not taken care to suggest from where the money is to come. They have suggested that some retrenchment is called for but they have given me no idea as to the result of saving from these retrenchments. I have already made it absolutely clear that the retrenchments will not bring a very large amount of money to the Government. The retrenchments are also not open in many directions; still the hon'ble member now suggests that the Government does not require more money at the present moment and therefore no measure of taxation should be passed in the House. I am not in favour of passing any measure in haste. I may here tell you that the *interim* Ministry when they were in office considered this measure on not only one occasion but on several occasions and they decided that this measure should be adopted. We have done nothing more but to pursue it from the point where they left it about the introduction and passing of these measures. Of course, the money which is likely to come to the Government is not very large from the point of view of the large expenditure which it will have to undergo in pushing through any one of the new schemes which is the unanimous desire of the House to adopt. It is true that this measure may require consideration from various points of view. The hon'ble Mr. Manzar has suggested that there are certain items in which the duty has been raised to a very large figure, in his opinion, to an exorbitant figure. But these points can be considered and can be decided upon by a much less cumbersome procedure than sending the Bill for eliciting public opinion, and if any motion is made on the floor of the House that this measure should be subjected to such scrutiny and criticism, I am certainly on behalf of Government here to assure the House that that step will be acceptable to us. But short of that I am not prepared to send this measure to the public for their criticism with a view to considering this measure at the next session of the House. I do not propose to anticipate the course of business which the hon'ble members will have to consider, but I may tell them that there are a few more important and comprehensive Bills which will be introduced and which will demand more serious and urgent attention of every section of the House than this small measure of taxation. I therefore wish them to reserve their energies for examining those comprehensive measures which are bound to come up before the House in the near future. I would therefore request them not to be side-tracked by this small measure, which after all is no new innovation and is in consonance with similar measures adopted in a sister province.

Then Sir Ganesh Dutta Singh has said that this measure was before the late Government but no Bill was thought proper to be introduced. It is true that no Bill was introduced but the measure was before Government all the same since 1924. This popular House cannot at the present moment ignore the desire of the people to give relief to them in various directions. The previous Legislative Councils could ignore the wishes of the people because the constitution was not as popular as it is to-day. I am sure therefore if the previous Government did not care

to bring forward this measure before the Legislative Councils it was because they were not so much connected with the larger public outside which did not affect their existence in the House. To-day the position is entirely changed. Every member who is here to-day has been elected on a more extensive franchise and is much more conscious of his responsibilities to his constituents than our predecessors were. In view of this fact also we cannot neglect or omit to take account of the desire of the larger public outside. I am sure if the Bill is circulated it will be sent back with the fullest support from the larger public whom any popular Government is bound to serve. In that view of the matter I consider that this motion for eliciting public opinion is not justified. But if a motion for reference to select committee will be made, Government will certainly consider that motion favourably.

The Hon'ble the SPEAKER : The original question was :

That the Bihar Stamp (Amendment) Bill, 1937, be taken into consideration.

Since which an amendment has been moved :

That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th October, 1937.

The question I now put is :

That the Bill be so circulated.

The House then divided as follows :

AYES 36.

Mr. Abdul Jalil.

Mr. Shaikh Muhammad Husain.

Mr. Muhammad Salim.

Khan Bahadur Saghirul Haqq.

Khan Sahib Muhammad Yakub.

Mr. Muhammad Abdul Majeed.

Mr. Shaikh Shafiqul Haqq.

Mr. Saiyid Muhammad Minnatullah.

Mr. Muhammad Mahmud.

Chaudhuri Sharafat Husain.

Mr. Sharf-ud-din Hasan.

Mr. Shaikh Ziaur Rahman.

Mr. Muhammad Shafi.

Mr. Tajamul Husain.

Mr. Muhammad Yunus.

Dr. Sir Ganesh Dutta Singh.

Qazi Muhammad Ilyas.

Mr. Muhammad Latifur Rahman.

Bara Lal Kandarp Nath Shah Deo.

Maharaj Kumar Rajkishore Nath
Shah Deo.

Mr. Muhammad Tahir.

Mr. J. Richmond.

Mr. Muhammad Qasim.

Mr. Gulu Dhopa.

Mr. Ignés Beck.

Mr. Boniface Lakra.

Mr. Chandreshvar Prashad
Narayan Sinha, C.I.E.

Lady Anise Imam.

Mr. Saiyid Ali Manzar.

Mr. Saiyid Najmul Hasan.

Mr. Devendra Nath Samanta.

Mr. Surya Mohan Thakur.

Mr. Shaikh Fazlur Rahman.

Mr. Zainuddin Husain Meerza.

Mr. Shaikh Ramzan Ali.

Mr. Kumar Ajit Prashad Singh Deo.

NOES 94.

The Hon'ble Mr. Shri Krishna Sinha.

The Hon'ble Mr. Anugrah Narayan Sinha.

The Hon'ble Mr. Jaglal Chaudhury.

Mr. Krishna Ballabh Sahay.

Mr. Jagat Narayan Lal.

Mr. Sarangdhar Sinha.

Mr. Binodanand Jha.

Mr. Shivanandan Prashad Mandal.

Mr. Jimut Bahan Sen.

Mr. Jagjiwan Ram.

Mr. Sayeedul Haqq.

Mr. Shyam Narayan Singh.

Srimati Saraswati Devi.

Srimati Sharda Kumari Devi.

Dr. Raghunandan Prashad.

Mr. Vindheyshvari Prashad Varma.

Mr. Jamuna Karjee.

Mr. Abdul Bari.

Mr. Birendra Bahadur Sinha.

Mr. Harikishore Prashad.

Mr. Harihar Sinha.

Mr. Prabhunath Sinha.

Mr. Hargobind Misra.

Pandit Gupteshwar Pandey.

Mr. Budhan Rai.

Mr. Indra Dewan Saran Singh.

Mr. Shyam Nandan Sinha.

Pandit Sheel Bhadra Yajee.

Mr. Bundi Ram.

Mr. Deep Narayan Sinha.

Mr. Ramcharitra Singh.

Kumar Kalika Prasad Singh.

Mr. Harivans Sahay.

Mr. Vishwanath Singh.

Thakur Ramnandan Sinha.

Ramashis Thakur.

Mr. Biresh Dutta Sinha.

Mr. Dwarka Nath Tiwari.

Mr. Narayan Prashad Sinha.

Mr. Shiveshvar Prasad

Narayan Sinha Sharma.

Mr. Rameshvar Prasad Sinha.

Mr. Gorakh Prashad.

Mr. Ganesh Prashad.

Pandit Baidyanath Misra.

Mr. Ram Basawan Rabidas.

Mr. Balgobind Bhogat.

Mr. Shivanandan Ram.

Mr. Mahesh Prashad Sinha.

Mr. Jamuna Prashad Sinha.

Mr. Rajeshvar Prashad Narayan Sinha.

Mr. Ohaturanan Das.

Mr. Nirapada Mukharji.

Mr. Pramatha Bhattasali.

Mr. Rajendra Narayan Chaudhuri.

Mr. Suryyanandan Thakur.

Mr. Ramcharan Sinha.

Mr. Brahmadeo Narayan Singh.

Pandit Mewalal Jha.

Mr. Shivadhari Sinha.

Mr. Upendra Mohan Das Gupta.

Mr. Tika Ram Majhi.

Mr. Rasika Ho.

Mr. Ahmad Ghafoor.

Mr. Rajendra Misra.

Mr. Sukhlal Singh.

Mr. Karu Dusadh.

Mr. Ramdin Tiwari.

Mr. Kishori Lal Kundu.

Mr. Dheer Narayan Chand.

Mr. Budhinath Jha.

Mr. Bhagban Chandra Das.

NOES 94—concl'd.

Mr. Hopna Santal.
 Mr. Charan Murmu.
 Mr. Debu Murmu.
 Mr. Brijlall Dokania.
 Mr. Ram Bhagat.
 Mr. Hafiz Zafar Hasan.
 Mr. Jadubans Sahay.
 Mr. Ram Prasad.
 Mr. Sukhari Ram Madhubrat.
 Mr. Jugal Kishore Narayan Sinha.
 Mr. Brijnandan Sahl.
 Mr. Keshvar Ram.

Mr. Sunder Pasi.
 Mr. Barsu Chamar.
 Mr. Purna Chandra Mitra.
 Mr. Rajkishore Sinha.
 Mr. Khetra Nath Sen Gupta.
 Mr. Jitu Ram.
 Mr. Chakreshvar Kumar Jain.
 Mr. Saiyid Rafiuddin Ahmad Rizvi.
 Mr. Munindra Nath Mookherji.
 Mr. Hafiz Shaikh Muhammad Sani.
 Mr. Natha Ram.

The motion was negatived.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA: Sir, I have no objection to the Bill being referred to a Select Committee. May I know from the Leader of the Opposition the names of the members of his party who will be on the Select Committee?

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA: Sir, one of the main reasons for moving the amendment was to give the public an opportunity to judge the merits of the measure. A very large number of people on this side have spoken. You have seen how many of this side have voted with you and it is now for you to decide. On principle we are opposed to it and I do not think any useful purpose will be served by our being on the select committee.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA: Sir, when I received notice of this amendment I was under the impression that if this amendment is not accepted, the Hon'ble the Leader of the Opposition would be willing to suggest names from his party to serve on the Select Committee. But if the Leader of the Opposition is not in a mood to participate in the further stages of the consideration of the Bill and has adopted an attitude of non-co-operation, it will of course, devolve on Government to move a motion to refer the Bill to a select committee. If any member on the opposite side chooses to move a motion for referring the Bill to a select committee, I on behalf of Government shall at once accept it. But if they do not choose to move it, I think some other member of my party will move formally that the Bill be referred to a select committee and, I hope, the opposition will not non-co-operate even on that motion, and agree to serve on the committee and suggest the names of the members of their party whom they want to be on the committee.

Mr. SAHYED ALI MANZAR: Sir, it is an absolute farce to be on the committee. This procedure shows that the Treasury Benches have no feeling for the public opinion of which they allege to be champions. I submit that the sending of the Bill to a select committee will be a farce and as far as my party is concerned we do not desire to take any part in the further proceedings.

Mr. MUHAMMAD YUNUS: Sir, may I explain my position and the position of my party? As references have been made that this is a Bill which was prepared by the *interim* Ministry and, therefore, that Ministry or the members of that Ministry are committed to the principles of the Bill, it may appear at first to be a strong point to press against those who were the members of the former Cabinet. The position, Sir, is that the *interim* Ministry realised its limitations. They also knew that this Bill will have to be presented before the House and they will abide by the decision of the members who do not belong to their party (*Hear, hear*). They were not in such strength that they could defy the members of other parties and they could not with any force refuse to accede to any request for circulation. This question would have arisen when the Bill would have been presented before the House and therefore by no force of argument it could be said that if they conceded the point in favour of the present opposition that the Bill may be circulated, they are inconsistent with their position and I feel sure that they themselves would have accepted the motion for circulation. But as I have said on more than one occasion, we do not believe either in the creed of going to jail or non-co-operation. So we are prepared to co-operate and help the Government.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA: Sir, then the position is that they are not going to move the motion for referring the Bill to a select committee. I will certainly expect the members opposite to suggest the names of members whom they propose to send on the select committee and whose names I may include in the motion.

Mr. HARIKISHORE PRASHAD: Sir, I rise to move :

That the Bihar Stamp (Amendment) Bill, 1937, be referred to a Select Committee.

With regard to the observations that the Bill has not been circulated, I may submit that if that was the genuine desire then there ought not to have been any objection to serve on the select committee because they would have got the opportunity of criticising and examining each and every clause of the Bill. Therefore the attitude that the hon'ble members opposite have taken is anything but desirable and I think they ought to have come forward to serve on the select committee. We are glad, Sir, that Mr. Yunus has consented to be on the said committee. Some names should be given by him and on behalf of Government those names will be included.

Mr. Yunus should now give some names to be put on the Select Committee. On behalf of the Congress Government I give the following names :—

1. Mr. Jamuna Prasad Sinha,
2. Mr. Indra Dewan Saran Singh,
3. Mr. Hafiz Zafar Hasan,
4. Mr. Jagat Narayan Lal,
5. The Hon'ble Mr. Anugrah Narayan Sinha, and
6. Myself.

The Hon'ble Mr. ANUGRAH NARAYAN SINHA: The Bill may be referred to a Select Committee, consisting of the members proposed by Mr. Harikishore Prashad. But I would like four names may be suggested by members of the non-Congress parties.

The Hon'ble the SPEAKER: There are three groups—Coalition Party, Independent-Ahrar Party and No Party. Out of these groups four names may be given after lunch.

(Interval for lunch.)

ELECTION OF TWO MEMBERS ON THE BOARD OF INDUSTRIES.

The Hon'ble the SPEAKER: The Assembly will now proceed to elect two members on the Board of Industries. Three names were received as below :—

1. Mr. Saiyid Najmul Hasan,
2. Mr. Dip Narayan Sinha,
3. Mr. Hafiz Zafar Hasan.

Mr. Saiyid Najmul Hasan having since withdrawn his candidature, there are only two names left :—

1. Mr. Dip Narayan Sinha,
2. Mr. Hafiz Zafar Hasan,

and they are duly elected.

LEGISLATIVE BUSINESS.

THE BIHAR STAMP (AMENDMENT) BILL, 1937 (BILL No. 6 OF 1937)—(contd.).

Mr. HARIKISHORE PRASHAD: Sir, they have decided the names of the members to be put on the Select Committee. I beg to submit that my motion now consists of two parts :—

(a) That the Bihar Stamp (Amendment) Bill, 1937, be referred to a Select Committee, with directions to submit its report before the 16th September 1937.