

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES—

Thursday, the 4th March, 1948.

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

The Assembly met in the Assembly Chamber at Patna on Thursday, the 4th March, 1948, at 11 A. M., the Hon'ble Mr. Vindhyeshwari Prasada Varma in the Chair.

QUESTIONS AND ANSWERS.

COMPENSATION TO PUBLIC INSTITUTIONS IN THE SUB-DISTRICT OF SAHARSA.

***38. Mr. RAJENDRA MISRA :** Will the Hon'ble the Prime Minister be pleased to state—

(a) whether any representation from the authorities of some public institutions of the sub-district of Saharsa for compensation for the loss sustained by them during the 1942 movement is pending with Government;

(b) if the answer to clause (a) be in the affirmative, action taken in the matter;

(c) the names of the institutions in the said sub-district which have been granted compensation?

The Hon'ble Dr. SRI KRISHNA SINHA : (a) The answer is the negative.

(b) The question does not arise.

(c) Two public institutions namely, Thana Congress Committee Murliganj, police-station Murliganj and Rachnatmak Committee commonly known as Charkha Sangh, Saifabad, police-station Bangaon, have been granted a compensation of Rs. 2,673 and Rs. 665, respectively.

PROVINCIALISATION OF THE KAMALA-GODBOLE KANYA PATHSHALA.

39. Mr. JADUBANS SAHAY : (a) Whether it is a fact that there is no high school for girls in the district of Palamau;

(b) whether it is a fact that Government have decided to take over the management of the Kamala-Godbole Kanya Pathshala at Daltonganj as proposed high English school;

*In the absence of the questioner, the answer was given at the request of Mr. Harinath Mishra

DELAY IN ANSWERING QUESTIONS

Mr. SIRIS GHANDRA BANERJEE: Sir, I beg to rise on a point of information, and this information which I seek is very necessary. Sir, I beg to bring to your notice that the questions which I sent to office long before the session have not yet been answered. I draw your kind attention to this fact that this undue delay in giving answers to questions is in a sense only a protection to the officers concerned. By such methods neither the Government, nor the members, nor the public are benefited. I know, it is a long process through which the members have established their right to put questions.

Another point to which I would like to draw your attention is that this system of putting questions and getting answers was brought into effect during the regime of the bureaucratic system of Government.....

The Hon'ble the SPEAKER: Order, order. This is not the time for an essay on the origin of interpellations. I thought the Hon'ble member was going to urge something more important than the item before the House and therefore I allowed the hon'ble member to speak. If the hon'ble member should resort to the right method of eliciting information. For such a question not only the Hon'ble Minister requires notice but also the Speaker.

Mr. SIRIS CHANDRA BANERJEE: It is in the last report that I appeal to you about it.

The Hon'ble the SPEAKER: This is not the method of appealing. The Hon'ble member ought to have asked me in writing, on which I would have asked the office to report, and the information would have thus been made available to the hon'ble member.

Mr. SIRIS CHANDRA BANERJEE: But I submit, Sir.....

The Hon'ble the SPEAKER: Order, order. The Hon'ble member, I am sorry to say, has taken a wrong step.

LEGISLATIVE BUSSINESS NON-OFFICIAL BILLS.

THE BIHAR MONEY LENDERS (REGULATION OF TRANSACTIONS
AMENDMENT) BILL, 1918.

SARDAR HARIHAR SINGH: I do not propose to move the Bill.

THE BIHAR TENANCY (FIRST AMENDMENT) BILL 1948, (BILL NO. 13 OF 1948)

Mr. BASUDEVA PRASAD SINHA: Sir, I beg leave to introduce the Bihar Tenancy (Amendment) Bill, 1948.

The Hon'ble the SPEAKER: The question is:

That leave be granted to introduce the Bihar Tenancy (First Amendment) Bill 1948.

The motion was adopted.

Mr. BASUDEVA PRASAD SINHA: Sir, I beg to introduce the Bihar Tenancy (First Amendment) Bill 1948.

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

Mr. RAMCHARAN SINHA:

सभापति जी, मैं एक बात दरयाफ्त करना चाहता हूँ। जो बिल हमारे मित्र पेश कर रहे हैं उससे मैं सहमत हूँ और चाहता हूँ कि इस किस्म के अच्छे अच्छे कानून पेश हों ताकि रैयतों की भलाई हो। लेकिन क्या इसके लिए गवर्नर या गवर्नर जनरल की मंजूरी ले ली गई है?

The Hon'ble the SPEAKER:

क्या इसके लिए जरूरत है?

Mr. SARANGDHAR SINHA:

किस नियम के अनुसार आवश्यक है?

The Hon'ble the SPEAKER:

आनरेबुल मेम्बर बतलावें कि Sanction क्यों जरूरी है?

Mr. RAMCHARAN SINHA:

इस बिल की धाराओं में सिविल प्रोसीड्योर कोड के आर्टिकल ३४ रूल ५ का जिक्र आता है। इस कानून के जरिये से यह सब संशोधन (Amendment) हो जाता है।

The Hon'ble the SPEAKER:

आप बिल का क्लोज बतलाइए।

Mr. RAMCHARAN SINHA:

मैं सेक्शन दो की बात कह रहा हूँ। लिखा है कि...

"For sub-section (2) the following sub-sections shall be substituted, namely:—

(2) Notwithstanding anything contained in any law for the time being in force, or any agreement, or order, if after the tenure or holding passed into the possession of the mortgagee under the provisions of this section and during

the continuance of his possession, the mortgagee having obtained a decree for sale of the tenure or holding or a portion of the tenure or holding, or partly of the tenure or holding or a portion thereof and partly of some other security, under sub-rule (3) of rule 5 or sub-rule (3) of rule 8 of order XXXIV of the First Schedule to the Code of Civil Procedure, 1908, has put the same into execution, or.....”

इसका माने यह हुआ कि वह दफा या तो Amended हो जाती है या Repeal हो जाती है।

Mr. SARANGDHAR SINHA:

गवर्नमेन्ट आफ इंडिया ऐक्ट के किस दफा के अनुसार ?

Mr. RAMCHARAN SINHA:

दफा १०८ (Government of India Act) के मुताबिक।

The Hon'ble the SPEAKER:

वह तो Repealed हो गई। दूसरी कोई दफा बतलाइए।

Mr. RAMCHARAN SINHA:

मैं उसी दफा के मुताबिक कह रहा था। वह Repeal हो गई तब तो कुछ कहना नहीं है।

The Hon'ble the SPEAKER:

तब आप की आपत्ति ठीक नहीं है।

Mr. RAMCHARAN SINHA:

मैं अपनी आपत्ति वापस ले लेता हूँ।

The Hon'ble Mr. RAMCHARITRA SINHA: There are other sections.....

The Hon'ble the SPEAKER: The Hon'ble Minister has the right to rise on a point of order. May I know what are the other sections?

The Hon'ble Mr. RAMCHARITRA SINHA: Sections 109, 226 require previous sanction. The Chair may examine whether these sections apply. If they do not apply then previous sanction is not required.

The Hon'ble the SPEAKER: Has the hon'ble member over there studied the point further?

Section 109 says: “(1) Where under any provision of this Act the previous sanction or recommendation of the Governor—General or of a Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation

shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any power conferred upon him by this Act with respect to the withholding of assent to, or the reservation of Bills.

(2) No Act of the Dominion Legislature or a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation was not given, if assent to that Act was given.

(a) Where the previous sanction or recommendation required was that of the Governor, either by the Governor, by the Governor—General.

(b) Where the previous sanction or recommendation required was that of the Governor—General, by the Governor—General.”

If it at all comes under section 109 the point may be raised later on also. At present I pass over this point.

THE BIHAR TENANCY (SECOND AMENDMENT) BILL,
1948 (BILL NO 10 OF 1948)

*Mr. JAMUNA PRASHAD SINGH: Sir, I beg leave to introduce the Bihar Tanancy (Second Amendment) Bill, 1948.

The Hon'ble the SPEAKER:

अभी श्री वासुदेव प्रसाद सिनहा ने जो बिल पेश किया है उसका भी यही नाम है।

Mr. JAMUNA PRASAD SINHA:

वह दूसरी चीज है। यह टेन्योर होल्डर के मुतल्लिक है।

The Hon'ble the SPEAKER:

तब इसको सेक्रेण्ड अमेण्डमेण्ट बिल कर देना चाहिए। नहीं तो दोनों में भेद नहीं रहेगा।

Mr. JAMUNA PRASAD SINGH:

जी हाँ।

The Hon'ble the SPEAKER: The question is:

That leave be granted to introduce the Bihar Tenancy (Second Amendment) Bill, 1948.

The motion was adopted.

Mr. JAMUNA PRASAD SINGH: Sir, I beg to introduce the Bihar Tenancy (Second Amendment) Bill, 1948.

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

Item No 13.

THE BIHAR MONEY LENDERS (REGULATIONS OF TRANSACTIONS
AMENDMENT) BILL, 1948

Mr. JHULAN SINHA:

स्पीकर साहब, मुझे मालूम हुआ है कि इस तरह का कोई बिल सरकार की ओर से पेश होनेवाला है, इसलिए मैं इसे पेश नहीं करना चाहता हूँ।

THE BIHAR PREVENTION OF BEGGARY BILL 1948 (BILL NO. 14 OF 1948)

Mr. MAHESH PRASAD SINHA: Sir, I beg leave to introduce the Bihar Prevention of Beggary Bill, 1948.

The Hon'ble the SPEAKER: The question is:

That leave be granted to introduce the Bihar Prevention of Beggary Bill, 1948.

The motion was adopted.

Mr. MAHESH PRASAD SINHA: Sir, I beg to introduce the Bihar Prevention of Beggary Bill, 1948.

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

THE BIHAR DOWRY RESTRAINT BILL, 1948 (BILL NO. 12 OF 1948)

Srimati SUNDAR DEVI: Sir, I beg leave to introduce the Bihar Dowry Restraint Bill, 1948.

The Hon'ble the SPEAKER: The question is:

That leave be granted to introduce the Bihar Dowry Restraint Bill, 1948.

The motion was adopted.

Srimati SUNDER DEVI: Sir, I beg to introduce the Bihar Dowry Restraint Bill, 1948.

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

THE BIHAR TENANCY (THIRD AMENDMENT) BILL, 1948 (BILL NO. 11 OF 1948)

Mr. MAHESH PRASAD SINHA: Sir, I beg leave to introduce the Bihar Tenancy (Third Amendment) Bill, 1948.

The Hon'ble the SPEAKER: The question is:

That leave be granted to introduce the Bihar Tenancy (Third Amendment) Bill, 1948.

The motion was adopted.

Mr. MAHESH PRASAD SINHA: Sir, I beg to introduce the Bihar Tenancy (Third Amendment Bill, 1948.

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

THE BIHAR TENANCY (SECOND AMENDMENT) BILL, 1948 (BILL NO. 10 OF 1948)

Mr. JAMUNA PRASAD SINGH: Sir, before I formally move for the consideration of the Bihar Tenancy (Second Amendment) Bill, 1948, I have to seek your permission, Sir, to

refer this Bill to a Select Committee. The position is this. There are three amendments to the Bihar Tenancy Bill, 1948, before the House. We have agreed that all the three amendment Bills be referred to one common select committee for consideration of the Bills and for that, Sir, I seek your permission.

Mr. JAMUNA PRASAD SINGH:

इस बिल को सिलेक्ट कमिटी में भेजने के लिए आपकी इजाजत माँगता हूँ।

The Hon'ble the SPEAKER:

इसकी इजाजत नहीं मिलेगी।

Mr. JAMUNA PRASAD SINGH:

I now beg to move: That the Bihar Tenancy (second Amendment) Bill, 1948, betaken into consideration.

मैं इस प्रस्ताव को पेश करता हूँ और जब संशोधन पेश होगा तो इसको सिलेक्ट कमिटी में भेजने के लिए आपकी इजाजत माँगूँगा। इस बिल के Statement of objects and reasons में जो लिखा हुआ है उससे ज्यादा मुझे इस समय कहना नहीं है। इस प्रस्ताव पर विचार किया जाय।

***Mr. PRABHUNATH SINHA:**

माननीय स्पीकर साहब, अभी टिनेन्सी के ऊपर तीन बिल पेश किये गये हैं। मैं यह संशोधन पेश करना चाहता हूँ कि इन तीनों बिल के लिए एक Common select कमिटी बनायी जाय।

The Hon'ble the SPEAKER:

तीनों अलग २ पेश किये गये हैं और तीनों के लिए सिलेक्ट कमिटी का प्रस्ताव अलग २ होना चाहिए। इसलिए तीनों के लिए अलग २ प्रस्ताव पेश होगा।

Mr. PRABHUNATH SINHA:

हमारा सुझाव यह है कि अलग सिलेक्ट कमिटी न कर एक Common-Select Committee तीनों के लिए हो।

The Hon'ble the SPEAKER:

Order, Order, अभी जो प्रस्ताव पेश किया गया है वह यह है कि—
The bill may be taken into consideration.

सिलेक्ट कमिटी में भेजने का प्रस्ताव अभी नहीं पेश हुआ। पहले प्रस्ताव पेश होना चाहिए।

Mr. PRBHUNATH SINHA:

मैं पेश करता हूँ कि इस बिल को सिलेक्ट कमिटी में भेज दिया जाय।

Mr. RAMESHAR PRASAD SINHA: (Congress)

जनाब स्पीकर साहब, मेरा विचार यह है कि अभी जो सिलेक्ट कमिटी में भेजने का मोशन है उसी के साथ यह भी तै हो कि और भी दो बिल (Bill) जो इससे मिलते जुलते हैं उनको भी इसी सिलेक्ट कमिटी में भेज दिया जाय।

The Hon'ble the SPEAKER:

आगे क्या होगा इसको हम Anticipate नहीं कर सकते हैं।

Mr. SARANGDHAR SINHA: May I say a word, Sir ? This Bill may be referred to the same Select Committee if the motion is adopted.

Mr. JAMUNA PRASAD SINGH: I accept the amendment moved by Mr. Prabhu Nath Sinha.

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

That the Bihar Tenancy (Second Amendment) Bill, 1948, be taken into consideration".

Since which an amendment has been moved.

That the Bihar Tenancy (Second Amendment) Bill, 1948, be referred to a Select Committee.

The question now is:

That the Bihar Tenancy (Second Amendment) Bill, 1948, be referred to a Select Committee,

The motion was adopted.

Mr. PRABHU NATH SINHA: Sir, I beg to move:

That the select Committee to which the Bihar Tenancy (Second Amendment) Bill, 1948, has been referred do consist of the following members with instructions to report by the 31st July 1948:—

1. The Hon'ble Dr. Sri Krishna Sinha,
2. The Hon'ble Dr. Anugrah Narayan Sinha,
3. The Hon'ble Mr. Krishna Ballabh Sahay,
4. Mr. Mahesh Prashad Sinha,
5. Mr. Jamuna Prasad Singh,
6. Mr. Basudeva Prasad Sinha,
7. Mr. Dip Narayan Sinha,
8. Mr. Phulan Prasad Varma,
9. Mr. Shiva Nandan Prasad Mandal,
10. Mr. Jagdish Narayan Sinha,

11. Mr. Jhulan Sinha,
12. Mr. Bhagwat Prasad,
13. Mr. Jadubans Sahay,
14. Mr. Lakshmi Narayan Sudhanshu,
15. Mr. Deva Saran Singh,
16. Mr. Bir Chandra Patel,
17. Mr. Gupta Nath Singh,
18. Mr. Shiva Nandan Ram,
19. Sardar Harihar Singh,
20. Mr. Syamnandan Sahaya,
21. Mr. Rameshwar Prasad Singh (Gaya),
22. Mr. Bandi Ram Vraon,
23. Mr. Latifur Rahman,
24. Mr. Muhammad Abdul Ghani,
25. Mr. Manzoor Hussain,
26. Sir Chandreshwar Prasad Narain Sinha, and
27. The Mover.

The Hon'ble the SPEAKER: The question is:

That the Select Committee to which the Bihar Tenancy (Second Amendment) Bill, 1948, has been referred, do consist of the following members with instruction to report by the 31st July 1948.

1. The Hon'ble Dr. Sri Krishna Sinha,
2. The Hon'ble Dr. Anugrah Narayan Sinha,
3. The Hon'ble Mr. Krishna Ballabh Sahay,
4. Mr. Mahesh Prashad Sinha,
5. Mr. Jamuna Prashad Singh,
6. Mr. Basudeva Prasad Sinha,
7. Mr. Dip Narayan Sinha,
8. Mr. Phulan Prasad Varma,
9. Mr. Shivanandan Prasad Mandal,
10. Mr. Jagdish Narayan Sinha,
11. Mr. Jhulan Sinha,
12. Mr. Bhagwat Prasad,
13. Mr. Jadubans Sahay,
14. Mr. Lakshmi Narayan Sudhanshu,
15. Mr. Deva Saran Sinha,
16. Mr. Bir Chandra Patel,
17. Mr. Gupta Nath Singh.
18. Mr. Shiva Nandan Ram,
19. Sardar Harihar Singh,
20. Mr. Syamnandan Sahaya,
21. Mr. Rameshwar Prasad Singh (Gaya).

22. Mr. Bandi Ram, Uraon,
23. Mr. Latifur Rahman,
24. Mr. Muhammad Abdul Ghani,
25. Mr. Manzoor Hussain
26. Mr. Chandreshwar Prasad Narain Sinha, and
27. Mr. Prabhunath Sinha.

The motion was adopted.

THE BIHAR TENANCY (THIRD AMENDMENT) BILL, 1948 (BILL NO. 11 1948)

Mr. MAHESH PRASAD SINHA: Sir, I beg to move:—

That the Bihar Tenancy (Third Amendment) Bill, 1948, be referred to the same Select Committee to which the Bihar Tenancy (Third Amendment) Bill, 1948, has been referred.

The Hon'ble the SPEAKER: The question is:

That the Bihar Tenancy (Third Amendment) Bill, 1948, be referred to the same Select Committee to which the Bihar Tenancy (Second Amendment) Bill, 1948, has been referred.

The motion was adopted.

THE BIHAR DOWRY RESTRAINT BILL, 1948 (BILL NO. 12 1948)

Srimati SUNDER DEVI: Sir, I beg to move:

That the Bihar Dowry Restraint Bill, 1948, be referred to a Select Committee.

The Hon'ble the SPEAKER: Does the hon'ble member want to move an amendment ?

Srimati SUSHAMA SEN: Yes, Sir.

The Hon'ble the SPEAKER: Where is the copy of the amendment ?

Srimati SUSHAMA SEN: With your permission I wanted to move an amendment, Sir.

The Hon'ble the SPEAKER: An amendment is already here in my hands. I have asked the hon'ble member concerned to move that amendment. If Srimati Sushama Sen desires to move any amendment, she may send me a notice of it and I will consider whether it is in order or not.

Srimati SUSHAMA SEN : I will do that, Sir.

Mr. TARANAND SINHA: Sir, I beg to move:

That the Bihar Dowry Restraint Bill, 1948, be circulated for eliciting opinion thereon by the 31st October, 1948.

Sir, this is the first time that one of our lady colleagues in this House has moved a Bill and it was not in the fitness of things that I should have opposed her motion for referring it to a Select Committee. But, Sir, on going