

# THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

*Wednesday, the 5th June 1946.*

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

The Assembly met in the Assembly Chamber at Patna on Wednesday, the 5th June, 1946, at 11-30 A.M., the Hon'ble the Speaker, Mr. Vindhyeshwari Prasad, Varma, in the Chair.

## QUESTIONS AND ANSWERS.

**SHIFTING OF THE SUBDIVISIONAL HEADQUARTERS OF RAJMAHAL TO SAHIBGANJ.**

**24. Dr. SACHCHIDANANDA SINHA :** Will the Hon'ble the Prime Minister be pleased to state if it is a fact—

(a) that one of the subdivisional headquarters in the Santal Parganas district was lately removed from Rajmahal to Sahibganj; and if so, when;

(b) whether he is aware that the removal of the headquarters to Sahibganj has been the subject-matter of protest, in the press, by some leading citizens of Rajmahal;

(c) is the Hon'ble the Prime Minister in a position to declare that the question of the transfer of the headquarters was duly considered by Government, by the public of Rajmahal being taken into confidence; and if so, by whom, and when;

(d) if no such action was taken by Government at that time, does the Hon'ble the Prime Minister propose to get the question examined by a committee composed of persons duly qualified to advise Government; if not, why not?

**The Hon'ble Mr. SRI KRISHNA SINHA :** (a) The answer is in the affirmative. It was moved on 1st January 1945.

(b) The answer is in the affirmative.

(c) The decision to transfer the headquarters to Sahibganj was taken after a personal visit of H. E. Sir Thomas Rutherford to the subdivision to examine the question.

**LEGISLATIVE BUSINESS.****THE BIHAR LEGISLATURE (MEMBERS' SALARIES AND ALLOWANCES)  
AMENDMENT BILL, 1946 (NO. 6 OF 1946).**

**The Hon'ble the Speaker :** Now, we take up the Bill left over yesterday. Yesterday it was moved by the Hon'ble the Prime Minister that the Bihar Legislature (Members' Salaries and Allowances) Amendment Bill, 1946, be taken into consideration. Discussions were in progress. They are resumed.

**Mr. Tajamul Husain :** I believe, there are some amendments which should be moved first.

**The Hon'ble the Speaker :** The amendments can be taken up after the motion is passed.

**Mr. Saiyid Amin Ahmad :** Mr. Speaker, Sir, times without number it has been my most painful duty to point out that the professions of my hon'ble friends opposite and their practices, their words and their deeds, their sayings and their doings represent the two poles of the earth. We have heard our hon'ble friend opposite, I mean the Hon'ble the Prime Minister of Bihar, referring to Gandhiji as the Prophet of the Twentieth Century. We on this side of the House do not subscribe to this view. Gandhiji is a very great man, no doubt ; but, we do not think that he is the Prophet of the Twentieth Century ; nor does Gandhiji himself claim to be the Prophet. This, however, is not the question. The point is this. The Hon'ble the Prime Minister considers Gandhiji to be his Prophet ; but then I ask him, is he going to obey his Prophet ? That is the question. We have heard about the August Rebellion—that great upheaval before which, according to our friend, the Hon'ble the Prime Minister, even the French Revolution pales into insignificance. We have passed through that August Rebellion and we have lived to see this June Revolution. There is again an upheaval, the throbbing of a hundred hearts, the quick movement of their pulses and we have all the signs of an upheaval directed this time not against the British Government but against Gandhiji himself. Well, Sir, if Gandhiji were to come here today and we shall bring him in spirit if not in flesh, we shall bring him to the House and we shall give the hon'ble members over there an opportunity to hear the very words of Gandhiji. When Gandhiji will come and look at the Treasury Benches, he will find nothing but defiance. When he will look at our hon'ble friends over there,

he will see nothing but disobedience. In despair he will turn towards the zamindars and the Muslim Leaguers, he will find nothing but sympathy. Today, Mr. Speaker, it will be our hands which will have the honour of clasping the hands of Gandhiji. We shall bring him to the Opposition Benches and from here, Mr. Speaker, he will address the House. Well, Sir, Gandhiji has come and these are his words which I am going to read to you. "In my opinion.....". This was in answer to a question put to him whether the monthly salary of an M. L. A. should be Rs. 200 and Gandhiji said :

"In my opinion the salary and allowances drawn by the gentlemen of the various Assemblies are out of all proportion to the services they render to the country. The scales fixed are on the English pattern, not at all compatible with the income of this country—the poorest in the world. Therefore, the answer I suggest is that the Ministers should, with the consent of the Assemblies, reduce the whole scale in accordance, with their requirements and in the meantime either the amount taken should be handed to the party to which the member belongs drawing what the party has fixed or if that be not possible drawing what his conscience thinks just for himself and his family and devoting the balance to some item of the constructive programme or some such public activity. The money allowed has to be drawn but nobody is obliged to use it for oneself except to the extent needed. No question here arises of end justifying the means."

Well, Sir, this day of the 5th of June 1946, marks the beginning of the defiance of Gandhiji in the province of Bihar. As you know Gandhiji wants to live up to the age of 125 years, and we hope and pray that he may live up to that age so that he may see with his own eyes the two sovereign friendly States of India, namely, Pakistan and Hindustan, the two eyes of this illustrious sub-continent, which will throw lustre on the whole world. I am telling you, Sir, that if Gandhiji does live up to the age of 125 years he will see that each and every one sitting opposite; and I shall give you the reason for that Mr. Speaker. Gandhiji will tell my hon'ble friends: "Be on the Treasury Bench would get up one after the other; and another would get up and say, "Give me a crown with a diadem in it"; diamonds set in it" and a third would say, "Give me a throne with as beautiful as the Tajmahal". Well, Sir, I am not going to refer to what the lesser lights on that side of the House would say; I have just now referred to what the bigger lights would say. Then there is one other aspect of this matter. It has been suggested that the hon'ble members may draw Rs. 200 and

after satisfying their actual needs they may hand over the balance to the Congress Party fund. Mr. Speaker, if that is the idea at the back of the Prime Minister's mind, if this Bill is intended only to serve as a cover and the real intention is to grant a subsidy of several lakhs of rupees to the Congress Party fund, then Sir, I would put it to you that this Bill does amount to an act of downright robbery of the public exchequer—a day-light robbery, I would say—a robbery committed by those whose duty it is to see that not even a single pie of the public exchequer is mispent or misappropriated.....

**The Hon'ble Pandit Binodanand Jha :** Sir, on a point of information, may I ask what is the basis of the hon'ble member's statement that the salary of the members has been fixed with an eye to enable them to divert a part of their salary to the funds of the Congress?

**The Hon'ble the Speaker :** The hon'ble member should state the basis of his statement.

**Mr. Saiyid Amin Ahmad :** That has appeared in many newspapers. (Laughter.) There has been discussion in the Congress Party meeting in Sadga Ashram, and in every other Ashram in this province.

**An Hon'ble Member :** Will the hon'ble member name those newspapers?

**Mr. Saiyid Amin Ahmad :** If the hon'ble member sees me later on I shall give him full details which will convince him.

**The Hon'ble Pandit Binodanand Jha :** It is very much unfair to us, Sir, and officially we repudiate any such motive, and we challenge the hon'ble member to bring before the House any authenticated statement or even any reliable newspaper report to substantiate his charge. It is very unfair to draw upon one's imagination and then attack others on the basis of his imaginary report.

**Mr. Saiyid Amin Ahmad :** I am basing my argument on the statement of Mr. Gandhi which I have just read out.

**The Hon'ble Pandit Binodanand Jha :** That is quite different from the hon'ble member's insinuation regarding diversion of hon'ble members' salaries to the Congress fund.

**The Hon'ble the Speaker :** Order, order. Rule 27 provides that a member while speaking shall not impute improper motives to a member.

**Mr. Saiyid Amin Ahmad :** I am not imputing any motive, Sir. I feel greatly relieved.....

**The Hon'ble the Speaker :** Does not the hon'ble member impute motive of robbery—day-light robbery ?

**Mr. Saiyid Amin Ahmad :** Yes, while speaking about a hypothetical case, and that case is based on the statement of Gandhiji who is the respected leader of all the gentlemen sitting opposite. It has been suggested by Gandhiji himself that members, if they do take Rs. 200, should only take as much of it as they need and give the balance to the party fund. I have read that statement to you, Mr. Speaker, and I am very much surprised that the Hon'ble Minister over there should get up and challenge the correctness of that statement.

**The Hon'ble the Speaker :** Order, order. Will the hon'ble member please read out the statement again—only this portion of the statement ?

**Mr. Saiyid Amin Ahmad :** Yes, Sir, I will do that with very great pleasure. Now, Gandhiji says :

" I suggest that the Ministers should with the consent of the Assemblies reduce the whole scale in accordance with their requirements and in the meantime either the amount taken should be handed to the party to which the member belongs drawing what the party has fixed or if that be not possible drawing what his conscience thinks just for himself and his family and devoting the balance to some item of the constructive programme or some such public activity. The money allowed has to be drawn but nobody is obliged to use it for oneself except to the extent needed."

**Mr. Bir Chandra Patel :** How does it prove your statement ?

**The Hon'ble Pandit Binodanand Jha :** Does that corroborate your statement ?

**Mr. Saiyid Amin Ahmad :** It fully supports my statement. I am speaking about a hypothetical case. If that does not happen, so much the better.

**Mr. Bir Chandra Patel :** Sir, in order to support a hypothetical case the hon'ble member has been making statements imputing improper motives to the members on this side of the House.

**The Hon'ble Pandit Binodanand Jha :** If it is a hypothetical case then it hardly serves the purpose for which the hon'ble member is using it here on the floor of the House in spite of what has been said by you, Sir.

**The Hon'ble the Speaker :** If it is a hypothetical case, there is no imputation of improper motive.

**Mr. Saiyid Amin Ahmad :** Quite, Sir. There is absolutely no imputation of any motive.

**The Hon'ble the Speaker :** The hon'ble member may proceed.

**Mr. Saiyid Amin Ahmad :** Thank you, Sir. There is one other aspect of the matter which I consider it to be my duty to place before you. You must have noticed that the Ministers' Salaries Bill came up first and the Members' Salaries Bill has come in now afterwards.

**Dr. Sachchidananda Sinha :** Ha !

**Mr. Saiyid Amin Ahmad :** What is the idea behind this sequence ? I would ask the Prime Minister to show the same consideration to us. Why did he give preference to himself and his colleagues.....?

**Mr. Tajamul Husain :** And leave us in the lurch.

**Mr. Saiyid Amin Ahmad :** Then, again, while their salaries have been raised from Rs. 500 to Rs. 1,500 they are going to raise our salaries from Rs. 75 to Rs. 200.

**Several Hon'ble Members :** Only. (*Laughter.*)

**An Hon'ble Member :** And not three times.

**Mr. Saiyid Amin Ahmad :** If this is going to be hush money we shall throw it at the Treasury Benches with the contempt which it deserves.

*(Interruption by Mr. Bir Chandra Patel.)*

**Mr. Tajamul Husain :** He does not give in. What is the use ?

**Mr. Saiyid Amin Ahmad :** I know, Sir, you will not permit me to enter into the question of the qualifications of the hon'ble members sitting over there, and it is not my intention to trespass into this forbidden ground. I am not going to refer to

their qualifications although I know that their appointments have not been made by the Governor and therefore they cannot seek the protection of His Excellency the Governor of Bihar.

**The Hon'ble Mr. Sri Krishna Sinha :** I refuse to seek such protection.

**Mr. Saiyid Amin Ahmad :** Thanks very much for this rejection. I hope you will reject your salary of Rs. 1,500 also.

**The Hon'ble Mr. Sri Krishna Sinha :** I will be the last person to take shelter behind Governor acting in his discretion. (*Hear, hear.*)

**Mr. Saiyid Amin Ahmad :** Well, Sir, I will bet if it comes to that. Now, I am not going to refer to their qualifications because there are so many of my hon'ble friends over there.

**Mr. Tajamul Husain :** What about the qualifications of the hon'ble gentlemen opposite ?

**Mr. Saiyid Amin Ahmad :** I am not going to tread on the forbidden ground. I shall only refer to the services which my hon'ble friends are supposed to render. I know they are only working inside the Legislature. Their main business is to interrupt the members speaking from this side of the House.

**The Hon'ble the Speaker :** Order, order. The hon'ble member is not entitled in this way to draw a line of distinction between the members of this party and members of another party. Whatever remarks the hon'ble member has to make should be applicable to all the members in general.

**Mr. Saiyid Amin Ahmad :** Well, Sir, if the remark is applicable only to the members of those benches and not applicable to us, then what shall we do ? Any way, Sir, I shall not pursue this matter. I bow down to your ruling.

All right, Sir. Now I am going to refer to the work of the hon'ble members.

**An Honourable Member :** Including yourself.

**Mr. Saiyid Amin Ahmad :** Yes, including myself, including the members of the Treasury Benches and the Hon'ble Minister from Baro, who is sitting over there (*Laughter*).

If I may confide my secret to you, this valuable information was given to me to-day by our great friend and respected member sitting on this side of the House.

**The Hon'ble the Speaker :** No reference should be made to any information given to an hon'ble member outside.

**Mr. Saiyid Amin Ahmad :** Sir, he is inside the House. This piece of information was given to me by Dr. Sachchidananda Sinha.

**The Hon'ble the Speaker :** No such reference should be made to an hon'ble member.

**Mr. Saiyid Amin Ahmad :** I would not make any reference, because it is not necessary to make any further reference. So, my hon'ble friend from Baro is here. I shall now refer to the work of all of us, excluding of course those fortunate 18; fortunate 9 of whom are the Hon'ble Ministers here who would now draw Rs. 1,500 and the remaining 9 who are going to be appointed as Parliamentary Secretaries. We do not know what their salary will be. I would refer only to the work of the remaining hon'ble members and also to their worth, if you will allow me to do so. Sir, the main work of the members of the majority party in this House is to interrupt and do nothing else. (*Hear, hear.*)

**Mr. Bir Chandra Patel :** On a point of order, Sir. It is very unfair to impute motives to hon'ble members. The hon'ble member opposite must withdraw his remark.

(*Interruptions.*)

**The Hon'ble the Speaker :** I think it unfair to say like that. The hon'ble member must withdraw. His statement to the effect that the only business of the majority members.....

**Mr. Saiyid Amin Ahmad :** Sir, I did not say "the only business". I said the main business is to interrupt us. When I stand up to speak, it is a fact that one hon'ble member from that corner, another hon'ble member from another corner stands up.....

**Mr. Bir Chandra Patel :** Sir, it does not change the situation.

**The Hon'ble the Speaker :** To state that the members make it their main business to interrupt is unfair and objectionable.

**Mr. Saiyid Amin Ahmad :** Sir, it is for you to decide. You yourself have asked them so many times not to interrupt me.



**The Hon'ble the Speaker :** Order, order. You may proceed with your next point. But you must withdraw your remark first.

**Mr. Saiyid Amin Ahmad :** I correct it.

**Mr. Bir Chandra Patel :** That is again disobeying the ruling of the Chair.

**The Hon'ble the Speaker :** Why is there interruption from this side of the House? I am explaining things to an hon'ble member. Then where is the necessity of interruption from another quarter?

*(Opposition Benches : Hear, hear.)*

*(To Mr. Saiyid Amin Ahmad)* You must withdraw.

**Mr. Saiyid Amin Ahmad :** I withdraw, Sir, and I substitute another remark.

**The Hon'ble the Speaker :** You have to withdraw unconditionally.

**Mr. Saiyid Amin Ahmad :** Provided that my hon'ble friend withdraws .....

**The Hon'ble the Speaker :** You must withdraw unconditionally.

**Mr. Saiyid Amin Ahmad :** I withdraw my remark without any proviso.

I shall say that the main business of my hon'ble friends is to make short interjections, expressing their feelings and emotions which they cannot control. It looks like this that when I get up to speak, some sort of invisible spring starts working and the whole House gets up and tries to drown my voice; but I must tell them that they cannot drown my voice which is the voice of Truth, which must prevail and shall prevail. *(Opposition Benches ; Hear, hear.)* We have seen, Sir, that the hon'ble members—even those who consider Mr. Gandhi to be their Prophet—who are here are disobeying the order of Mr. Gandhi. Sir, they had been practising civil disobedience, now they are practising civil disobedience against Mr. Gandhi himself. It is our business to give them good advice; if they do not pay heed

to it, it is their concern. I wanted to tell them something, but they made so many interruptions that I have now decided to give up that line altogether. I again appeal to the hon'ble members opposite in the name of the starving people of the province of Bihar. There are so many people who are not getting even two meals a day; there are so many people who are going without cloth. Is it fair and proper that the hon'ble members should increase their salary? Sir, we do not ask for Rs. 200. We have already rejected it and we are going to reject it for all time to come. So, I appeal to my hon'ble friends over there whether it is fair and proper that while the people of the province should starve and famish, they should increase their salary from Rs. 75 to Rs. 200. That is absolutely unjustifiable. My hon'ble friend, the Prime Minister, may say that these M. L. A.s have lots of work to do, just as the Hon'ble Ministers have lots of work to do. If only those who have become hon'ble members of the House, say, 100 or so, have got lots of work to do, then what about thousands of Congress workers and also the Muslim League workers who are working outside the Legislature? Are they not doing any work? Are they being paid for it? These members who come here as representatives of their constituencies sit under electric fans in such big halls, well furnished halls, enjoying all the amenities of life, they do not enjoy these things in their homes. You can look at their faces, Mr. Speaker, and see how they are feeling comfortable. Sir, they come here and sit under fans, they listen to my speeches some time, but almost always get up to interrupt me. Are they doing a lot of work? Are they doing such service to the province that they must draw a salary of Rs. 200? That is the question which I put to them. If they are sitting under the fans, for every one of them there are hundreds and hundreds of Congress workers who are working under the sun without any cover; they are working ungrudgingly from sunrise to sunset. They are not dreaming like my friend, the Hon'ble Mr. Krishna Ballabh Sahay. These silent workers are not getting anything. Therefore, there is no justification, there is no ground, as my hon'ble friend, the Prime Minister, has urged in their favour, for my friends to get so much salary. Certainly they cannot be justified in drawing so much salary, while they sit on these sofas, and couches in spacious halls equipped with all modern amenities.

Sir, if you will give us Rs. 200 you will be throwing an apple of discord. I am using the word 'us' so that I may have myself from further interruptions. I would say you are

giving them but you will object and so I will not do that. You are giving us but 'us' means them'. Well, if you are going to give us a sum of Rs. 200 then you will have to give the same amount to those workers who are working outside without enjoying the pleasure of the electric fans and the comforts which the Assembly Chamber provides. You shall have to give them higher salaries which you will never do. So I say give up—I don't know whether the use of the expression will be parliamentary or not—give up... ..... your, I leave some space blank.....of hypocrisy.

**Mr. Tajamul Husain :** We could not hear you.

**An Honourable Member :** How much time is he going to take ?

**Mr. Tajamul Husain :** No time-limit.

**Mr. Saiyid Amin Ahmad :** I know, Sir, the main business of the hon'ble members opposite is to interrupt me and do nothing else and for this they want a salary of Rs. 200. You are here, Sir, to see that the time of the House is not wasted, it is not for my hon'ble friend over there to see that you discharge your duties properly. He is casting reflection on you.

**The Hon'ble the Speaker :** The hon'ble member should mind his own business.

**Mr. Saiyid Amin Ahmad :** But my most important work is to see that your dignity is maintained. (*Hear, hear.*)

**The Hon'ble the Speaker :** I do not want such assistance from you.

**Mr. Saiyid Amin Ahmad :** A'l right. I was going to say that we always submit to your rulings but it is the members opposite.....

**The Hon'ble the Speaker :** Order, order. The hon'ble member is digressing.

**Mr. Saiyid Amin Ahmad :** Thank you very much, Sir. I think there will be no interruption now as the hon'ble members opposite have been sufficiently chastised. I was going to say that the Prime Minister has thrown an apple of discord. We are suffering from so many wants and miseries and this will be a fresh one. The Hon'ble the Prime Minister has come

to this House with Pandora's box and he is going to let loose all the evils on us. The workers outside the Legislature will also demand the same amount. The Muslim League cannot afford to pay Rs. 200 each to its workers because it is not rich enough. The party to which hon'ble members opposite belong has realised contributions from all the big *banias*, Marwaris and blackmarketeers of the province and can pay its workers Rs. 200 each but we on this side will be helpless.

**The Hon'ble Pandit Binodanand Jha :** I am sorry to interrupt, Sir. Just now the hon'ble member has made insinuation that we on this side of the House have realised money from the blackmarketeers and Marwaris. I beg to invite your attention to this point and also to your rulings. He has got the advantage of belonging to a minority (*Interruptions.*) party, but so far as his behaviour and utterances are concerned they are highly objectionable.

**Mr. Saiyid Amin Ahmad :** I did not say that. I meant to say that the Congress Party outside the Legislature did realise contributions. I can prove it.

**The Hon'ble Pandit Binodanand Jha :** I think I distinctly remember that the hon'ble member said "the hon'ble members sitting opposite had been realising money from the blackmarketeers and Marwaris". If need be the records of the Reporters may be referred to.

**Mr. Saiyid Amin Ahmad :** What I was going to say was that if you pay us Rs. 200 the workers outside will also demand the same pay. You may be able to pay from the funds of the Congress Party which has as its leader Dr. Rajendra Prasad and not my hon'ble friend, Pandit Binodanand Jha, who is still too young for that post of responsibility.

**The Hon'ble Pandit Binodanand Jha :** A party is invisible so far as the work inside the Legislature is concerned and so far as the activities of the parties outside the Legislature are concerned, they need not be referred to in the House.

(*Interruptions.*)

**The Hon'ble the Speaker :** Order, order. I would ask the Secretary to call one of the Reporters to read out his notes.

(*At this stage one of the Reporters went to the Hon'ble the Speaker to read his notes.*)

**Mr. Tajamul Husain :** Sir, I rise on a point of order. It will be creating a very bad precedent that the version of the hon'ble member is not being accepted. You can order me to sit down, Sir, but I take exception to it.

**Rai Bahadur Syamnandan Sahaya :** Sir, I would like to make a few submissions in this connection. It appears to me highly improper that a member of this House, who on being questioned has disowned a certain statement, understood to have been made by him, should be confronted with the notes taken by a stenographer of his speech. In the first place, we know that stenographers labour under various difficulties in taking down notes of speeches specially when portions of speeches become inaudible on account of defects in the microphone. Some of the stenographers themselves are not in a position to take down correctly speeches delivered in a speed higher than they can follow. In the circumstances it would not be proper and certainly not in keeping with dignity of the House to accept a stenographer's note against a member's statement.

Secondly, if a member states that he did not mean what is imputed to him, it would be in keeping with the best of parliamentary procedure to accept that personal explanation of the member and not to challenge it.

I would, therefore, Sir, appeal to you to uphold the highest traditions of parliamentary procedure and not to introduce anything that may even indirectly derogate the dignity and position of the members of the House.

**Dr. Sachchidananda Sinha :** I fully associate myself with what has been said by my hon'ble friend, Rai Bahadur Syamnandan Sahaya. The reason is this. I have got nothing to do with the worth or value of the observations which any particular member of the House is making to you. That is for you to judge and for the Leader of the House to reply to the criticisms in fulness of time. But I do submit that so far as I know of parliamentary practice, not only in this country, British House of Commons, I can say that it has never happened that when an assurance has been given by an hon'ble member that he did not say a thing, or did not mean to convey a particular meaning, his statement had not been accepted by the Speaker, but the Reporter had been called to confront the member. I attach no value to the work of the Reporters.

I beg of you not to make a departure from the settled practice by creating a new precedent like this which will be detrimental to the interest of the whole House and not of any particular party or group. I beg of you, Sir, not to encourage this practice.

**The Hon'ble the Speaker :** Very well. I do not intend to make a departure from settled practice. As regards the assurance, if the assurance has been in the form in which it ought to have been given by the hon'ble member, the Hon'ble Pandit Binodanand Jha would not have made objection.

**Rai Bahadur Syamnandan Sahaya :** I rise on a point of order. The assurance is to be given to you, Sir, and not to the Hon'ble Pandit Binodanand Jha.

**Mr. Saiyid Amin Ahmad :** The hon'ble member who was now referring to my behaviour had no business to get up and interrupt me.

I was telling you that if you pay the workers who are inside—all of us included—then the workers outside also will have to be paid. Everyone knows that workers outside will not be paid by my hon'ble friend, Pandit Binodanand Jha, out of the paltry sum of Rs. 1,500 a month. He cannot do it. Well, the world knows there are two parties in India—there is the Congress Party and there is the Muslim League Party.

**The Hon'ble the Speaker :** Order, order. What is your point?

**Mr. Saiyid Amin Ahmad :** My point is simple and my assurance was simple and everything was simple. I do not complain to you, Mr. Speaker, but I must say that the day before yesterday one hon'ble member from the other side got up and he roared at you in a tone which was highly offensive and insulting.

**The Hon'ble the Speaker :** No reference to that day's debate please. I want to know what was the assurance that you gave.

**Mr. Saiyid Amin Ahmad :** All right, Sir. I told you and the House that the question was that if you give salaries to the members inside the Legislature, you will have to pay the workers of the Congress and also the workers of the Muslim

League who are working outside and are doing ten times better and harder work than those hon'ble gentlemen sitting over there and also here. I said that the Congress was receiving contributions, had received contributions and will receive contributions from all the *Banias* and *Marwaris* and also the black-marketeers and profiteers.

**The Hon'ble the Speaker :** Then that is the end of the matter.

**An Hon'ble Member:** What about the Muslim League ?

**Mr. Saiyid Amin Ahmad :** Licences are the monopoly of the *Banias* and *Marwaris*. Muslim League is not in power.

**Mr. Brijlal Dekania:** इस्फहानी कौन है ?

**Mr. Saiyid Amin Ahmad:** He is in Bengal not in Bihar.

**The Hon'ble the Speaker:** I cannot allow this practice of interruption when an hon'ble member is making a speech. If hon'ble members continue this sort of practice I shall be compelled to adjourn the House. (*Hear, hear.*)

**Mr. Saiyid Amin Ahmad:** I put before the House that if you go on like this and if the Prime Minister produces Bills of this nature giving the Ministers and Members everything then I say, Sir, that at this time when we are passing through calamity there would be very few people left to decide whether the Ministers are gems or stones. Bihar will become a province of the dead, it will not remain a province of the living. Well, Sir, I consider it to be shocking that at this time when people are actually starving the Government should spend *lakhs* and *lakhs* of rupees simply for the benefit of all of us—I include myself. Well, you have made a present of *lakhs* of rupees to us though we can very well do without it. Why give them a few morsels of food ? That would be a better use of the money. I tell you, Mr. Speaker, and I put it before the whole House that rather than come with Bills for the Ministers' and members' salaries, my friends should have come with a Bill for the poor people. My hon'ble friend, the Prime Minister, raised the point that the Ministers have to do very hard work.

**The Hon'ble the Speaker:** No reference to previous debates please.

**Mr. Saiyid Amin Ahmad** : I am trying to make out a new point, Sir. That should be permitted.

**The Hon'ble the Speaker** : You may try, but you cannot refer to that debate.

**Mr. Saiyid Amin Ahmad** : All right, Sir. I will not refer to the debate, the hon'ble members will have to solve cross-word puzzle and fill up the blanks. I think the hon'ble gentlemen would have no difficulty in following me. You will see, Sir, our vocabularies are limited. If I have to quote something which has fallen from the lips of the Prime Minister and if you will ask me not to quote his words I put it before you, if my vocabulary is limited what am I to do? And if your ruling is correct, Mr. Speaker, then there should be only one book of history but you will find innumerable books—giving the same facts but presenting them in a different manner and in different lights. If I am going to refer to some words which have already been spoken before, I should be permitted to do this, provided I am using those words to give some new idea to the House. I am not going to repeat what my hon'ble friends said simply for the sake of repeating it. I am trying to make something new out of those valuable words. Well, Sir, if you will allow me, I shall repeat these words. I was saying that Dr. Rajendra Prasad is doing ten times the work of any Hon'ble Minister sitting on the Treasury Benches over there. What salary is Dr. Rajendra Prasad getting? Is he getting Rs. 1,500 a month? (*Opposition Benches—Hear, hear.*) The Hon'ble the Prime Minister will perhaps answer this question.

**The Hon'ble the Speaker** : You cannot now criticise the Ministers' Salaries Bill. It has already been passed—whether wrongly or rightly—by this House.

**Mr. Saiyid Amin Ahmad** : May I then ask the Prime Minister if Dr. Rajendra Prasad is getting even this paltry sum of Rs. 200 a month although he is doing one thousand times better and harder work for the country and the province than any one of the Ministers and members sitting there or here? Well, Sir, there are giants outside—I am speaking about the Congress Party only—like Dr. Rajendra Prasad and Pandit Jawaharlal Nehru. If these giants come to this House then even the Lion of Bihar will crumble and crouch and perhaps the other hon'ble members will conceal themselves behind their



seats. Well, what are you? What salary is the Congress giving to these giants? Are they getting .. ..?

**The Hon'ble the Speaker :** That is repetition. You may pass on to your next point.

**Mr. Saiyid Amin Ahmad :** Well, Sir, the Prime Minister said the other day that the people will judge whether they are stones or gems. Well, I welcome this. Let him go to the people with the Ministers' Salaries Act—it is no longer a Bill, it is now an Act : let him go to the people with the Members' Salaries Bill, let him have a referendum. I challenge the Prime Minister if he dares to have this referendum on this issue.

**The Hon'ble the Speaker :** The Ministers' Salaries Bill might have been wrongly passed ; but it is not the business of any hon'ble member of this House to challenge any decision which has already been taken by the Assembly.

**Mr. Saiyid Amin Ahmad :** All right, Sir. I shall challenge that decision after six months, if not to-day. Then I think it would be in order. So I was telling the Prime Minister to go to these starving people with the Members' Salaries Bill. Does he accept my challenge for a referendum and a vote of the electors—Muslims as well as Hindus? Well Sir, I am speaking here not on behalf of the Muslim League Assembly Party. I am speaking for the millions of the poor people of Bihar, both Hindus and Muslims. I am also speaking for those ill-paid Government servants who are paid Rs. 30 or Rs. 40, I am speaking for those people who have been reduced to skeletons, I am speaking for those who live on leaves of trees. Do my hon'ble friends sitting there so comfortably on cushions not realise that in Chota Nagpur many people actually live on leaves and roots of trees for months and months together? Let the Prime Minister seek a referendum, let him accept my challenge which I am giving not on behalf of the Muslim League Assembly Party but on behalf of the people of the province of Bihar. Well, Sir, I am speaking for all the poor people of Bihar irrespective of caste, creed or community. I am speaking on moral grounds. What has happened to my hon'ble friends? They are morally bankrupt. The whole House wants to know, the whole province wants to know what has happened to those high-sounding lip professions of my hon'ble friends sitting opposite. These gentlemen used to boast of their sacrifices. Did they make their sacrifices only

to help those members who are actually receiving all the comforts which an ordinary member of the society is entitled to receive in these times of hardship? Well Sir, I say that Truth is to-day on our side, Morality to-day is on our side. My friend, Pandit Binodanand Jha was making interruptions and now let him touch his heart and let him ask his conscience and the answer will be there. He raised the question as to why I should refer to the Congress Party when outside the Legislature. Well, it is the Congress Party whose decisions are influencing each and everyone of the hon'ble gentlemen sitting there. The Prime Minister is a member of the Congress Working Committee, or perhaps I do not know exactly.....

**The Hon'ble the Speaker :** All this is irrelevant.

**Mr. Saiyid Amin Ahmad :** I am giving some light to my friend, Mr. Binodanand Jha.

**The Hon'ble the Speaker :** You need not.

**Mr. Saiyid Amin Ahmad :** All right, Sir, I shall leave him in utter darkness. To-day Truth has fled from that side and it has come over to our side—wounded Truth, wounded Justice. Well, Sir, I do not want to prolong my speech because although I refuse to give any light to my friend Pandit Binodanand Jha, I am at least going to give him some mental rest. As he is in charge of hospitals I think he does not require any assistance.

*(Interruptions.)*

I could not hear what my hon'ble friend said.

**The Hon'ble the Speaker :** You need not mind interruptions. Please go on with your speech.

**Mr. Saiyid Amin Ahmad :** All right, Sir, I close my ears and then I shall not hear. But I have put pointed questions and I want straight answers to them from the Hon'ble the Prime Minister, and one of these questions I shall again repeat. We want to know what salary Dr. Rajendra Prasad is getting, what salary Pandit Jawaharlal is getting and what salary Sardar Patel is getting, and what salaries the members of the Congress Working Committee are getting. Then I would request you to compare the figures which the Hon'ble the Prime Minister gives with the proposed salary of the hon'ble members. I am speaking to the whole

House, I am speaking to the whole world, though I know that the local newspapers have started a black-out campaign against all that we say.

**The Hon'ble the Speaker :** Why this reference to the newspapers? The hon'ble member will refrain from making such references.

**Mr. Saiyid Amin Ahmad :** All right, Sir, I will not make a reference. They are not fit for any reference. I mean both the *Searchlight* and the *Indian Nation*.

Well Sir, we are speaking to the whole world and to the whole province and I challenge the Hon'ble the Prime Minister to hold a joint election on this question. I feel sure that each and every one of the hon'ble members opposite including the Hon'ble Ministers and Parliamentary Secretaries will be thrown out as stones and pebbles and will not be held as gems and diamonds. Well, Sir, I do know that I have taken much time of the House but I have been doing my duty. How can I do my duty if I do not put forward my points? This side of the House are serving the province better than they. We are fighting for the poor and we are thus serving the province in a better way. Well, Sir, I am going to resume my seat now but I want specific answers to my specific questions. I do not want any quibbling. I do not want the Hon'ble the Prime Minister to get away from the Truth. I want him to apply the searchlight to his thoughts and give us clear answers. With these few words, I resume my seat.

**Khan Bahadur Mobarak :**

عالی جناب اسپیکر صاحب میرے محترم دوست جناب سید امین احمد صاحب نے ابھی جو تقریر فرمائی ہے اس کے متعلق مجھے ایک ا مکارا پیش کرنا ہے ۔ یہ میرے دیوالے ہیں اسکا مطلب یہ ہوا ہے مجھ کو بہت چاہتے ہیں ہم تمہارے دیوالے ہیں یعنی ہم تمکو مالتے ہیں (بہت سی آوازیں سبحان اللہ ) ہم سے اور اُن سے جو رشتہ ہے اب رہ آپ سن لیں قیس یا مجنوں صحرا میں تنہا ہے میں آبادی میں ہوں ۔ رہ میرا دوست ہے مجھ ۔ اسکا خیال ہے ۔ چنانچہ شاعر کہتا ہے ۔

قیس صحرا میں اکیلا ہے مجھ جالے در

خوب گزریگی جو مال بیتھینکے دیوالے در

ہاؤس کے اندر ہمارے ایک محترم دروست نے جو کچھ کہا ہے اسکی پالیسی ہم اس قدر سمجھتے ہیں کہ اسکے قبل ہمارے انریبل رزراء کا سیلری بل پاس ہوچکا ہے اب معزز ممبروں کی تفسخواہ کا بل بھی پاس ہو جائے اگرچہ ہملوکوں نے بڑی کوشش کی تھی کہ رزراء کے سیلری بل کو اریور سے نیچے لائیں مگر وہ اقر نہیں سکا بلکہ آگے بڑھ گیا۔ اب موجودہ بل کے موقع پر غور طلب یہ امر ہے کہ ہم ممبران اس ہارس کے منہ ٹکتے رہیں کہ آیا اس بل کا ساآہہ دیں یا اسے نیچے گھٹائیں۔ بحث یہ ہے کہ جب انریبل رزراء کی تفسخواہ پالچسو کا تین گونہ پنڈہ سورپیہ ہوچکی ہے تو اس حساب سے معزز ممبروں کی تفسخواہ پچہتر سے در سو پچیس کی جائے یا نہیں موجودہ بل میں ۲۵ پچیس ریپیہ کا گھاتا رکھا گیا ہے منگنی چنگنی لاکر کر تھائی سو کی رقم بڑھ سکتی ہے اور اسکو اور کھینچ تان کر سو لاکر بڑھایا جائے تو تین سو تک آسکتی ہے۔ ہمارے ایک محترم دروست پالچسو مالکتے ہیں۔ بہر حال اس ہاؤس کے اندر ہم ذاتی طور سے توراقت نہیں لیکن .....

**The Hon'ble the Speaker :** Order, order. खां बहादुर की मालूम होना चाहिये कि तरमीम दो सौ पचास रुपये के लिये है।

**Khan Bahadur Mobarak :**

اسی کو تو عرض کر رہا ہوں۔ ہم نے یہ کہا ہے کہ ۷۵ پچہتر کا تین گونہ در سو پچیس ہوتا ہے اور اسکی ترمیم بھی پیش ہے۔

**The Hon'ble the Speaker :** Order, order. खां बहादुर साहब, अगर आप सुखालिखत नहीं करना चाहते हैं तो मैं कहूंगा कि जब यह तरमीम, जो दो सौ पचास रुपये के लिये है, आवेगी तो आप उसकी तार्हद करना चाहेंगे तो कर सकते हैं। इस वक्त तो यह कहना मौजू नहों मालूम होता है।

**Khan Bahadur Mobarak :**

ہم تو دیوانے کی قانیہ کرینگے۔ بہر حال عرض یہ کرنا تھا کہ بہت سے دل میں تو بات ایک رکھتے ہیں مگر مذہ سے کہنا نہیں چاہتے۔ وہ ضرور چاہتے ہیں کہ انکی تفسخواہ در سو پچیس بلکہ پانچسو ہو جائے مگر وہ محض مصالح

کی بڑا پرظاہر کرنا نہیں چاہتے۔ رہ یہ چاہتے ہیں کہ دوسرے انکی ترجمانی کر دیں اور انکا کام چل جائے اسی موقع ے شاعر نے شعر کہا ہے۔

خوشتر آن باشد که سر نالبرای

گفتہ آید، حدیث دیگران

ایسے بہت سے لوگ ہیں جنکا دل یہ خواہش رکھتا ہے کہ الکی تذخوہ میں خاطر خواہ اضافہ ہو جائے مگر خاموش رہنے میں مصلحت سمجھتے ہیں۔ لیکن اصل چھکڑا یہ ہے کہ ۔

گرجان طلبی مضائقہ نیست - زرمی طلبی سخن در این است  
یعنی اگر تم جان مانگو تو کوئی مضائقہ نہیں ہے لیکن اگر روپیہ مانگو تو اسی  
میں کلام ہے یہاں پیسہ کا سوال ہے اور ہمارے وزیر مل بھی اضافہ تنخواہ کی  
بات سنکر اسی قول کی تائید کریں گے ۔

**The Hon'ble the Speaker :** Order, order. खां बच्चादुर साहब, ज़रा सुनिये। कोई भी आनरेबल मेम्बर किसी भी दूसरे मेम्बर के बारे में यह नहीं कह सकता है कि वह ईमानदारी से कोई बात नहीं चाहता है या नहीं करता है। इसलिये आप ऐसी बातें मत कहिये। आप यह नहीं कह सकते हैं कि फलों मेम्बर भीतर-भीतर यह चाहता है और बाहर से दूसरी बात चाहता है और हो जाने पर झुप रहेगा। अगर आप ऐसी बात कहते हैं तो आप अपने भी शिकायत करते हैं, दूसरे को तो कारही रहे हैं।

**Khan Bahadur Mobarak :** دوستانہ عرض : میں نے اسے لیتا ہوں - واپس لے لیتا ہوں - محبتِ زہیدہ کی سب لوگوں کو ہرا کرتی ہے کیونکہ اسی نے بارے میں کہا کیا ہے (زر خدا تو نہیں ہے مگر اس کے ذریعہ سے بہت سے عیوب لوگوں کے چھپتے ہیں اور بہت سے کام بنتے ہیں اسی سے ہم کہتے ہیں کہ جس طرح میوے دل میں اسکی محبت ہے اسی طرح اور لوگوں کے دل میں بھی اسکی محبت ہے کیونکہ کہا گیا ہے ۔

۱۔ زر تو خدا نئی دلیکن بخدا - ستار عیوب و فاضلی الحاجاتی  
اسی وقت جس طرح ہم سمجھ رہے ہیں کہ ہمیں زیادہ ضرورت ہے اسی طرح  
دوسرے بھی سمجھتے ہوئے کہ انکی ضرورت بھی زیادہ ہے اور انکو  
بھی زیادہ ملنا چاہئے ہم نے پہلے ایک مثل سنئی تھی آج

اسکا تجربہ ہو رہا ہے کہ جھکڑے کی چیزیں دنیا میں تین ہیں رزک - زر - زمین - عورت، کے متعلق میں کچھ کہنا نہیں چاہتا لیکن زمین کا جھکڑا اٹھنے والا ہی ہے آپ زمینداری کو ختم ہی کر دینا چاہتے ہیں - اور (یعنی) روپیہ کا معاملہ درپیش ہے آج ہملوگ اسی روپیہ کے جھکڑے میں مبتلا ہو رہے ہیں یہ بہت محبوب چیز ہے - اس واسطے ہم ضرور کہیں گے کہ ہملوگوں کو یہ شے زیادہ ملنی چاہئے تاکہ ہملوگ مطمئن ہو کر اس ایوان میں سہولت کے ساتھ کام کریں جیسا کہ کرنا چاہئے - غرض کہ ممبران کی تنخواہ کے بجائے جن ملازمین کی تنخواہ کم ہے انکو اضافہ کیا جائے اور میں دیوالے نے قیس (مسٹر سید امین احمد صاحب) کی تائید کرتا ہوں - یہ دیوالے نہیں ہیں جو عام طور پر سمجھے جاتے ہیں یہ قوم کو فائدہ پہنچانے کے لئے دیوالے ہیں موجودہ تبدیلی بہ منزاہ صحران کے ہے - قومی مفاد کا دیوالہ اس میں لپٹا تھا میں یہی دیوالہ بفر اسکا ساتھی ہوں -

**The Hon'ble the Speaker :** The question is :

That the Bihar Legislature (Members' Salaries and Allowances) Amendment Bill, 1946, be taken into consideration.

The motion was adopted.

**The Hon'ble the Speaker :** As usual clause 2 of the Bill will be taken up first.

The question is :

That clause 2 do stand part of the Bill.

**Mr. Muhammad Tahir :** Sir, I do not want to move my amendment.

**The Hon'ble the Speaker :** In that case, I now call upon Mr. Sidiu Hembrom to move his.

**Mr. Sidiu Hembrom :** Sir, I beg to move :

That in clause 2 of the Bill, for the words "two hundred" the words "two hundred and fifty, free of income-tax" be substituted.

Sir, whereas in the case of the salaries of the Legislature Officers' Salaries (Amendment) Bill, the increase has been three times.....

**The Hon'ble the Speaker :** I would like to inform the hon'ble member that the words " free of income-tax " occurring in his amendment cannot be moved without the sanction of the Governor-General.

**Mr. Tajamul Husain :** May I know if it is a fact that after this amendment is moved and passed it can be referred to the Viceroy or the Governor? I think there is nothing to prevent the member from moving his amendment and there is nothing to prevent the House from passing the amendment. After this has been done the permission of the Governor or the Governor-General may be sought. There is no necessity for such permission before moving the amendment.

**The Hon'ble the Speaker :** Would the hon'ble gentleman refer to any rule in support of his contention?

**Mr. Tajamul Husain :** I want to know, Sir, from you whether there is any rule preventing a member from moving his amendment to the effect that such and such thing may happen if previous permission of the Governor or the Governor-General has not been taken. In absence of any such rule, my rule is the rule of commonsense.

**The Hon'ble the Speaker :** The hon'ble gentleman, Mr. Tajamul Husain, has kindly put me into trouble *(Laughter)*.

You would refer to the Federal and the Provincial Legislative Lists, and you would find in the Federal Legislative List, no. 54—Taxes on income other than agricultural income. Income-tax is not in the Provincial Legislative List and also not in List no. 3.....

**Mr. Tajamul Husain :** Sir, I will give one example. I have read in the paper that the United Provinces Legislative Assembly recently passed a Bill free of income-tax and I presume—and it is certain that the Bill was passed before the previous sanction of the Viceroy or the Governor was taken. It might have been taken later on. I am sure that all members present here might have read it.

**Rai Bahadur Syamnandan Sahaya :** Sir, I would like to draw your attention to an important point, as it touches the rights of members to bring forward amendments connected with or related to matters where the sanction of the Government of India is to be obtained. In this particular case, I find that the only difficulty is that the member has brought in his amendment with

the words "free of income-tax" and as "income-tax" does not find place either in the Provincial Legislative List or in the Concurrent List of the Statute of 1935, it is presumed that the member is not within his right to move an amendment. (*A voice : That is right.*) In this particular case, my submission is that what the hon'ble member has in view is that the members should not pay income-tax out of the salary which has been fixed in the Bill which is before the House to-day. Whether income-tax will be affected or not is a question quite distinct and apart. After the Assembly has passed this Bill it will then be for Government to see whether the Government of India are willing to remit their portion of the income-tax on the members' salary or whether the Government of Bihar will pay it over and above the salary which they pay to the members. But that, Sir, in my opinion, should not preclude a member from bringing a motion to say that income-tax should not be payable by a particular individual or party.

**The Hon'ble the Speaker :** I would be prepared even at this stage to admit an amendment to the effect that it may be the responsibility of the Provincial Government to pay the income-tax.

**Rai Bahadur Syamnandan Sahaya :** I will take two minutes to draft it.

**Mr. Muhammad Abdul Ghani :** I want to submit another thing. If you refer to other parts of his amendment, you will find that there are other amendments changing the word "salary" into "allowances" and in that case there will be no necessity of asking the permission of the Central Government.

**The Hon'ble the Speaker :** That would be considered when the proper time comes.

**Mr. Phulan Prasad Varma :** May I refer to section 62 of the Government of India Act, clause (3), to be found in Bihar Legislative Assembly Manual, Vol. I, in this connection ? It reads as follows :

"A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a province shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill."

Sir, this amendment involves expenditure from the revenue of the province and therefore it cannot be taken into consideration.



**The Hon'ble the Speaker :** But the amending Bill also involves expenditure from the revenue of the province.

**Rai Bahadur Syamnandan Sahaya :** The amending Bill has got the sanction of the Governor, while the amendment that is now sought to be brought forward has not. So the amendment is not in order.

**Mr. Phulan Prasad Varma :** The paying of income-tax would involve expenditure from the revenue of the province. Therefore, the amendment should not be passed until the Governor recommends it.

**The Hon'ble the Speaker :** Do you mean to say that no amendment with regard to any expenditure mentioned in a Bill, as originally drafted, which involves expenditure from the revenues of a province and which has received the recommendation of the Governor can be moved ?

**Mr. Phulan Prasad Varma :** I submit not.

**Rai Bahadur Syamnandan Sahaya :** In this connection I would like to draw your attention to an important point from the standpoint of the procedure of the House. The expenditure on the subject has already been sanctioned by the Governor. This Bill in due course must have gone up to him for such sanction. Are we to take it now that this House is precluded from moving any amendment which might alter the amount involved in it ? I do not think so.

**The Hon'ble the Speaker :** That is exactly the question.

**Rai Bahadur Syamnandan Sahaya :** That will take away the rights and privileges of the House. The general sanction of the Governor for expenditure on a particular item having been obtained, it is up to the House to make such amendment as the House considers necessary in order to make the Bill and the expenditure proper.

**The Hon'ble the Speaker :** With regard to this, reference may be made to rule 88, page 107 of the Manual. It reads—

"No Bill or amendment which requires previous sanction under any of the provisions of the Act shall be introduced or moved unless the member who has proposed to introduce the Bill or move the amendment has obtained such sanction from the authority competent to grant it and forward it to the Secretary."

This clearly excludes amendments also.

**Rai Bahadur Syamnandan Sahaya :** I will then seek your protection under clause (2), which says that if any question arises

whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with the previous sanction, and if the Speaker is of opinion that it requires such sanction, he shall stay further progress of the Bill or amendment and direct the member concerned to obtain the sanction he requires.

**The Hon'ble Mr. Ramcharitra Sinha :** I think the amendment is defective in two ways. In the first place I think it increases the provision which has been made in the Budget. But according to certain sections of the rule no one should increase the expenditure of Government. The second point is that if we accept the amendment in the form in which it has been placed before the House the result will be that the Provincial Government will have to bear extra expenditure as income-tax to the Government of India, and therefore, in other ways it increases the expenditure of Government. This the Government can do only with the permission of the Governor.

**The Hon'ble the Speaker :** In that view of the matter I am asked to refuse to accord my permission to the amendment. The result is that if the amendment stands as it is the words 'free of income-tax' cannot be moved because it is not a Provincial or Concurrent subject. The hon'ble member has now the option to delete the words 'free of income-tax' from his amendment and then he can move it, but even then the difficulty about Rs. 50 extra would remain. The amendment bristles with legal difficulties. Would not the hon'ble member, knowing as he does that this amendment has got no support of most of the members of this House, like to withdraw it?

**Rai Bahadur Syamnandan Sahaya :** Sir, there is only one point which I desire to know about this. If the words "free of income-tax" are deleted from the amendment, does it not involve the Government in extra expenditure?

**The Hon'ble the Speaker :** May be. It is for the Hon'ble member to decide the course of his action.

**The Hon'ble Mr. Sri Krishna Sinha :** I maintain that that amendment is also not in order because that involves extra expenditure for which, according to the Government of India Act, sanction is necessary. It is for the Government to sanction particular expenditure and for the members of the Legislature to propose any reduction. They cannot by a Resolution make any increase in the expenditure proposed by Government, and, therefore, that amendment itself is out of order.

**Rai Bahadur Syamnandan Sahaya :** In view of the difficulty pointed out, will it be possible, Sir, for you to change the word 'salary' into 'allowances'?

**The Hon'ble the Speaker :** The word 'salary' is given in the Government of India Act, as you know. What does the hon'ble member decide?

**Mr. Sidiu Hembrom :** Sir, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

**The Hon'ble the Speaker :** The question is :

That clause 2 do stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

**The Hon'ble the Speaker :** The question is :

That clause 3 do stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

**The Hon'ble the Speaker :** There is no amendment to clause 4 of the Bill but there are amendments to section 4 of the original Act. One amendment is from Mr. Muhammad Tahir.

**Mr. Muhammad Tahir :** I do not want to move it, Sir.

**The Hon'ble the Speaker :** And you are not also moving the amendment to section 4.

**Mr. Muhammad Tahir :** No, Sir.

**The Hon'ble the Speaker :** There is another amendment in the name of Mr. Sidiu Hembrom.

That for the proviso to section 4 of Bihar Act VIII of 1938, the following shall be substituted :—

“ Provided that the monthly allowance shall be subject to proportionate deductions for every absence from the meeting of the Legislature or any committee connected therewith in case a member happens to be member thereof as prescribed by rules made by the Provincial Government.

**Explanation —** For calculating the proportionate deduction for meeting of the Bihar Legislature or of any committee connected therewith it is necessary that the year be counted as consisting of the total number of

days a member is required to stay in the place of meeting of all sessions, and committee or committees, if he happens to be a member thereof, held during the whole calendar year. The monthly allowance of the whole calendar year may be treated as allowance for the year as explained above. A proportionate deduction for every absence from duty on a working day may accordingly be made as prescribed."

The question arises whether the amendment proposed to section 4 of the original Act is or is not beyond the scope of this amending Bill. I will take up this discussion after lunch.

*(Interval for lunch.)*

**The Hon'ble the Speaker :** May I know whether Mr. Sidiu Hembrom is going to move his amendment ?

**Mr. Sidiu Hembrom :** I am not going to move the amendment, Sir.

**The Hon'ble the Speaker :** There is another amendment to clause 4 by Mr. Muhammad Tahir.

**Mr. Muhammad Tahir :** I do not wish to move it, Sir.

**The Hon'ble the Speaker :** The question is :

That clause 4 do stand part of the Bill.

The motion was adopted.

Clause 4 was added to the Bill.

**The Hon'ble the Speaker :** Now, I put the Title and the Preamble. There is an amendment, you can call it a general amendment, that for the words "salary or allowances" wherever they occur, the words "monthly subsistence allowance" shall be substituted.

I disallow this amendment inasmuch as the Government of India Act provides for the salaries and allowances of the members. No amendment would, therefore, be in accordance with the provisions of the Government of India Act.

The question is :

That the Title and the Preamble be added to the Bill.

The motion was adopted.

The Title and the Preamble were added to the Bill.

**The Hon'ble the Speaker :** The question is :

That clause 1 do stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

**The Hon'ble the Speaker :** At this stage I would draw attention of the hon'ble members, especially of Mr. Phulan Prasad Varma. The provisions are :

"Members of the Provincial Legislative Assembly and the Legislative Council shall be entitled to receive such salaries and allowances as may from time to time be determined by an Act of the Provincial Legislature."

The words "shall be entitled to receive" merely give a sanction to expenditure. The receipt of the allowance or the expenditure involved in such a receipt is not made dependent on any other authority and I think section 82 does not control section 72. Section 82(3) which was referred to by us provides that a Bill which would involve expenditure from the revenues of the province shall not be move in a Chamber of the Legislature unless the Governor has recommended to the Chamber for the consideration of the Bill.

This is not important just now for the purpose of this Bill. I only mention this for the information of the hon'ble members with regard to a point that was raised a few minutes ago.

**The Hon'ble Mr. Sri Krishna Sinha :** Sir, I beg to move :

That the Bihar Legislature (Members' Salaries and Allowances) Amendment Bill, 1946, be passed.

**Mr. Saiyid Amin Ahmad :** I beg to oppose the motion. Is the Hon'ble the Prime Minister going to make a statement or speech?

**The Hon'ble the Speaker :** The Hon'ble the Prime Minister will make his speech. If you have to say anything meanwhile you may do so.

**Mr. Saiyid Amin Ahmad :** I would like to listen to his speech first. All right : from the silence of the Hon'ble the Prime Minister I take it, Sir, that the Hon'ble the Prime Minister is unable to give any answer to these questions which I had put.

**The Hon'ble the Speaker :** You cannot take it like that. You may make your statement.

**Mr. Saiyid Amin Ahmad :** Silence means inability to speak. Well, then my argument remains. I find that there is nothing further for me to add and I follow the example which has been set by the Hon'ble the Prime Minister. My speech will consist at the present moment only of the sentence, "I oppose the motion of the Hon'ble the Prime Minister". (*Opposition Benches : Hear, hear.*) But, Sir, may I seek your permission to have my say just after the Prime Minister has spoken? After he had moved that the Bill be passed I thought he would make a speech and answer my points. I then thought that I would light on the points in issue, if necessary. But the position now is that the hon'ble the Prime Minister has sought safety in silence.

**The Hon'ble the Speaker :** You are not moving any amendment.

**Mr. Saiyid Amin Ahmad :** No, Sir. We are anxious to hear the Hon'ble the Prime Minister.

**The Hon'ble the Speaker :** If you are not moving an amendment you have no right of reply.

**Mr. Saiyid Amin Ahmad :** May I postpone my speech?

**The Hon'ble the Speaker :** You cannot postpone it now.

**Mr. Saiyid Amin Ahmad :** We are anxious to hear the Hon'ble the Prime Minister after all. And after that, may I have the pleasure of replying the Hon'ble the Prime Minister?

**The Hon'ble the Speaker :** No. You will not have the pleasure of a second speech.

**Mr. Saiyid Amin Ahmad :** That is very hard on us, Sir.

**The Hon'ble Mr. Sri Krishna Sinha :** Sir, I did not make any speech because I have become habituated to hear the sarcasms and caustic remarks with which the speech of the hon'ble member is always full. I have set certain limits for myself which I must observe, if I want to see that the discussions in this House are of a nature which would command respect in this House and outside it. Again to-day, my friend has traversed the very grounds which he traversed yesterday. My friend possesses an irrepressible temperament. Yesterday at the end of his speech he in a moment, which I would call a lucid moment, said that the remarks which he had made in the beginning of that speech were remarks simply made to twist the tail of the lion. But to-day he has again indulged

in similar remarks. Sir, the Bill is based on a particular principle. My friend's heart is overflowed with love of the poor. He envies the enjoyment and the comforts afforded by electric fans and electric lights in this House. I very much wish, Sir, that in order to give a practical shape to this feeling of his he had applied to you to get the line of the electric fans and electric lights over his seat to be put out of order. If he wants to share the lot of those whom he has left outside certainly I would give him credit for that. But I do not think the hon'ble member should always drag in these things at moments when questions of public principle are being discussed. All over the world, Sir, the practice at present is that the members of the Legislature in order that they may discharge their duties well are granted certain salaries. There was a time, Sir, when the reins of Government were in the hands of the aristocracy or in the hands of men who belonged to the middle class. These men had leisure and so they could afford time to be devoted to doing works of Government and it was because of this that in the 18th century or previous to that the system of granting salaries to members of the Legislature did not prevail. But in the 19th century, Sir, there was a change, there was a shift in the balance of forces in society. Members of the aristocratic and of the middle classes were deprived of the reins of Government which they exclusively held till then. There was political consciousness amongst the masses all over the world. Every individual in society became politically conscious. People thought that the welfare of the people depended on those who manned the machinery of Government. And therefore the masses who constitute the vast bulk of the population began to think of taking the reins of Government in their own hands. But taking the reins of Government into their own hands meant undertaking certain responsibilities, and in order that those who thus undertook the responsibility of the Government in their own hands could discharge it well, it became necessary to relieve them of their economic anxieties. The members of the Legislatures these days have very difficult and responsible duties to perform but mostly they are now drawn from a class which is not economically well off. They do not draw fat Government pensions; they do not possess big zamindaris; and they do not enjoy lucrative practice at the bar. But it is such propertyless men for whom good Government is a matter of vital concern. If they are to live and live well, if they are to live a happy life, it is necessary that the affairs of Government should be managed by them. It is because of this, Sir, that it became necessary to relieve of their economic anxieties those of them who came

forward to take the reins of Government into their hands and thus afford them leisure to devote themselves to the works of Government. All over the world the complexion of these Legislatures and also of the Government which depends upon the Legislatures has changed. Only the other day I was reading in the papers that one of the Ministers of the present British Cabinet was once a Taxi-driver or was in the service of some bus company. It is such men who these days hold the reins of the Government in their hands and occupy the Legislatures. It is such poor men who are taking greater share in shaping the policy of the Governments of the day. It is in view of this change, Sir, that it has become necessary to grant salaries to the members of the Legislatures and it is in pursuance of that principle that the Government of India Act did make provision for the grant of salaries and allowances to the members. I have been a member of the Legislature for a pretty long time and I know that if a member chooses to make simply speeches full of sarcasms only he can do this easily. He can read a few pamphlets, he can learn by heart a few couplets and having thus equipped himself he can successfully make the House laugh. But that is not the duty which a member of the Legislature is expected to perform. If the members of this House are to perform their duty properly, they have to study the economic and political conditions of the people of this province in relation to the economic and political problems of the entire continent of India and thus come to right decisions in matters affecting the welfare of the people. If one day some gentleman takes into his fancy to move a resolution for the division of India in this House, then on that occasion the hon'ble members, in order that they may make useful contributions to the debate to come to a right decision, will have to come prepared with facts relating to the economic and political problems of this province and of the whole of India. It is because members of a Legislature have to study things, have to evolve ideas and thus help Government in coming to right decisions and in shaping its policy, that it is very necessary that the hon'ble members of a Legislature should have some leisure, some time, and should be relieved of their anxiety so that they may devote their time and attention to the study of the problems confronting society.

My friend has reminded us of the great number of workers who are working outside. I need not be reminded by Mr. Saiyid Amin Ahmad of the army of workers who are working outside. I know the great difficulty under which they have been working. I wish this country had been politically minded enough to help



the institution to which I belong and thus enable it to fulfil its duty towards its workers. But if that cannot be done it does not mean that, now when there is opportunity of doing something so that the hon'ble members of this House may have time and leisure to study problems confronting the country, it should not be done. This Bill has been brought forward in this House with the sole idea of giving the members leisure and opportunity so that they may equip themselves with the necessary knowledge which will enable them to discharge their duties well. It is necessary to give a salary to the members so that they can purchase books, purchase literature, study things and come prepared to this House with a definite opinion regarding the problems facing the province and thus help this House in evolving some common programme of action. It is because of all these things, Sir, that it is necessary that the members of the legislature should get some salary and I am pretty sure with this salary they will be relieved of their anxieties which would have detracted their attention and would have made it impossible for them to give that attention to the works of the Assembly which it is expected of them to give. I, therefore, say that because of the complexion of the Governments of the day, because of the complexion of the Legislatures of the day and because of the class from which the rulers and the statesmen of to-day are drawn, it is very necessary that the members of the Legislature should be provided with something so that they may devote their entire attention to the work which they have undertaken to do. Sir, I again support the Bill and oppose what my friend in opposition has said.

**The Hon'ble the Speaker :** The question is :

That the Bihar Legislature (Members' Salaries and Allowances) Amendment Bill, 1946, be passed.

The motion was adopted.

#### STATEMENT REGARDING STAY OF THE PROGRESS OF THE BIHAR PUBLIC IRRIGATION AND DRAINAGE WORKS BILL, 1946.

**The Hon'ble Mr. Sri Krishna Sinha :** There is only one item on the agenda and that is the consideration of the Bihar Public Irrigation and Drainage Works Bill, 1946. On a reference to the Government of India Act I find that this Bill requires the previous sanction of the Governor for introduction in this House. Through oversight that sanction could not be obtained. Now, Sir, rule 88 (2) of the Bihar Legislative Assembly Manual Volume I, says that if the Speaker is of opinion that a particular Bill or amendment requires such sanction, he shall stay