

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

The 13th December, 1937.

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 Monday, the 13th December, 1937, at 11 A.M., the Hon'ble the Speaker in the Chair.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT FOR PROVINCIAL SERVICE BY COMPETITIVE EXAMINATION.

15. Mr. KARU DUSADH: Will Government be pleased to state—

(a) whether they have decided or propose to recruit members of the Provincial Executive, Judicial, Police and Subordinate Services by open competition;

(b) if the answer to clause (a) be in the affirmative, whether Government propose to make an early announcement of this decision so that the candidates concerned may get sufficient time to prepare for the examination?

Mr. KRISHNA BALLABH SAHAY: (a) A proposal is under consideration to recruit for the Provincial Civil Service (Executive Branch) and the Subordinate Civil Service by competitive examination. The

(d) whether it is a fact that the Resident Engineer of the said Company on a complaint made by the authorities of the Searchlight Press refused to attend to their request to send men to put the line in order ;

(e) if the answer to clauses (c) and (d) be in the affirmative, the steps, Government have taken or propose to take, against the said Company ?

The Hon'ble Mr. ANUGRAH NARAYAN SINHA : (a) and (b) The answer is in the affirmative in so far as the terms of the license are concerned.

(c) There was no general breakdown but an extraordinary large number of fuse failures took place in addition to trouble on certain lines caused by falling trees and branches.

(d) The Patna Electric Supply Company, Limited, have offered apologies to the Editor of the "Searchlight".

(e) The said Company are taking such steps as are possible to prevent a recurrence of breakdowns in future.

OBSERVATION OF THE HON'BLE THE SPEAKER REGARDING THE COMMENCEMENT OF BUSINESS AT 11 A.M.

The Hon'ble the SPEAKER :

ग्राम को चार बजे उठ जाना है इसलिये यह जरूरी है कि इस वक हम लोग ठीक ग्यारह बजे से काम शुरू करदे । अगर सब नहीं तो कम से कम quorum पूरा होने के लायक मेम्बरान को ठीक ११ बजे आ जाना चाहिये ताकि काम शुरू हो सके ।

LEGISLATIVE BUSINESS.

THE BIHAR SUGAR FACTORIES CONTROL BILL, 1937 (BILL NO. 9 OF 1937)
(concl'd.).

Mr. MUHAMMAD SHAFI : Sir, I beg to move :

That in sub-clause (3) of clause 21 of the Bill the words "except such deductions as may be prescribed" may be deleted.

جناب صدر - دفعہ ۲۱ سے پاء چلا ہے کہ اس قانون سے بھی کم سے کم قیمت (minimum price) ازکھ کی مقرر ہوگی جو چینی کے کارخانہ والوں کو دینی ہوگی - لیکن اس دفعہ کے (3) sub-clause کے آخر کے جملہ سے معلوم ہوتا ہے کہ کارخانہ والے قیمت دینے کی وقت گورنمنٹ کے بنائے ہوئے قاعدہ (prescribed rules) کے تحت میں اس قیمت سے کچھ رقم اہٹا سکتے ہیں جسکا مطلب یہ ہوا کہ minimum price

پھر minimum price نہیں رہی۔ جب حکومت کے بنائے ہوئے قاعدہ کی رد سے جسکی وضاحت اہی نہیں کی گئی ہے اس طرح رقم گھٹائی (deduct) جاسکتی ہے تو کم سے کم قیمت (minimum price) کوئی چیز نہ رہی۔ انریبل ڈاکٹر صاحب کے ذہن میں کون سی صورتیں ہیں جس میں قیمت سے کچھ رقم رخص کرنے کا اختیار مل کے لوگوں کو ملیگا۔ اگر دادنی کے روپیہ کو رخص کرنیکا خیال ہے تو اسکو اسی قانون میں راضع کردینا مناسب ہے۔ مجھے تو خدشہ معلوم ہوتا ہے کہ کہیں ایسا نہ ہو کہ کاغذ خانہ والے ٹیکس کی رقم کو اس سے رخص کر لیں۔ ہو سکتا ہے کہ یہ حکومت اس قسم کے رقم کو گھٹانے (deduction) کی اجازت نہ دے لیکن اگر اس اصول کو تسلیم کر لیا گیا کہ حکومت اپنے بنائے ہوئے قاعدہ (prescribed rule) سے مل کو رخص کرنے کی اجازت دیگی تو بعد کی حکومت کو ایسا قاعدہ بنانے سے ردکا نہیں جا سکتا جبکہ اس قانون سے ایسا اختیار تفویض کیا جاتا ہے۔ یہ بھی ہو سکتا ہے کہ اسکی رد سے فیکٹری کو یہ اختیار دیا جائے کہ وہ محصول کی رقم جو ریلوے کو ارکھ کے لانے میں ادا کرتی ہے ارکھ کے بیچنے والے سے منہا کر لے کیونکہ اس وقت موجودہ حکومت کے دور میں ارکھ جو ریلوے اسٹیشنوں میں ای جاتی ہے اسکی قیمت کم کر دی گئی ہے۔ پہلے ہر جگہ کے ارکھ کی قیمت ایکساں تھی لیکن اس سال سے فیکٹری کے پھانگ (gate) پر جو ارکھ لی جاتی ہے اسکی قیمت اور اسٹیشنوں پر کے ارکھ کی قیمت سے ایک پائی کا فرق کر دیا گیا ہے۔ اسلئے ہو سکتا ہے کہ آئیندہ ریلوے محصول کی رقم ارکھ کی قیمت سے گھٹائی جائے۔ انہیں رجہوں سے میں گزارش کرتا ہوں کہ حکومت مسودہ کے اس حصہ کو ہٹا دے جس سے حکومت کو بغیر اس قانون ساز مجس کی رائے کے اس طرح کا قاعدہ بنانیکا اختیار ہوگا۔

The Hon'ble Dr. SAIYID MAHMUD :

حضور والا۔ مسٹر شفیق صاحب کا یہ خوف 'کہ اس exception کے مطابق کسی طرح کا بھی deduction کیا جا سکتا ہے' بیجا ہے۔ ایسی بات نہیں ہے۔ ہملوگوں کا مطلب تو اتنا ہی ہے کہ rule کے مطابق جائز deduction فیکٹریاں قیمت میں کر سکتی ہیں چونکہ یو۔ پی Government نے ایسا کیا ہے کہ فیکٹریاں جائز deduction کر سکتی ہیں اسی لئے یہ چیز یہاں رکھی گئی ہے۔ اور rule جب بن جائیگا تو

صرف انہیں چیزوں کا deduction ہوگا جنکا اُس میں ذکر کر دیا جائیگا اور دوسری چیزوں کا نہیں۔ مثلاً اگر فیکٹری نے قرض دیا ہو یا بیچ دیا ہو تو ظاہر ہے کہ اسکا deduction اس چیز پر ہوگا۔ یہی در ایک چیز میں جن سے (cultivation) کاشت میں مدد ملے گی۔ انہیں چیزوں کا deduction ہوگا۔ اس سے زیادہ کچھ۔ طلب نہیں ہے۔ اور آپ کا جو خوف (apprehension) ہے کہ فیکٹری والے جو چاہیں کریں گے اور جس قسم کا deduction چاہیں کریں گے، ایسی بات نہیں ہے۔

Mr. MUHAMMAD SHAFI :

میں ایک امر کی راقضت (information) چاہتا ہوں۔ آج کل فیکٹریوں کی طرف سے داندی دی جاتی ہے۔ لیکن جو داندی دی جاتی ہے اسکو ارکھ بیچنے والے کسان قرض سمجھ کر بعد میں ادا کر دیتے ہیں۔ اسکی ادائیگی میں کوئی دقت نہیں ہوتی ہے۔ اسلئے اگر ڈاکٹر صاحب اسی رقم کے متعلق قاعدہ بنانے چاہتے ہیں تو یہ اسی وقت اس قانون میں درج کیا جائے۔ ورنہ احتمال ہے کہ آئندہ چلا کر ارکھ پر جو ٹیکس لگایا یا کارخانے والے کو ریلوے محصول جو دینا ہوگا وہ رقمیں بھی کسان سے وضع کر لی جائیں گی۔

The Hon'ble Dr. SAIYID MAHMUD :

میرے کہنے کا مطلب یہی ہے کہ deduction انہیں چیزوں کا ہوگا جنکو میں نے کہا ہے اور جنکا آپ نے بھی ذکر کیا ہے۔ اور rule میں اسکی صفائی ہو جائے گی۔ پھر ہماری سمجھ میں نہیں آتا ہے کہ اب اس اعتراض کی کون سی گنجائش رہ جاتی ہے۔

Mr. W. H. MEYRICK : At the end of clause 21, sub-clause (3), it says "such deductions as may be prescribed". On this side of the House, we do not understand what is meant by "such deductions as may be prescribed". We know nothing of what may be prescribed. We have no information in regard to this. Will the Hon'ble the Minister inform us what sort of deductions he visualises to be prescribed ?

The Hon'ble Dr. SAIYID MAHMUD : I have already informed the House, that the deductions which are going to be prescribed would be only in the nature of loans which the factory has given to the grower, and nothing else. The actual amount which is due from the growers to the factory would be deducted and nothing else.

Mr. W. H. MEYRICK : I thank the Hon'ble Minister for giving us the explanation ; but I would point out, as I understood from

him yesterday, that no sort of *mahajani* was to be allowed. When a loan becomes *mahajani* and when does it not become *mahajani* I would like to know ?

The Hon'ble Dr. SAIYID MAHMUD : *Mahajani* is not intended here at all. We are going to arrange that such loans should not be on the basis of *mahajani*, but it would only charge a reasonable rate of interest for the loan which the factory has given to the cane-grower and which the grower needed. Instead of *mahajans* charging a very high rate of interest, the factory should give loans at a reasonable rate of interest because it would be in the interest of the factory itself that the cultivation should improve. There is no other intention but this.

Mr. W. H. MEYRICK : On Saturday, the Hon'ble Minister mentioned that any advance given by the purchasing agent is the same thing as *mahajani*. The purchasing agent has in the past given advances which is called "*dadni*" on nominal interest. Yet I understood the Hon'ble Minister to say that this was one of the forms of advances which he wishes to do away with by this Bill. These very same advances are given to growers for the purpose of helping them over the period from the time of buying seed and the planting of cane till that cane is harvested. These advances are given at a very nominal rate of interest in most cases and never at an excessive interest and are welcome to the growers and will be, in the same way, welcome to the members of the cane-growers' societies. Yet I understood the Hon'ble the Minister on Saturday to say that any advances given by purchasing agents would not be tolerated. I do not understand wherein lie the differences, where the line is drawn of advances given by purchasing agents and advances given by the occupier of a factory.

The Hon'ble Dr. SAIYID MAHMUD : With the exception of one or two, a purchasing agent may give a loan on a very low rate of interest ; but this is not our information. A large number of purchasing agents, who do *mahajani*, do *mahajani* as other *mahajans* do. There may be one or two exceptions but we cannot make rule for them.

The purchasing agents cannot be controlled, but the factory can be controlled and we would see that their rate of interest is not high.

Mr. W. H. MEYRICK : On a point of information, Sir, may I ask why the Hon'ble the Minister contemplates that purchasing agents, who are licensed, would be difficult to be controlled ?

Dr. Sir GANESH DUTTA SINGH : The position is not clear, Sir, yet. All the growers will not take any loan from the factory or the factory will not advance money to all of them. Those who will need some help may go to the factory for an advance of a loan, but when the question of price is to be settled, the price is to be settled for all and not for those who would take the loan. My information is that the price should not be affected in any way by the loan and it will always remain independent of it. The loan is a matter of account. When a factory is paying the

price of sugarcane, it will deduct such advances whether given with interest or without interest from the price, but the price should not in any way be affected by the rules. The price fixed by rules once should remain the same. If the loan is taken into account with the price, there would be different prices at different factories, for instance, one factory deducts 1 anna, another factory deducts 4 annas and the third factory deducts Re. 1. Thus the price would depend on the amount of deduction for the loan given so there should be no deduction from the price.

Mr. SHAIKH MUHAMMAD HUSSAIN :

جہاں صدر - میں نہیں سمجھ سکتا ہوں کہ صرف جو loan لینے والوں کا deduction کیسے ہوگا۔ اگر deduction price پر ہوگا کیا ضرور ہے اور کیونکر ممکن ہے کل کے کل کاشتکار loan بھی برابر لیں کاشت بھی برابر کریں اور پیدوار بھی برابر ہو۔ ایسا ہونا غیر ممکن۔ پھر کچھ کاشتکار ایسے ہی رہیں گے جنکو loan کی ضرورت نہ ہو اور جب price deduct ہو جائیگی تو نتیجہ یہ ہوگا کہ A loan لے اور B کو ہی price deducted ملے۔ یہ بالکل بے اصول نا قابل عمل معلوم ہوتا ہے۔ بہر کیف میں سمجھنے سے قاصر ہوں۔

Mr. E. C. DANBY : Sir, a number of large factories have not in the past given loans direct to the growers. They have only given these loans on a nominal rate of interest through the purchasing agents. I do not think these factories will give loans direct to growers. They have given loans in the past through the purchasing agents who were responsible for these loans and the collection also. It will mean that if these loans are not given through the purchasing agents, the cultivators in those areas will not get any loan at all.

Mr. HARIVANS SAHAY :

جناب صدر، اس وقت جو قرضے ہیں ان کے سوتاधिक भी जो दादनी दी जाती है वह लौटा लौ जाती है। ऐसा कानून (rule) बना हुआ है और शासद मिनिस्टर साहब के कहने का मतलब वही है। दादनी के अभाव में जो रुपया खास खेतों के लिये दिये जायेंगे वही रुपया इसमें से काटे जायेंगे। अगर बात यही है तो यह कोई गंर मामूलो चीज़ नहीं है। इस वक्त मतलब सिर्फ यह है कि उसके लिये अख्तियार दिया जा रहा है।

Mr. BADRUL HASAN :

جناب صدر - میری گزارش یہ ہے کہ جب منسٹر صاحب کہہ چکے ہیں کہ داندنی جو دی جائیگی وہ deduct کر دی جائیگی تو اسکو

صاف کیوں نہ کر دیا جاتا ہے اسکے لئے rule کیوں بنایا جاتا ہے - یہ تو amend ہونے ہی سے ختم ہو جائیگا اور کوئی شک بھی باقی نہ رہیگا - Rules پہر بنائے جائینگے تو House کے ممبروں سے رائے نہ لی جائیگی اسلئے یہیں صاف کر دیا جائے کہ deduction بھی دیا جائیگا جو دادنی کے طور پر دیا جاتا ہے -

Mr. MUHAMMAD SHAFI :

اگر ایسی بات ہو تو یہیں صاف ہو جائیگا اور قاعدہ (rule) بنائے کی ضرورت نہ ہوگی -

The Hon'ble Dr. SAIYID MAHMUD :

مجھے کہنا یہ ہے کہ rule جو بنایا جائیگا اس کا یہی مطلب ہے جیسا کہ اوپر کہا جا چکا ہے - اسکا ذکر یہاں اسلئے نہیں ہے کہ یہ rule کے خلاف ہے - اسکو میں نے پہلے بھی کہ دیا تھا اگر ایسا amendment ایک چیز پر ہوگا تو تمام چیز پر ہو سکتا ہے اسواسطے اس amendment کی ضرورت نہیں ہے - اسکا یہی مطلب ہے اور اسکا کچھ دوسرا مطلب نہیں ہے -

Mr. MUHAMMAD SHAFI :

اسپر زیادہ تقریر کرنے کی ضرورت نہیں - میں تو عرض کر رہی چکا ہوں - اسلئے میرے خیال میں اگر یہ ترمیم (amendment) قبول کر لی جائے تو اسمیں کوئی دقت اور دشواری نہ ہوگی - اور آئینہ کا خدشہ بھی درر ہو جائیگا -

The Hon'ble the SPEAKER : Does the hon'ble member wish to press his amendment?

Mr. MUHAMMAD SHAFI : No, Sir. I beg leave of the House to withdraw my motion.

The motioa was by leave of the Assembly, withdrawn.

Mr. MUHAMMAD SHAFI : Sir, I beg to move.

That in sub-clause (3) of clause 21 of the Bill for the words "except such deduction as may be prescribed" the words "except the deduction of such amount as might have been advanced by the factory or the purchasing agent" be substituted.

میں ترمیم (amendment) میں ترمیم (amendment) پیش (move) کرنا چاہتا ہوں یہ ترمیم (amendment) میں اس غرض سے پیش (move) کر رہا ہوں - کہ جو مقصد اس دفعہ (section) کا ہے، اگر الفاظ "Or sells" اس دفعہ میں رہے تو پورا نہیں ہو گا - کسکو نہیں معلوم ہے کہ آجکل رشوت (bribery) کیلئے قانون ہے لیکن چونکہ رشوت (bribery) دینے والا بھی سزاوار ہو جاتا ہے اسلئے رشوت (bribery) لینے والے کے خلاف کوئی شہادت یا گواہی نہیں ملتی ہے - اسلئے اگر بیچنے والا اور خریدنے والا دونوں کی سزا ہو گئی تو ایسی صورت میں شہادت یا گواہی کا ملنا مشکل ہو جائیگا - اور پھر یہ مقصد جو اس مسودہ قانون کے اس دفعہ (clause) کے ذریعہ سے پورا کرنے کا ہے ایک دم غائب ہو جائیگا - اب رہا یہ قانون کے خلاف کم دام میں خریدے تو کسکو سزا دینی چاہئے - میں یہ کہوں گا کہ جو صورت حال آج کل ہے کہ ارکھ اپجانیوالا یقینی چاہتا ہے کہ جہاں تک ہوزبانہ دام ملے اور خریدنیوالا خواہ وہ ایجنٹ ہو یا فیکٹری والا ہو نہیں چاہئے کہ زیادہ دام دے ایسی صورت میں صرف خریدنے والے کی سزا ہو - اس طرح کی لالچ (temptation) یا اس طرح کی رکارت یا اس طرح کی کوشش کہ کم دام میں ارکھ خریدی جائے فیکٹری کی طرف سے یا ایجنٹ کی طرف سے شروع ہوتی ہے اور ارکھ کے کسان بہ مجبوری قبول کرتے ہیں - اسلئے مناسب ہے کہ قانون میں صرف خریدنے والا (purchaser) کا لفظ رکھا جائے اور بیچنے والا کا لفظ نہ رکھا جائے - میں کہوں گا کہ بحقیقت اگر موجودہ گورنمنٹ کی یہ خواہش ہے کہ اس قانون کے ذریعہ سے کم قیمت پر ارکھ نہ بکے بلکہ اسی قیمت پر بکے جو مقرر (fix) کی گئی ہے تب تو مناسب ہے کہ بیچنے والے کے لفظ کو اس قانون سے نکال دیا جائے ورنہ ان کو گواہی و شہادت نہ مل سکیگی اور شکایت کرنے والا بھی نہ ہوگا - ایسی صورت میں خریدنیوالا عام طور پر اسی طرح چھوٹ جائیگا جس طرح سے رشوت لینے والا آجکل چھوٹ جاتا ہے اور مقدمہ ثابت نہیں ہوتا ہے - اور اسوجہ سے اس ملک میں رشوت کی گرم بازاری ہے -

The Hon'ble the SPEAKER : The question is :

That in sub-clause (3) of clause 21 of the Bill for the words "except such deductions as may be prescribed" the words "except the deduction of such amount as might have been advanced by the factory or the purchasing agent" be substituted.

The Assembly then divided as follows :—

AYES—32.

Mr. Abdul Jalil.
 Mr. Badrul Hasan.
 Mr. Shaikh Muhammad Husain.
 Mr. Muhammad Salim.
 Khan Sahib Muhammad Yakub.
 Mr. Muhammad Abdul Majeed.
 Mr. Hafiz Shaikh Muhammad Sani.
 Mr. Shaikh Shafiqul Haqq.
 Chaudhuri Sharafat Husain.
 Chaudhuri Muhammad Nazirul Hasan.
 Mr. Sharfuddin Hasan.
 Mr. Shaikh Ziaur Rahman.
 Mr. Muhammad Shafi.
 Mr. Tajamul Husain.
 Bara Lal Kandarp Nath Shah Deo.
 Maharaj Kumar Rajkishore Nath Shah Deo.

Dr. Sir Ganesh Dutta Singh.
 Mr. W. H. Meyrick.
 Mr. Muhammad Qasim.
 Mr. Gulu Dhopa.
 Mr. Ignès Beck.
 Mr. Boniface Lakra.
 Mr. Chandreshvar Prashad Narayan Sinha.
 Lady Anise Imam.
 Mr. Saiyid Ali Manzar.
 Mr. S. Mohiuddin Ahmad.
 Mr. E. C. Danby.
 Mr. Saiyid Najmul Hasan.
 Mr. Devendra Nath Samanta.
 Mr. Shaikh Fazlur Rahman.
 Mr. Zainuddin Husain Meerza.
 Pandit Gobindpati Tiwari.

NOES—64.

The Hon'ble Dr. Saiyid Mahmud.
 The Hon'ble Mr Jaglal Chaudhuri.
 Mr. Krishna Ballabh Sahay.
 Mr. Jagat Narayan Lal.
 Mr. Shivanandan Prashad Mandal.
 Mr. Jimut Bahan Sen.
 Mr. Jagjivan Ram.
 Mr. Sayeedul Haqq.
 Srimati Saraswati Devi.
 Srimati Sharda Kumari Devi.
 Dr. Raghunandan Prashad.
 Mr. Jamuna Karjee.

Mr. Harikishore Prashad.
 Mr. Prabhunath Sinha.
 Pandit Gupteshwar Pandey.
 Mr. Budhan Rai Verma.
 Mr. Shyam Nandan Sinha.
 Pandit Sheel Bhadra Yajee.
 Mr. Bundi Ram.
 Mr. Dip Narayan Sinha.
 Mr. Harivans Sahay.
 Mr. Vishwanath Singh.
 Thakur Ramnandan Sinha.
 Mr. Ramashis Thakur.

NO. 64—concl'd.

Mr. Dwarkanath Tiwari.	Mr. Ramdin Tiwari.
Mr. Narayan Prashad Sinha.	Mr. Kishori Lal Kandau.
Mr. Shiveshvar Prasad Narayan Sharma Sinha.	Mr. Dheer Narayan Chand.
Mr. Rameshvar Prasad Sinha.	Mr. Buddhinath Jha.
Mr. Gorakh Prashad.	Mr. Bhaggan Chandra Das.
Pandit Baidyanath Misra.	Mr. Hopna Santal.
Mr. Shivanandan Ram.	Mr. Charan Murmu.
Mr. Rajeshvar Prashad Narayan Sinha.	Mr. Debu Murmu.
Mr. Chaturanan Das.	Mr. Brijlal Dokania.
Mr. Pramatha Bhattasali.	Mr. Hafiz Zafar Hasan.
Mr. Rajendra Narayan Chaudhuri.	Mr. Jadubans Sahay.
Mr. Ramcharan Sinha.	Mr. Ambika Charan Mallik.
Mr. Brahmadeo Narayan Singh.	Mr. Ram Prasad.
Pandit Mewa Lal Jha.	Mr. Jugal Kishore Narayan Sinha.
Mr. Tika Ram Majhi.	Mr. Brijnandan Sahi.
Mr. Ahmad Ghafoor.	Mr. Keshvar Ram.
Mr. Rajendra Misra.	Mr. Sunder Mahto.
Mr. Sukhlal Singh.	Mr. Purna Chandra Mitra.
Mr. Deoki Nandan Prashad.	Mr. Jitu Ram.
	Mr. Chakreshvar Kumar Jain.
	Mr. Saiyid Rafiuddin Ahmad Rizvi.

The motion was negatived.

The Hon'ble the SPEAKER : The question is :
That clause 21, as reported by the Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 21 was added to the Bill.

The Hon'ble Dr. SAIYID MAHMUD : Sir, I have just heard that there is a fear in the minds of some members that the factory owners may deduct the proposed tax from the minimum price and this may perhaps be the intention of the Government. I beg to inform the House that it is not the intention of the Government nor the factory owners will be permitted to do so.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 22 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 23 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 24 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 25 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 26 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The Hon'ble Dr. SAIIYID MAHMUD : Sir, I beg to move :

That in sub-clause (5) of clause 27 of the Bill for paragraphs (a) and (b) the following be substituted, namely :—

(a) purchases or sells cane in a reserved area in contravention of the provisions of sub-section (3) or sub-section (4) of section 18, or

(b) pays for cane a price less than the minimum price or such other price as may be determined for such cane under the provisions of Chapter V, or makes any deduction from the amount due for cane sold to him in contravention of provisions of sub-section (3) of section 21, or

Mr. MUHAMMAD SHAFI : May I know the reason for the amendments ?

The Hon'ble Dr. SAIYID MAHMUD : The main reason is drafting, Sir.

The Hon'ble the SPEAKER : With the amendments, sub-section (5) will read as follows :—

If any person—

(a) purchases or sells cane in a reserved area in contravention of the provisions of sub-section (3) or sub-section (4) of section 18, or

(b) pays for cane a price less than the minimum price or such other price as may be determined for such cane under the provisions of Chapter V, or makes any deduction from the amount due for cane sold to him in contravention of provisions of sub-section (3) of section 21, or

(c) exercises any of the powers conferred by or under this Act on a purchasing agent or takes part in any transaction connected with the purchase of cane in contravention of the provisions of section 20, or section 23, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

Mr. W. H. MEYRICK : Sir, all I have got to say is that I would suggest a small addition that the grower of cane should be also liable to a penalty. The grower is equally guilty if he sells his cane to the occupier of a factory as the occupier is guilty.

The Hon'ble the SPEAKER : The amended sub-clause provides for it. He is equally guilty.

Mr. W. H. MEYRICK : I am sorry, Sir.

Dr. Sir GANESH DUTTA SINGH : Sir, reading section 27 of the Bill it appears that it is not a Sugar Factories Control Bill but it is a part of the Penal Code. Look to clause 27. The first sub-clause imposes a fine of Rs. 5,000, second sub-clause Rs. 500, third sub-clause Rs. 2,000, fourth sub-clause Rs. 2,000, fifth sub-clause lays down a fine of Rs. 2,000 and six months' imprisonment, and the 6th clause Rs. 2,000. My submission is that no business can stand such penal clauses and in so many ways. It appears that the object is not to protect the sugar industry but to kill it. It appears that apart from the revenue to be derived from the agricultural income tax and other taxes, Government now intend to realise a handsome amount of money by punishing the factories and also in some places the *zamindars*. I think the manager of the factory and other people are respectable men and a fine of Rs. 10 will be a sufficient warning. What is the meaning of a fine of Rs. 5,000 ? I fail to understand it unless the intention be to make money. (*Hear, hear.*) There was once a proposal that instead of sending people to jail and spending money over them it was much better to fine everybody and that will be a good source of revenue. I think that lesson has been learnt by the present

Ministry. I do not understand the necessity of putting this amendment that any cultivator who sells will also be punished. I do not know what will be the amount of fine in the case of the poor cultivators. They cannot in their whole life earn Rs. 2,000. Now you should also remember the harassment caused by prosecution. It will be a prolonged case and the factory owners and the cultivators will have to dance attendance before the courts and then the courts will decide the question of punishment. I think it would be much better if you add that the trial will be by summary methods or by the Board which you have constituted or by some other way so that there may be no harassment. But prosecution means harassment and it will be to the benefit of the lawyers who belonged to the profession of the learned Advocate-General.

Another thing which strikes me is this : if I go to a shop and purchase certain things and after calculation pay less to the shop-keeper and he accepts it, am I to be punished for that ? In the same way if the factory owners pay less and the tenants accept the amount without any protest and if afterwards it is discovered that on a certain date less price was paid and a complaint is lodged to this effect, are the factory owners to be dragged to the court ? I think they should only be punished if it is found that they have paid less knowingly or if the receipt shows Rs. 10 and the man has been paid only Rs. 8 and the man knowing that he is getting less protests against this payment. What is the meaning of prosecuting a factory owner for paying less if a man accepts it without any protest ? I shall make more submissions in this connection when I come to clause 29.

The Hon'ble Dr. SAIYID MAHMUD :

حضور والا - سرگنشت دت سنگھ صاحب کی بہت دلچسپ تقریر میں نے سنی کہ گورنمنٹ کو factories penalised کر کے ریپیہ کی وصول کرنا چاہتی ہے - گو میں مانتا ہوں کہ ہر گورنمنٹ کو ریپیہ کی ضرورت ہو کر تی ہے - ارر ظاہر ہے کہ اس گورنمنٹ کو زیادہ ریپیہ کی ضرورت ہے لیکن میں انکو یقین دلاتا ہوں کہ گورنمنٹ کا ہرگز یہ منشا نہیں ہے کہ فیکٹریوں کو penalised کر کے ریپیہ پیدا کرے - یہاں تک کہ زمینداروں سے بھی جو ریپیہ لیا جائے گا وہ انہیں کے فائدہ کے لئے صرف کیا جائے گا -

مگر اسکے ساتھ بدقسمتی سے corruption گزشتہ چند سالوں میں بہت ہوئے ہیں اور ہو رہے ہیں - ان کو دیکھتے ہوئے high penalty رکھنے کی ضرورت ہے - ارر میں ان کو یقین دلاتا ہوں کہ کونگریس گورنمنٹ جس طریقہ سے اس کو administer کرے گی آپ کو اس کے تجربہ کے بعد معلوم ہوگا - یہ غلطی ہے

growers کہ زبردستی پانچ ہزار روپیہ لیں - لیکن corruption کی جو حالت ایسی شدت سے تھی کہ آپ بھی چلا آتے تھے - اور ایسی حالت میں penalty رکھنے سے یہ intention جانتے ہوئے بھی جان بوجھ کر cheating جاری رکھیگی - تو ایک دو مرتبہ ایسی سزا ہونے سے وہ درست ہو سکتے ہیں - ورنہ جہاں فیکٹریوں ہزاروں روپیہ cheat کر کے لیتی ہیں وہاں دس بیس پچاس روپیہ جرمانہ سے کیا ہو سکتا ہے اس سے وہ لوگ ماننے والے نہیں ہیں - اس سے معلوم ہونا چاہئے کہ اگر وہ اپنے کو درست نہیں کہتے تو اتنا جرمانہ دینا ہوگا جس سے غالباً پورے طور سے اس قسم کی cheating رک جائیگی - ہملوگوں کا یہی منشا ہے - یہ نہیں کہ اس سے روپیہ پیدا کیا جائے یا ہرقعت ذرا بھی کوئی غلطی ہوئی کہ پانچ چھ ہزار روپیہ جرمانہ کر دیا جائیگا - اسکو اس طرح سے administer نہیں کیا جائیگا - drafting میں (18) clause پہلے آنا چاہئے تھا چونکہ اس بل کے اس chapter کا logical consequence یہی ہے ورنہ اس میں کسی amendment کی ضرورت نہ تھی -

Dr. Sir GANESH DUTTA SINGH : Why not reduce from Rs. 5,000 to Rs. 50 ?

Mr. MUHAMMAD SHAFI : Sir, I beg to move :

That in the proposed paragraph (a) of sub-clause (5) of clause 27 of the Bill, the words "or sells" be omitted.

جناب صدر - میں اس موقع پر کوئی تقریر نہیں کرنا چاہتا ہوں - میرا مطلب پیش کردہ ترمیم سے ظاہر ہے -

The Hon'ble Dr. SAIYID MAHMUD :

Purchase اور sale کے متعلق مسٹر شفیع صاحب نے جو فرمایا ہے اسے - متعلق میں یہی کہنا چاہتا ہوں کہ assurance دونوں طرف سے ہونا چاہئے - فیکٹری جب مجبور ہے کہ اس قیمت پر تو ظاہر ہے کہ growers کو بھی لازم ہے کہ وہ بھی factories کو cheat نہ کریں - اگر ان کو بھی یہ assurance جب تک نہیں ہوگا آسانی سے کام نہیں چل سکیگا -

Mr. TAJAMUL HUSAIN : How can the grower cheat a factory ? Would the Hon'ble Minister give an example ?

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA : There are many ways of doing that.

Mr. BADRUL HASAN :

جناب صدر - ابھی مسٹر شفیع نے جو تحریک پیش کی ہے اسکی میں تالیف کرتا ہوں اور ڈاکٹر محمود صاحب نے جو speech دی ہے اسے صاف طور سے ان کے اعتراضات کو meet نہیں کیا ہے۔ Sale کا لفظ آیا فائدہ مند ہے یا نہیں اس کا جواب صرف drafting کی غلطی پر محمول کیا ہے آخر میں جو جواب دیا ہے وہ بھی کوئی ایسا جواب نہیں ہے جو انکی تحریک کا جواب ہو سکے۔ ان کی طرف سے یہ تحریک پیش ہوئی ہے کہ "sells" کا لفظ ہٹا دیا جائے اور صرف purchaser کو قانون کی گرفت میں لے لیا جائے اس کے متعلق جو جواب دیا ہے وہ تشفی بخش نہیں ہے۔ اس لئے کہ جب عوام کو معلوم ہو جائیگا کہ purchaser جو کم دام پر خریدینگے ان کی سزا ہوگی تو ضرورت ہی کیا ہے کہ بیچنے والے کم قیمت پر فروخت کریں۔ شائد شان و انداز ہی ان کو موقع پیدا ہو کہ اگر پانچ آنہ مل رہا ہو تو چار آنہ پر بد بیچینگے۔ بد بیچنے والا کا سوال reserved area میں نہیں ہوگا۔ اس لئے بیچنے والے کو قانون کی گرفت میں لانا بیکار ہے۔ اور جیسا کہ شفیع صاحب نے کہا ہے کہ complaint کریں تو دوزخ فریق مل جائینگے تو ایسا قانون بنانا بے فائدہ ہوگا۔

Mr. SAIYID RAFIUDDIN AHMAD RIZVI : Sir, if the amendment is accepted, it will practically mean putting a premium on dishonesty on the part of cane-growers.

The Hon'ble the SPEAKER : Is the hon'ble speaker speaking for or against the amendment?

Mr. SAIYID RAFIUDDIN AHMAD RIZVI : My speech will indicate that.

The Hon'ble the SPEAKER : I have to know it before. Because there is an amendment and there is an amendment to the amendment. I want just to know to which amendment the hon'ble member is referring by his word "amendment".

Mr. SAIYID RAFIUDDIN AHMAD RIZVI : I am speaking on Mr. Shafi's amendment dropping the word "or sells".

The Hon'ble the SPEAKER : That is quite right now. The hon'ble member may proceed.

Mr. SAIYID RAFIUDDIN AHMAD RIZVI : I just submitted to the House through you, Sir, that if Mr. Shafi's amendment is accepted, it

will really mean putting a premium on dishonesty on the part of cane growers. We all know that everyone in the country is anxious to help and protect the sugar industry in the province. For the last two or three years, it has suffered and suffered badly. We are anxious, of course, to protect both the cane-grower and the factory owner. An argument has been advanced that as bribe-givers are also to be punished under the present law as the bribe-takers, so it has not been possible to check the corruption of bribe, because none will come forward to give evidence for the fear that he will also be punished. We all know that. This is not perhaps a sound argument and it has, I must confess, not impressed me. If the amendment be accepted, then it will mean unhealthy competition amongst the cane-growers themselves and the result will be that those who are innocent, those who are not alert or smart will suffer and for those who can afford to sell, because they know they cannot be punished, there will be no punishment, and the result consequently will be that the industry itself will suffer and it will affect the province as a whole. Everyone of us will be affected and that is why I oppose the amendment moved by Mr. Shafi and I hope the House will reject it.

Mr. ABDUL JALIL :

جناب صدر - مجھے یہ عرض کرنا ہے کہ بیچنے والے اور خریدنے والے دونوں کی سزا کیلئے جناب منسٹر صاحب نے جو تجویز کی ہے تو یہ قانون ضرور بنایا جائے۔ یہ قانون گنا پیدا کرنیوالوں کے لئے بنایا جا رہا ہے جنہیں غریب کہتے ہیں۔ اور یہ انہیں دے فائدہ کیلئے بنایا جا رہا ہے۔ آئے دن مملوگ دیکھتے ہیں اور اگر آپ قشرف بیچائیں تو آپ خود دیکھینگے کہ چار آنہ گازی اپنے پاس سے پڑی والوں کو دیا کرتے ہیں۔ تو کیا رہ نہیں سمجھتے ہیں کہ پیسہ دینا بیکار ہے اور نہیں دینا چاہئے۔ لیکن پھر بھی دیا جا رہا ہے اور انکو رکا نہیں جاتا۔ اگر ایسا نہیں کیا جائے تو زیادہ تر نقصان ہی ہوگا اسلئے میں نہایت اداسوں کے ساتھ اس amendment کی مخالفت کرنا اور منسٹر صاحب نے جو کچھ کہا ہے اسکی تائید کرنا۔ خریدنے والوں کے پاس لاکھوں ترکیبیں ہیں بیچنے والوں کو بھی اسکا خوف رہیگا کہ اگر کم قیمت میں بیچینگے تو سزا ہو جائیگی۔ اگر اس rate سے زیادہ گنا نکلا جائیگا تو وہ ایسا کرنے سے باز نہیں آئیگا۔ اور کہ پر بیچ دینے سے زیادہ گنا نکلا جائیگا تو وہ ایسے معاملات ہوا کرتے ہیں۔ لیکن پاس ترکیبوں کی کمی نہیں ہے جہاں ایسے معاملات ہوا کرتے ہیں۔ لیکن جب بیچنے والے کو یہ معاملہ رہیگا کہ کم قیمت پر بیچنے سے سزا ہوگی اور نقصان بھی ہوگا تو ایسی حالت میں وہ کم قیمت پر بیچنے کو کبھی

تیار نہیں ہوگا۔ اس لحاظ سے میں سمجھتا ہوں کہ اس خطرے کو روکنے کیلئے میری رائے میں خریدنے والے کی جو سزا رکھی گئی ہے وہی سزا بیچنے والے کیلئے بھی رکھی جائے۔

Mr. MUHAMMAD SHAFI :

جناب صدر۔ مجھے حیرت اور استعجاب ہے کہ جس بیماری کے دور کرنے کا خیال ہے اس کے صحیح علاج کی طرف پوری توجہ نہیں کی جا رہی ہے اور نہ اس کے حقانے کیلئے مناسب بندوبست کیا جا رہا ہے۔ مثال کے طور پر میں نے پہلے کہ دیا تھا کہ اس ملک میں رشوت (bribery) کیوں نہیں بند ہو رہی ہے۔ اس کی وجہ خاص طور سے یہ ہے کہ رشوت لینے والے کے خلاف گواہی دینے والے نہیں جاتے ہیں کیونکہ دینیوالے کے اوپر بھی سزا عائد ہوتی ہے۔ بہر کیف میں یہ کہہ سکتا ہوں کہ اگر قانون کو ایسا ہی رکھا جائے تو اس مسئلہ میں ہے تو آپ کا مقصد کبھی بھی پورا نہ ہوگا۔ کسان کبھی نہیں چاہتا کہ وہ اپنی اڑکھ کو کم دام میں بیچے۔ لیکن ذرا آپ ان کے مجبوروں کو تو خیال کریں۔ وہ غریب اور جاہل ہیں اور قرض میں ڈرے ہوئے ہیں ایک طرف مہاجن کا تقاضا ہے تو دوسری طرف زمیندار کا پیادہ مالگداری کیلئے دق کر رہا ہے ان مجبوروں کی حالت میں اگر وہ کارخانہ کے عملوں کے شکار ہو جائیں تو کوئی تعجب کی بات نہیں۔ لیکن بارجوں کے وہ کم دام میں خوشی سے اڑکھ کو بیچنا نہیں چاہتے آپ اس قانون سے ان کو بھی مجرم ٹہراتے ہیں اور آئندہ شکایت بھی کرنے سے ان کا منہ بند کر دیتے ہیں۔ یوں تو ہر بات کا جواب ہو سکتا ہے لیکن میں پوچھتا ہوں کہ کیا بیچنے والے کو مجرم بنانے سے اس قسم کی خرابیاں دور ہو سکتی ہیں۔ اگر گزشتہ تجربہ سے کام نہ لیا گیا تو صرف قانون کے بنا دینے سے کچھ فائدہ نہ ہوگا بلکہ نقصان ہوگا۔ پہلے تو کسان کم دام کے ملنے کی شکایت کر سکتے تھے اب تو وہ یہ بھی نہ کر سکیں گے۔ اگر وہی ترمیم سے وہی مقصد حاصل ہوتا ہے جو آپ کی غرض ہے تو اس ترمیم کو قبول کرنے میں پس و پیش کیوں ہے۔ آپ بیچنے والے کو مجرم ہی بنا کر کیا کرینگے جب اس کے وجہ سے ارتکاب جرم کے روکنے میں آپ کو ناکامیابی ہو۔ میں نے صرف گنا کے کاشتکار (cane-growers) ہی کے مفاد کے خیال سے اس ترمیم (amendment) کو پیش نہیں کیا ہے بلکہ فیکٹری کے فائدے کے لحاظ سے بھی۔ جو فیکٹری ان خرابیوں (corruptions) میں شریک نہیں ہوتی

وہ مفت میں بدنام ہوتی ہے۔ اور خراب فیکٹری والے اچھے فیکٹری والے کی نیک نامی کو بدنام کرتے ہیں۔ جو صورت حال کہ میری ترمیم کے قبول کر لینے سے پیدا ہوگا بہت زیادہ ممکن ہے کہ اس سے خرابیاں (corruptions) در ہوجائیں۔ ان حالتوں میں کارخانہ والوں اور کاشتکاروں دونوں کے مفاد کے لحاظ سے میری اس ترمیم کو قبول کر لینا مناسب ہوگا۔

The Hon'ble Dr. SAIYID MAHMUD :

مجھے حیرت ہے کہ جو بائین خود ان لوگوں کے فائدے کی ہیں جن کی طرف سے تقریریں کی جا رہی ہیں کیا وہ حضرات حقیقت میں ان لوگوں کو خود فائدہ پہنچانا بھی چاہتے ہیں یا نہیں۔ cane-growers جیسا کہ میں نے کئی بار کل بھی کہا ہے۔ جب قانون بنتا ہے تو ممکن ہے کہ پسی حالت میں کمی پیدا ہو ایک آدمی اپنے interest کے خلاف کرے لیکن میں جانتا ہوں کہ اس ملک میں غریبوں کی جو حالت ہے اسکو سمجھ جانتے ہیں۔ انکو بہکا کر خود انہیں کے خلاف عمل کرایا جاتا ہے۔ اسلئے انہیں کے فائدے کیلئے یہ ضروری سمجھا گیا کہ ایسا قاعدہ رہے جس میں وہ خود اپنے interest کے خلاف کام نہ کر سکیں بار بار کا تجربہ بتاتا ہے کہ انکو آسانی سے دوسرے لوگ بہکا کر اپنی خاص غرض سے اور اپنے مطلب سے اولیٰ interest کے خلاف ان سے کام کر رہے ہیں۔ ایک وجہ تو یہ ہوئی۔ دوسری سب سے بڑی وجہ یہ ہے کہ وہ کم داموں پر بیچنے نہ پائیں ممکن ہے ایسا ہو کہ reserved area میں بہکا کر ایسا کیا جائے۔ اسوقت ہمارے ملک کی جو حالت ہے اُس میں ایسے سد باب کی ضرورت ہے دوسرے انصاف بھی یہی ہے جب ہم فیکٹری والوں کو مجبور کرتے ہیں کہ تم اس سے کم قیمت پر نہ خریدو کیونکہ competition کی وجہ سے دوسری فیکٹری والے بہکا کر کم قیمت پر انکو خرید لیں تو اس کے لئے assurance ہو چاہئے کہ انکو اور کم قیمت پر اسلئے دوسری جگہ کم قیمت پر بیچنے نہ دیں اور انکو اطمینان رہے کہ ایسا نہ ہوگا۔ پہلے ہی میں نے کہا ہے کہ اصل تو اسکا مقصد یہی ہے کہ انکو دھوکے سے بچایا جائے۔ مستر شفیع بھی اسی بات پر زور دے رہے ہیں کہ growers کا فائدہ ہو اور انہیں کے فائدے کیلئے درحقیقت یہ کیا جا رہا ہے۔ بدقسمتی سے اُپچالے والے یہ نہیں سمجھ رہے ہیں اگر وہ

آج اپنے فائدے کو پوری طرح سمجھ لیں تو قانون بنانے کی ضرورت باقی نہ رہیگی۔ اسلئے انہیں ے فائدے کیلئے ضروری ہے کہ ان کو دھوکے سے بچایا جائے۔

The Hon'ble the SPEAKER : The question is :

That in the proposed paragraph (a) of sub-clause (5) of clause 27 of the Bill the words " or sells " be omitted.

The motion was negatived.

The Hon'ble the SPEAKER : Now the question is :

That in sub-clause (5) of clause 27 of the Bill for paragraph (a) the following be substituted, namely :—

- (a) purchases or sells cane in a reserved area in contravention of the provisions of sub-section (3) or sub-section (4) of section 18, or

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

That in sub-clause (5) of clause 27 of the Bill for paragraph (b) the following be substituted, namely :—

- (b) pays for cane a price less than the minimum price or such other price as may be determined for such cane under the provisions of Chapter V, or makes any deduction from the amount due for cane sold to him in contravention of provisions of sub-section (3) of section 21, or

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

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

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 28, was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The Hon'ble Dr. SAIYID MAHMUD : I have to move only a drafting amendment to this clause, Sir.

The Hon'ble the SPEAKER : It is better that the hon'ble member moves his amendment before Mr. Danby moves his.

The Hon'ble Dr. SAIYID MAHMUD : Sir, I beg to move :

That (a) for sub-clause (1) of clause 29 of the Bill the following be substituted :—

(1) The Governor may, after consulting the Board, by notification, impose a tax not exceeding six pies a maund on the sale of sugarcane, and may, by notification, exempt from such tax sales in any area, or any class or classes of such sales, to be specified in the notification.

(2) The Governor may, by notification, impose a cess not exceeding six pies a maund on the entry of sugarcane into a local area, specified in such notification, for consumption, use or sale therein :

Provided that such cess shall not be imposed on the entry into any such area of any sugarcane in respect of the sale of which a tax imposed under sub-section (1) is payable.

and (b) that the existing sub-clause (2) of clause 29 be renumbered as sub-clause (3).

Mr. E. C. DANBY : Sir, I oppose the proposal to levy a tax on sugarcane because I do not believe that this tax will be paid by the factories. The Government in calculating the minimum price to be paid for the sugarcane will have to take this tax into consideration and, therefore, if this tax were not imposed, the minimum price to be paid to the growers would be higher. Is the sum which it is proposed to raise by this tax necessary for the improvement of cane-cultivation? I do not think the cultivator can be taught very much about the methods of cultivation. The only improvements that can be introduced by Government are facilities for irrigation or drainage and perhaps improvement of seed and the varieties of cane. In addition to the heavy excise duty which the factories have to pay, I submit that the industry in its present state cannot bear this additional taxation.

Mr. TAJAMUL HUSAIN : Sir, I am afraid that clause 29 which deals with taxation is not clear as to who will have to pay the tax. If you read the clause you will not be able to find as to who has to bear the burden of taxation—the factory or the cane-grower. If the burden of taxation is to fall on the cane-grower, I submit, Sir, it would be very objectionable. Besides this, sugar will become very expensive. I want to know a law point to which I had referred before and which I want to place before the House again. The reply that the Hon'ble Minister in charge gave me was not very convincing. I want to know under what section of the Government of India Act this tax is intended to be imposed. So far as I know, Sir, this is not a provincial subject. It is not in the Schedule of the Provincial Subjects, and I think it is only the Government of India that can levy excise duty—this is undoubtedly an excise duty. I submit that the Provincial Government cannot levy a tax on the production of sugarcane.

I would further submit, Sir, that the Government of India should contribute some money towards the scheme of introducing improvements in the cultivation of cane. Even if they contribute half of what they get from Bihar, I think there will be no necessity of fresh taxation, and the easiest method I can see in realizing this sum from the Government of India is that our present Government should agitate—and I am sure if

they did so, they would get, if not all that they want, at least half of it. Therefore, I agree with Mr. Danby and I submit that clause 29 should be omitted so that there may be no tax on the cane-grower which I am afraid this clause 29 contemplates.

Dr. Sir GANESH DUTTA SINGH : Sir, in the whole Bill there is no clause so objectionable as this clause. (*Hear, hear*). In my opinion, Sir, it is repugnant to the very principles of taxation and it is quite impolite. Sir, before I press some of the points here, I desire to place before the Assembly two memorable dates—one is well known, the date of the Permanent Settlement of 1793, and the other memorable date is 1930 of granting protection to the sugar industry. From the first, Sir, the *zamindari* system came into being and the second resulted in the creation of factories in the Tirhut division of this province and in the United Provinces also. Fortunately, Sir, the *zamindars* have enjoyed for some years the profit and advantages of the Permanent Settlement. Now, they have fallen on their bad days. But the factories have enjoyed the benefits derived from protection only for a few years. If you compare the two, Sir, the factories on the one side and the *zamindars* on the other, it appears that Government has got evil eyes towards both of them. Now is the time for Government to have money whether the *zamindars* exist or not or whether the sugar industry remains or not. And now I tell you how the money is proposed to be raised. Now, take for instance, first, the landlords and the *zamindari* system. *Zamindars* pay revenue; they pay cess, and they have great share in paying court-fees and several other taxes.

Now they are threatened with agricultural tax and the Bill for agricultural tax will be before the Assembly in a few days. Now, Sir, what taxes are paid by the factories? They pay income-tax, but that did not satisfy the Government of India, because the Government of India after calculation thought that by giving protection they have lost a good deal of revenue from the import duty. Then comes the Sugar Excise Duty. At first it was Rs. 1-5-0 and now it has been raised to Rs. 2. If the Agricultural Bill becomes law, the factories will be liable to very heavy agricultural tax. Again, comes the provincial cess. Now, when the Government of India has got so much money out of these factories, why should the Provincial Government stop its hand. It is a loot and they must have some share of it. To this is added the cost of survey and just now that clause has been passed. Calculate, Sir, all these items of taxation. With this, Sir, we see another difficulty. The foreign markets have been closed, why? To have the sale of Java and Hawaii sugar. The Hon'ble Minister himself has said in his speech that the matter of protection has been referred to the Tariff Board, and the decision he apprehends of the Tariff Board will go against these factories. Now, when all these difficulties are there, do you think that the factories can bear any more taxation?

Sir, Government know that they have no control over the Government of India, but there is no reason why the Provincial Government

will also have to do the same thing which the Government of India is doing and specially when the sugar industry is the source of prosperity of the tenants of Bihar. My submission is that as far as this question is concerned, the factories cannot bear any more taxation. Now, suppose for instance that you are badly in need of money and the Hon'ble Minister has said that the Government are badly in need of money and they do not look to justice or injustice (*Laughter*) but how does it affect they do not care. They want money badly on the excuse for helping the poor tenants and improving the sugar cultivation. It has already been said, Sir, that this tax after all will come out from the pocket of the cultivators. They will get two pice less. Well, two pice is a very important matter for cultivators. It may not be so for the factories or the Government, but it will be a big sum for the cultivators. But is it proper, Sir, to impose this tax ? I say, Sir, that it is against the principle.

If I remember aright and it is coming on every year, there is serious protest on behalf of the congress men and non-congress men against the salt tax, on the ground that salt is a food and when the article of food is taxed, the consumers will pay and some of them will be deprived of this article (*Hear, hear*). Now, agitation is going on on this question for the last 30 or 40 years, so much so that the preparation of salt was made a ground for civil disobedience movement and all over the country the congress men began to manufacture salt for cheap supply to the consumers. It was for this reason that in Orissa poor men were allowed to make salt for its consumption. If salt is an article of food, sugar is as much, for sugar is consumed more in many other forms than salt which is consumed in a very limited quantity, but there is no limit for sugar. I fail to understand, Sir, if the salt tax is repugnant to the principle of taxation, how can you justify tax on sugar. Salt, as far as India is concerned, is prepared on the sea-side and it is one of the mineral articles also. There are mines of salt from which it is dug out. But that is not the case with sugar. Time is spent, land is prepared, sugarcane is cultivated and then sugarcane is produced and crushed to give us sugar which is as much an article for consumption as salt, rather more. By taxing sugar you prevent the cultivators from cultivating sugarcane. They cultivate sugarcane for making profit and you are preventing them from making profits by taxing sugar. Further you put obstacles in the way of factories which have sprung up. If the factories do not survive, what will be the result. The result will be the same as in the case of indigo cultivation, which is now no more cultivated, because it is no more profitable. In the same way, Sir, if the sugar is not profitable, it will not be cultivated and so much capital and so much labour will be lost without any advantage.

It is said that the tax will be spent on the improvement of sugarcane cultivation. Those who are on the congress side may understand it, but I fail to understand how can the sugarcane cultivation be improved. You also said that the factories will advance special varieties of sugarcane seed and you have also said that the factories will advance a little money also. But what are you going to do ? It has been said that the cultivators need some scientific implements and some special ploughs. Are

you going to give them special implements and ploughs or you are simply going to make researches? If you are going to give them ploughs or some other thing, the matter is quite different. If you want to have canal system for the irrigation of sugarcane in the Tirhut Division or South Bihar, the matter is different. I doubt very much whether the construction of canal will be taken up for the irrigation of sugarcane, because this amount will be too insignificant for having a canal.

Then, you will restart the institution which has been closed on the recommendation of the Committee—I mean the Supaul Research Institute. Well, research is not for a small province. Every province is not to take up research. Bihar, Assam and Orissa are small provinces, which have hardly revenue for other necessary work. They should not take up research work. Pusa was a very big research station which has been removed from here. Let the Government of India make research for the United Provinces, the Punjab, Bihar and other provinces. Now the United Provinces is another big province and have enough money. Let the United Provinces Government make research and Bihar will profit by that. There are thousand and one researches going on all over the world in medicine and other scientific subjects and we are profiting by the result of these researches. Any ambition to have a research institute for name-sake without sufficient fund and at the cost of the poor cultivators and the factory owners is not good.

My submission is that there is no chance of any research. When the Bill was referred to the Select Committee I urged one point, which I repeat again. If you tax sugarcane because sugarcane is taken to the factories for being converted into sugar, you can easily tax paddy, wheat and any other produce, because the ground will be that the shape is changed and people will consume it and the money raised will be spent in the improvement of the paddy and wheat cultivation. My submission is that there is no justification for taxing sugarcane and not taxing paddy which is husked in the mills and wheat, which is converted into flour in the Bihari Mill at Patna. This excuse of improving the cultivation is very poor and if you tax one, you ought to tax others also.

Another point is this, Sir, that the industry owes its existence to capital. No doubt, there is cry against capital both in form of land and factory. Every thing is meant for tenants. Then, Sir, why in India up to this time there has been no development of industry. The reason is this: everybody knows that capital is shy. There are big people who have got enough money, but they do not like to invest it in industry. If a blow is given to the sugar industry, it will close the door of all future industries in this country. Now, crores and crores have been spent on sugar industry and if by taxation an improper burden is placed on the factories and the factories do not work properly, the people will think that it is no use investing money in industry because Government may impose a tax on it and thereby kill it.

In foreign countries the more the capital flourishes, the more the industry flourishes. In India it is just the reverse. Transaction in land has been closed here. Now if you tax the industry, you close the industry also. It is very unfair for Government when people want to

put every pice in industry that the industry should be so heavily taxed that it might be killed. Now along with this you have to take another fact into consideration. Everybody is crying here for reduction of rent because the tenants cannot pay due to depression. Is not depression to be taken into consideration in connection with the factories? They have to deal with tenants who are working under depression. They are themselves in great difficulty in finding funds. The Hon'ble Minister in charge of the Bill drew our attention to the condition in Java. He mentioned one fact that in Java the produce is about 1,200 maunds per acre while here it is 250. Why this difference? The difference is attributed to climate and other things. But it is mainly due to want of money. Poor cultivators cannot afford to spend on manures Rs. 200 to Rs. 300 to gain Rs. 700. If you manure your land properly, it is quite possible that you may reach the limit but poverty stands in the way.

Then, Sir, there is another advantage in Java and other places. It is due to the crushing machines which extract $98\frac{1}{2}$ per cent of the juice while in India—I shall be glad if I am corrected—the machines do not extract more than 80 per cent. Now, the difference of 18 per cent in juice is of very great value. Why the Indian machine is not so good because there is no money with the factory owners to buy superior machinery of the type which is in use at Java. All these require money. Indian factories also like to extract $98\frac{1}{2}$ per cent of juice. But if you tax them, certainly they will not be able to do it and they will drag on their existence anyhow. It appears that our Government and the Government of India are not free from international influence at present and it is on account of this influence that the foreign markets have been closed. Why India should have foreign markets? It is quite possible that the Tariff Board under foreign influence may be decided against us. When all other countries in which there is sugar market have combined against us, there is no chance for industry flourishing and we should not have any hand in this ruinous attempt.

There is one factor more. The Hon'ble Minister said that he wants that this Bill should be passed before the cultivation season begins and, therefore, everything has got to be done in haste and hurry. For this it is very essential that the members should agree to the proposal of the Hon'ble Minister. But when we see that the proposal will ruin the industry, it is difficult for us to accept it. Which is the better course, either to have an easy passage here and in the Council or to have a fight here and there and wait for a year? Nobody knows what will happen in one year. Perhaps both the factories and the cultivators will be in the same position. I think it is advisable that the clause which is objected to not by us alone but by others also outside the Assembly be deleted. There will not be much advantage and you will have enough money for small improvements from the funds supplied by the Government of India. It will be welcomed by the public and the factory if you add two pice or half an anna in fixing the price which will give something more to the cultivators and then have an easy passage of the Bill and you may begin the work before the cultivation season begins. I appeal to the Hon'ble Minister that this is a matter in which he ought not to have a bloody hand.

Mr. BALDEVA SAHAY (Advocate-General) : Sir, because of the speech of my friend, Mr. Tajamul Husain, it has become necessary for me to rise and take a few minutes of the precious time of the Assembly to answer the observations made by him regarding the legality or otherwise of the imposition of the tax or cess. My friend will excuse me if I were to point out to him the inadvisability or unwisdom of a member of the Provincial Legislature making observations during the course of a debate in the Assembly suggesting that a certain scheme of taxation is beyond the powers of the Provincial Legislature. I do not dispute the right of any member of the Assembly to take a point like this, but what I suggest is that if the only question that appears in his mind is that taxation could be levied by the Government of India, not that it could not be levied at all, it was not desirable for him to make a statement like this without having fully investigated the point.

I desire to assure the House through you, Sir, that the Government of this province have no desire to encroach in the least upon what may be the legitimate domain of taxation of the Central Government. But in making this suggestion not only we have taken care that we are not encroaching upon the domain of the Central Government, we have also taken care that this Bill, in so far as it makes provisions of taxation, does not become a measure of taxation for the purpose of revenue. If Government had intended to make it a measure of taxation, then the proper place of this clause for taxation should have been in a separate Bill. Members of the Assembly must have noticed that in sub-section (3) of this clause there is a guarantee on behalf of the provincial Government that the money so raised either by taxation on sale or by cess will not be utilised for any purpose other than the purposes connected with the improvement of the industry, improvement of the cane-growers or improvement to sugarcane cultivation itself. Therefore, in one sense it resembles a service tax which is a tax certainly upon a class of people, but there is the surest return for it. From that point of view this proposal as embodied in clause 29 is not a measure of taxation. My friend has referred to the Provincial Legislative List given in the schedule to the Government of India Act. By implication he suggests that this taxation or the cess which is an alternative to it, may be covered by one of the items of the central list. Now, the language of the relevant item in the central list is to the effect that the Government of India alone may impose a duty of excise upon goods manufactured or produced in India. The language of the relevant items in the Provincial Legislative List i.e. item 48 is "Tax on sale of goods" and the language of item 49 in the provincial list is "Cess on entry of goods in any local areas". I submit that the provincial Government could not have done anything better than to quote verbatim the language of item 48 and item 49 of the Provincial Legislative List and if we have quoted verbatim from the Provincial Legislative List, could it be with any force argued that the tax or the cess which is an alternative to it is one which is beyond the power of the Provincial Legislature. I submit apart from the difference in the language of the item occurring in the Central List and that occurring in the Provincial List it is not only a mere change of nomenclature but there is definite difference in substance. Whereas

the Government of India have the right of levying excise duty on manufacture of goods we have not got that right. We have got the right of taxing the transactions of the sale of goods which refers to a later stage than the stage at which the Government of India have the power of levying an excise duty. In the Central List the Government of India have the power of levying excise duty at the stage of manufacture. Now, after goods have been manufactured it is being sold. Sale has nothing to do with the process which is called the manufacture of goods. In fact we are not even taxing sale of goods manufactured but taxing sale of sugarcane, which is not at all goods manufactured.

Dr. Sir GANESH DUTTA SINGH : May I know whether it is to levy a tax on the sale of sugarcane and not sugar ?

Mr. BALDEVA SAHAY (Advocate-General) : I am much obliged to my hon'ble friend. That is a clear distinction. We are not at all going to levy a tax on the sale of sugar at all. As the clause says, it will be on the sugarcane and sugarcane is something which is neither manufactured nor produced. Now, Sir, I do not know much of English. English is not my language. But we have received the best advice that it will be unidiomatic grammatically to refer to sugarcane as goods produced. I think this is grown like the paddy crop, the wheat crop and is not something which is "goods produced", and in any event, if it were to be deemed to be goods produced, surely, the power to levy the tax on the sale of goods is entirely different from the power to levy an excise duty on goods produced or manufactured. For one reason at least, as I suggested just now, this represents a different transaction, this represents a later stage than the former one. Apart from that point of view, item 48 of the Provincial List is entirely different. The distinction must be kept in mind between the sugar and the sugarcane.

Now, another reason why we have put in this improved draft, which has been the subject matter of the amendment, is only that a factory in certain cases may not try to avoid payment of taxes by adding to his direct cultivation of sugarcane. That would be an evasion though legal of a legitimate due and, therefore, a more comprehensive item than item 48 has been taken advantage of which enables Government by a notification on this behalf to specify any local area and impose a cess on the entry of goods into this area. Government expect that occasion will not arise to resort to this cess and that there will be no attempt on the part of a factory to evade the law. You will have also noticed, Sir, that this Bill in its very opening clause, or, probably clause (2) limits the life of this law to only three years. At the end of three years, we shall come to a stage when Government should and will have the necessity of reviewing the position. Members of the Assembly know that the sugar industry is enjoying protection at present, which is to expire three years hence, and that is why an investigation by the Tariff Board is necessary and will precede the expiry of the three years' period from thence. Therefore, there could be no question of

any intention on the part of Government to ruin this industry as my esteemed friend, Dr. Sir Ganesh Dutta Singh, has suggested. In fact, it is a matter of common knowledge that this proposal to levy a tax has not been made by Government without the consent of persons representing the industry and interested in it.

Dr. Sir GANESH DUTTA SINGH : Perhaps they were thinking that they would not have to take the burden.

Mr. BALDEVA SAHAY (Advocate-General) : Yes. My hon'ble friend appears to know the mind of the sugar industrialists more than Government. Of course, I do not claim that Government ought to know the mind more. In any way, he claims to know their mind and informs the Assembly that when they gave their consent to the imposition of the tax, they were thinking that they would not have to bear the burden. I do not know, Sir, what is the truth about it. I am not, however, prepared to suggest that those who were speaking to the Hon'ble the Minister in charge of Development on behalf of the industry were not wise enough to understand the implications of what they were stating. Surely, those who are in charge of the industry involving investment of a large sum of money must be credited with some amount of shrewdness and certainly a large amount of common-sense; and I will not be probably tiring the patience of the members of the Assembly if I were to suggest that the Assembly ought not to take it as a fact that behind the proposal to tax there has not been the consent of those who are engaged in the industry. If persons interested in the industry were really thinking of transferring this burden from the broad shoulders of the industrialists to the weaker shoulders of the cane-growers, all that I can say is they are not entitled to any sympathy from this Government at least and nobody should, in fairness, rise up in defence of such persons who speak one thing and mean another.

Sir, again I must make it clear that upon the drafting of this clause 29 and upon the legality of clause 29 which alone will be the instrument which will help courts in administering this law, if at any time a dispute arises, there is no possibility of the cane-grower having to bear the burden. This is a point of view that has been urged before the hon'ble members of the Assembly by my esteemed friend opposite, and it gains strength because of a similar note of dissent by the hon'ble Leader of the Opposition. It is, therefore, necessary, that this matter must be cleared up. In so far as Government have taken upon themselves not only the right but the responsibility of fixing the minimum price of sugarcane and they propose to do it, there is no danger that a purchaser, that is to say, the occupier of a factory will be able to transfer this burden upon a cane-grower. There is no doubt that Government, once they fix the minimum price, an occupier of a factory will practically, virtually, turn it into the maximum price. No occupier of the factory will like to pay six annas if Government fix five annas and a half as the minimum price. I am not anticipating the decision

of Government, I was not a member of the Lucknow conference. I am giving an illustration : Supposing Government were to fix five annas and three pies or five annas and six pies as the minimum price, an occupier of the factory will have to pay this much. If they have to pay this much and the protection has been given only to this extent by Government, how will the occupier of the factory be able to transfer this burden ? Will they try to evade this obligation upon them to pay five annas and a half by saying to the cane-growers that they will pay them (the cane-growers) five annas only. They cannot do that. If they do, that is contravention of law and the contravention of law will bring upon their heads the penalty which the law proposes to impose upon them.

My hon'ble friend has referred to the rather severe penalty upon an occupier of a factory for contravention of the provision of law. Therefore, in view of this provision regarding penalty for contravention of law, no occupier of a factory dares disobey or circumvent this law by paying the cane-grower only five annas when it is bound to pay five annas and a half. If there were no fixation of this minimum price, then surely according to the ordinary economic laws of sale and purchase, the purchaser might have been able to successfully transfer this burden on the shoulders of the cane-growers. Another matter that requires to be cleared up is that even the industry will not suffer, because of this tax and that they also will have some advantage under this Bill. One of the conditions of the license mentioned in clause 10 of the Bill is that Government may lay down conditions relating to membership of the occupiers of factories of certain organizations. Government may lay down as a condition of the license that an occupier of a factory must be a member of a certain organization, say the Syndicate of the sugar industrialists. In such a case the occupier of a factory will have to be a member of such organization, and thus a membership of the organization will give him all the advantage of protecting himself against cut-throat competition in which an individual occupier of a factory may indulge, if he is not a member of any such organization. To-day, if the occupier of a factory is being hit by the excise duty for which the responsibility must remain upon the Government of India, who in spite of the unanimous opposition of the elected representatives of the people, of all shades of opinion in the Central Assembly thought it fit to impose this tax, the industrialists are also suffering partly because of the cut-throat competition amongst themselves. Now individual freedom is alright; but only to a certain extent and there was a time when individual freedom was thought to be such a sacred thing that it ought not to be affected in any way and to any extent. Times are altered and individual freedom has got to give way before collective or communal good. By communal good, I mean good of the community at large. That is a very great advantage, which they can get because of this Bill and of the action of Government under this Bill.

Therefore, this tax must not be judged as an ordinary tax, the purpose for which is only to add to the revenue of Government. My hon'ble friend opposite was finding difficulty in understanding how with this money sugarcane cultivation could be improved. Sir, I am neither

an agriculturist, nor a person in the employ of Government who has anything to do with the Department of Agriculture. But it is permissible for a man like me, to imagine how cultivation can be improved. My hon'ble friend himself in one part of his address was referring to the cheaper price at which Java has been selling and he himself alluded to the reason for giving protection to the India sugar against foreign ones. But how is that possible? That is possible only by cheapening the cost of production. But how to cheapen the cost of production itself? That may again depend upon producing sugarcane of such a type as will yield the maximum quantity of sugar. That is improvement of agriculture.

Improvement of agriculture certainly requires not my brain, not the brain of an average member of the Assembly, but the brain of a person who is capable of doing some research. I heard this morning my hon'ble friend, Dr. Sir Ganesh Dutta Singh, say that he is afraid of research, he is afraid of those who indulge in research. But surely the Assembly will not share his views. Research may bring in result that our sugarcanes may yield the maximum quantity and percentage of sugar to the advantage not only of the cane-grower but to the advantage of the industrialist also. Therefore, Sir, it is not impossible to imagine how this fund that is being practically created will be utilised. There should be no fear at all that there will be anything like an attempt at ruination by the Government so far as the industry is concerned.

These are the few observations that I thought it necessary to make and I apologise, Sir, to the members of the Assembly for having taken so much of their time.

Mr. TAJAMUL HUSAIN: On a point of information, Sir, I want to ask one question from the Advocate-General. I think the learned Advocate-General said that the tax realised under clause 29 of the Bill would be spent on a specific purpose, that is for the improvement of the industry and that this fact is mentioned in the Bill. I think the learned Advocate-General said that it was mentioned in clause 3 of the Bill. I looked up clause 3, Sir, and I did not find it there. I want to know under what clause of the Bill this fact is mentioned that the tax realised under clause 29 would be spent on this particular industry.

Mr. BALDEVA SAHAY (Advocate-General): My hon'ble friend is quite right in putting this question to me. I made a mistake. It did occur in the first draft that we had prepared and that is my explanation, and I apologise to the Assembly for having made this statement. You will note, Sir, that in the end of my speech I said "practically" not legally. We have no desire that this money should be spent on any purpose other than the purposes connected with the industry and the sugarcane growers and sugarcane cultivation. But according to the provisions of the Government of India Act every money that will come by way of taxation, whether it be under the name of tax or cess, will go to the general revenues. Now, the general revenues will always be

distributed only with the consent of the Assembly, and, if my hon'ble friend so desires here I am standing by the side of the Hon'ble Minister in charge of Development to say that that is the intention of Government. That is what I said towards the end of my speech. We are not legally creating a separate fund, because we cannot. But practically we shall be spending all this money for the purposes connected with the industry. This is the position. It is entirely open to my friends opposite not to accept any statement and not to take it as an assurance from Government. But it is true that in the Bill, as it now stands, no provision like the one my friend has in view is explicitly laid down, and if my hon'ble friend will permit me and if you permit me, Sir, for the sake of assuring my hon'ble friend opposite I may read out the original provision in the Bill.

The proceeds of the tax imposed under sub-section (1) shall be utilized by the Government in such manner as it considers desirable for the benefit of the sugar industry and the agriculturists.

I had this in my mind when I said that Government's intentions were very clear, and they propose to be just and fair to themselves and to the words that they utter in the Assembly.

Mr. TAJAMUL HUSAIN: May I know why this provision was removed from the draft of the Bill?

Mr. BALDEVA SAHAY (Advocate-General): In fact, Sir, I may state here that the difficulty of Government is—which is not the difficulty of individual members—that they have got to go by the advice of their expert advisers, and at times the advice of the experts becomes command which they cannot disobey. Now, the financial experts advised that this could not be put in the Bill because under the Government of India Act all proceeds from taxation must go to the general revenues. That is why it has been taken away, not that Government want to back upon their expressed desire. The hon'ble member in charge of the Bill also referred to that in his speech and, that part of his speech may again be referred to by any hon'ble member who has any doubt in the matter.

[Interval for lunch.]

The Hon'ble the SPEAKER :

Microphone जो आप लोग देख रहे हैं उसकी जांच हो रही है। अगर वह अच्छा निकला तो यहां लगाया जायगा। जो भाई धोसी आवाज़ से बोलते हैं वे आकर microphone के पास बोलें तो अच्छा होगा।

Dr. Sir GANESH DUTTA SINGH : Sir, I may mention one thing. Yesterday I was in the Patna College and a loud speaker was installed there. The Hon'ble Minister was also there. Every thing was heard quite distinctly all over the compound. What were the arrangements

I cannot say, but the Principal was speaking and His Excellency was speaking, and every word of their speeches was distinctly heard by every one.

The Hon'ble the SPEAKER : Where was it? Was it in the hall?

Dr. Sir GANESH DUTTA SINGH : No, it was on the top of the tree in the compound.

Mr. JAMUNA KARJEE :

यू० पी० असेम्बली में भी लाउड स्पीकर लगा हुआ है जिसके जरिये से बाहर के लोगों को भी एसेम्बली की बोलो सुनाई देती है और बहुत distinct सुनाई देती है।

The Hon'ble the SPEAKER :

हम से कहा गया था कि जैसे मद्रास में microphone लगा हुआ है वैसा ही यहां भी लगाया जाय।

The Hon'ble Dr. SAIYID MAHMUD :

حضور والا - اسکے بارے میں میں پہلے ہی کہنے والا تھا - کل میں نے پتہ کالج میں اس بات کو نوٹس کیا تھا اور میں اس کو آپ نے نوٹس میں لا دینا چاہتا ہوں - رہا جو machine لگی ہوئی تھی معلوم ہوتا ہے کہ یہ بہت ہی sensitive machine تھی - جو لوگ دُور بیٹھے ہوئے تھے انہیں بھی صاف طور سے سنائی دے رہا تھا - میں عرض کرنا کہ اس machine کو بھی دیکھا جائے اور اگر اچھی ثابت ہو تو ریسی ہی machine یہاں لگائی جائے - میں نے تو اس کو بہت پسند کیا ہے۔

Mr. BARA LAL KANDARP NATH SHAH DEO :

یہاں سے بولنے سے ٹیک نہ ہوگا۔

Mr. SHAIKH MUHAMMAD HUSAIN :

جناب صدر - میں اس لحاظ سے نہیں بولنا چاہتا کہ اسمبلی کو tax لگانے کا حق ہے یا نہیں - آئے دن ٹیکس لگائے گئے ہیں اور لگائے جارہے ہیں - خواہ وہ ناجائز غیر ضروری نقصان دہ ملک و ملت کے لئے کیوں نہ ہوں - میں صرف cane-grower کو چرنقصان ہوا اسی کو ظاہر کرنا چاہتا ہوں -

اس دفعہ میں درپوشہ فی من میں ٹیکس یا سس لگانے کی تجویز کی گئی ہے مگر اب تک اسکا تصفیہ نہیں کیا گیا یہ ٹیکس کس سے وصول کیا جائیگا یہ ظاہر ہے یہ ٹیکس پیداوار پر ہوگا اور چونکہ پیدا کرنے والے کاشتکار ہی ہیں اسلئے یہ ضرور ہے بالراسطہ یا بلا واسطہ یہ ٹیکس کسان ہی کے سر آئیگا۔ فرض کیجئے اور اب شاید ضروری ہے کہ یہ ٹیکس بذریعہ فیکٹری وصول ہو۔ ایسی حالت میں اسکا اثر minimum price پر ہوگا۔ minimum price تو رہی ہوگی جسکا پوتا کارخانہ رالرنکو پڑے۔ آخر Factory اپنے نفع کے لئی کام کرتی ہے۔ cane کی قیمت ارسیقمر دیسکتی جسمیں اسکو نفع ہو " اسکا نتیجہ یہ ہوگا minimum price پر کم ہوگی کسانوں کو cane کی قیمت بھی کم ملیگی یہ نقصان ہوگا غرض یہ کہ اس ٹیکس کا بوجھ کسان ہی پر لے دیا۔

تعجب ہے کاشتکار غریب کی جاتے ہیں انکو خوشحال کرنے کی کورنمنٹ کو ذکر بہت ہے۔ ان کی مالگداری جو زمیندار کو دیتے ہیں اسمیں کمی کی جارہی ہے۔ روپیہ میں ۴ آنہ تو کورنمنٹ نے مالگداری executive order سے کم کر دی اور Tenancy Bill پاس ہو جائیگا تو ۴ آنہ کی اور تخفیف ہو جائیگی۔ غرض یہ کہ روپیہ میں ۸ آنہ مالگداری میں تخفیف ہو جانے کی امید توقع ہے۔ اب غرض فرمائے۔ ایک بگہہ فی مالگداری جسمیں ارکھہ ہوئی جاتی ہے زیادہ سے زیادہ دس روپیہ ہوگی جسمیں سے نصف اسکا یعنی پانچ روپیہ تخفیف کر دی یا کرائی۔ موزر جناب منسٹر صاحب کے کہنے کے مطابق ایک بگہہ میں ارکھہ تھائی سو من ہوتی ہے۔ گرچہ یہ انداز بہت کم ہے میرا انداز ہے میں بھی کاشتکار ہوں اور ارکھہ کی بھی کاشت کرتا ہوں فی بگہہ چار سو من ہے۔ کاشت خراب ہونے کی اور بات ہے۔

بہر کیف جناب منسٹر صاحب کے اندازہ کے مطابق تھائی سو من کا فی من آدھہ آنہ کے حساب سے آٹھ روپیہ ایک آنہ ہوا نتیجہ یہ ہوا کے ۵ روپیہ فی بگہہ کی تو آپ نے تخفیف کرائی اس کے عوض میں آٹھ روپیہ ٹیکس یا سس لگادیا اسمیں کسان کی کیا بھلائی ہوئی کیا اس ترکہ میں کسان خوشحال ہو سکتے ہیں۔

بیان کیا جاتا ہے کہ یہ روپیہ کسان ہی کی بھلائی و ترقی میں صرف کیا جائیگا۔ بالکل ٹھیک گورنمنٹ ہمیشہ ایسا ہی کہتی آئی ہے۔ رتہ سس کا جب قانون پاس ہوا تو یہی کہا گیا کہ اس سے سڑکیں بنائی جائیں گی یہ عوام کے بھلائی کے لئے ہے۔ چرکیداری کا ٹیکس جب نافذ ہوا ہے تو یہی کہا گیا کہ اس سے چرکیدار مقرر ہونگے اور کسی دوسرے کام میں یہ روپیہ نہیں لکایا جائے گا۔ یہ عوام کی بھلائی کے لئے ہے۔ چھوٹا ناگپور خصوصاً پلاموں میں بہت سے روپیہ چرکیداری ٹیکس کا پس ماندہ رہ گیا تھا اس اسمبلی میں پہلے سیشن میں جب پرچھا گیا کہ چوکیداری ٹیکس میں اضافہ کیا ضرورت ہے جب اسقدر روپیہ چوکیداری کا خزانہ میں پڑا ہوا ہے تو چراغ دیا گیا کہ general fund میں دیدیا گیا۔ جب اس قسم کی عہد خلائی ہمیشہ ہوتی آئی ہے تو اس عہد کا بھی کیا بھروسہ۔

اب غور کرنے کی یہ بات ہے کہ جو زمین پر اسقدر ٹیکسوں کا بھرمار اور بوجھ لانا جارہا ہے اسکے برداشت کرنے کی زمین میں صلاحیت ہے یا نہیں agricultural tax جو زمینداروں اور سو بگہ سے زیادہ کاشت کرنے والے کسانوں پر بھی عاید ہوگا۔ رتہ - اس canal tax چرکیداری ٹیکس cane tax خصوصاً بیچارے کاشتکار یہ برداشت کرسکیں گے۔

Mr. PRABHUNATH SINHA :

क्या यह तय हो जाय कि यह फैक्टरी वालों पर लगेगा। तो आप को बोर्ड एतराज़ नहीं होगा।

Mr. SHAIKH MUHAMMAD HUSAIN :

جذاب والا۔ میں کہہ چکا ہوں کہ ٹیکس فیکٹری کے ذریعہ وصول ہوگا مگر پھر بھی یہ sugar cane ہی پر ہوگا آخر اسکا بوجھ کاشتکاروں پر ہی پڑیگا۔ میں صرف اسقدر اور کہنا چاہتا ہوں کہ اس بیماری کا علاج جو گورنمنٹ نے سوچا ہے وہ اسقدر drastic ہے کہ اسکا نتیجہ یہ ہوگا کہ نہ مرضی رہے نہ مریض۔

اب کسان کے نمائندگان اور کانگریس ممبران اسے غور کریں کہ جب اس ٹیکس کا بار کاشتکاروں ہی پر آئیگا۔ اسوقت انکو خبر نہیں ہے کہ کانگریس

کے سبز باغ کا سیر کر رہے ہیں - جب وہ اصلی دنیا یعنی practical life میں آئینگے جب کہیں انکو خبر ہوگی اسوقت قانون پاس ہو جائیگا اور سر سے پانی اُنچا ہو جائیگا کچھہ کئے نہ بن پڑیگا -

Mr. ABDUL MAJEED :

جذاب صدر :- تین رزروں سے اس مسئلہ پر گفتگو ہو رہی ہے مگر میرے خیال میں تو گنا کا شکر بندہ سے پہلے اس کے رس کو ڈاؤ اور اُنچ اُٹنی لگا دیگئی کہ اُس میں میتھاس و چیننی پیدا ہونے کے بدلے نمک بھی نہیں بلکہ تلخی پیدا ہوگئی - جہاننگ میری (information) واقفیت ہے اگر وہ صحیح ہے تو میں کہہ سکتا ہوں کہ کانگریس کمیٹی میں بھی قیمت کے متعلق جذب بابز راجندر پشاد نے آٹھ آنہ من شاید قیمت تجویز کی تھی - provincial کانگریس کمیٹی نے بجائے آٹھ آنہ کے اس کی قیمت چھہ آنہ رکھی - مگر اس قانون کے ذریعہ سے اب آپ نے چھہ آنہ سے بھی اتار کر سوا پانچ آنہ قیمت مقرر کر دی ہے (ایک اراز no where) - مگر انریبل منسٹر کی اسپیچ اس پر شاہد ہے اپنی speech میں بھی انریبل منسٹر نے کہا ہے کہ اب اس پر دز پیسہ فی من ٹیکس لگائینگے کہاننگ اُن کاشتکاروں کو جو گنا کی کاشت کرتے ہیں یہ مفید ہوگا - یہ بہت قابل غور ہے - ہر قسم کے کاشتکار اس وقت عام طور پر ہوتے ہیں - ایک تو وہ حوغلہ کی کاشتکاری کرتے ہیں اور دوسرے وہ جو آج کل بہت مفید سمجھے جاتے ہیں جس سے ان کو پوسہ فوراً مل سکتا ہے وہ گنا کی کاشتکاری ہے - اس کی قیمت کے متعلق جو mill رالز کا رویہ رہا ہے جو کاشتکاروں کے ساتھ بے دردانہ اور جفاکارانہ سلوک رہا ہے اس سے ہر شخص واقف ہے - آج وہ رعایا جو پوریشاں اور مفکر الحدال ہیں اور طرح طرح کی تباہی کے شکار ہو رہے ہیں ان کے اوپر اگر اُنکی اس مصیبت حالی پر بھی ٹیکس لگایا گیا تو ان کا سدھرنا اور سنبھلنا مشکل ہے - ہماری رائے میں کانگریس گورنمنٹ کا یہ دعویٰ تھا اور بجا طور پر تھا اور ہم بھی یہ امید کرتے تھے کہ رعایا اور کاشتکاروں کی بھلائی کے لئے حتیٰ الوسع کوشش کریگی اور کر رہی ہے اگر ہماری تقریر غلط فہمی پر مبنی نہیں ہو تو ہم عرض کریں گے اور مردبانہ عرض کریں گے کہ یہ اس قسم کا ٹیکس حصہ ناجائز ہی نہیں بلکہ بیجا ہوگا - آپ کو لازم تھا کہ قبل سے ٹیکسوں

کے لگانے کیلئے موجودہ ٹیکسوں میں تخفیف کرا کر ان چند مہینوں کے عرصہ میں ایسی نفاذ پیدا کی جوتی جس سے تمام رعایا اور عام کاشتکاروں کو آپکی جانب سے پورا اطمینان اور یقین حاصل ہو گیا ہوگا اور ان کی تکلیف بہت حد تک دور ہو جاتی۔ (کانگریس بچہ کی طرف سے کئی آوازیں اُٹھ رہی ہیں) اور بیشک اُٹھ رہے ہیں مگر رگڑ میں درجنوں پہلے سے ہم نہیں قائل۔ "جو آنکھ ہی سے نہ دیکھ تو پھر لہر کیا ہے" یہہ قبل از وقت آپ کا دلجوئی ہے کہ آپ بہت کچھ کرینگے۔ لیکن اگر آپ اس طرح ابتدا ہی سے ٹیکسوں کی ہر مار لگائے گئے تو یہہ مقولہ صادق اُترے گا۔ زمانہ یہی چاہتا ہے اور اس کو قانون رالوں نے بھی تسلیم کیا ہے ٹیکس لگانے کی پالیسی بہت بری جوتی ہے قبل اسکے کہ آپ نئے ٹیکسوں کے لگانے کا اقدام کریں آپ ہی رعایا کی مصیبت کو کچھ حد تک ہٹا لیجئے کہ رعایا کو اطمینان ہو جائے۔ اسکے بعد بیشک رعایا سمجھینگے اور کاشتکار سمجھینگے کہ آپ نے ان کی مشکل کو دور کر دیا۔ وہ امیدیں لگائے ہوئے ہیں۔ اگر خدا نخواستہ آپ نے جس طرح سے بڑے کاشتکاروں پر ٹیکس لگانے کا تہیہ کر لیا ہے اسی طرح چھوٹے کاشتکاروں کا جو چند کتہہ رکھ کر گئے کی کاشت کرتے ہیں اگر ان کے کاشت پر بھی آپ نے ٹیکس لگایا تو آپ بجائے ان کی مصیبتوں کے دور کرنے کے ان کی مصیبت اور غربت اور مصیبت حالی میں اور بھی اضافہ کر دینگے۔ آپ کو معلوم ہو گیا ہوگا کہ نئے ٹیکسوں کے لگنے سے لوگوں میں عام طور پر طرح طرح کی بدگمانیاں پیدا ہو رہی ہیں اسلئے آپ کا فرض عین ہے کہ آپ ان بدگمانیوں کو جہاں تک جلد ہو سکے دور کریں۔ اور نئے ٹیکسوں کو لگا کر اپنا ہاتھ خونیں نہ بنائیں۔ جناب انریبل Advocate-General صاحب نے امیدیں دلائی ہیں اور جیسا کہ ان کے منشا سے معلوم ہوتا ہے کہ یہ ٹیکس صرف تین برسوں کے لئے ہے۔ ہم یہ مانتے ہیں لیکن وہ کاشتکار جو اس وقت بہت دنوں سے مصیبت کے شکار ہو رہے ہیں ان کے لئے تین برس کا انتظار بہت بیصبری کا انتظار ہوگا۔ اور ہو سکتا ہے کہ اگر ان کی طبیعت کے مطابق یہ قانون نہ بنا اور ان کی تکلیف بڑھتی گئی تو ان کی بدگمانی بھی بڑھتی جائیگی۔ اپنے امید دلائی تھی کہ ملوں کے مظالم کو روکنے اور دور کرنے کے لئے آپ فیملی کے قانون اچھے اصول پر بنائینگے لیکن اگر یہ ٹیکس آپ نے لگایا تو وہ مقولہ ایکدم صادق

اُنیکا کہ آپ نے جو بائیں ہاتھ سے دیا اسکو دائیں ہاتھ سے زبردستی چھین لیا - میرے خیال میں آپ معاف فرمائیں گے یہ اصول اچھا اصول نہ ہوگا - اساتے ہماری گزارش ہوگی اور گزارش ہے کہ آپ یہ ٹیکس نہ لگائیں - ورنہ بجائے فائدہ کے عام لوگوں میں بد گمانی اور بد دلی پھیلیگی نہیں صرف یہی نہیں بلکہ کاشتکاروں کو نقصان ہوگا - آپ کی نیت تو ہے کہ اُنکو فائدہ پہنچے مگر میں تو دیکھتا ہوں کہ وہ پرانے مقولہ صحیح ثابت ہو رہا ہے - یہ عجیب ماجرا ہے کہ بروز عید قربان بھی ذبح بھی کر رہی ہے اور اب لگتا - ایسا taxation لگانا اور پھر کہنا کہ ہم فائدہ پہنچا رہے ہیں محض در متضاد دعویٰ ہیں - اس لئے میں امین کرتا ہوں کہ آپ یہ ٹیکس نہ لگائیں گے -

The Hon'ble the SPEAKER:

میلوی شہر سید محمد حسین اور میلوی شہر سید محمد علی صاحب کو آواز آئے آپ لوگوں نے سنی ہے یا نہیں؟ (آوازیں—ہاں، ہاں، سنی ہیں۔)

Mr. W. H. MEYRICK: Sir, if I understood the Advocate-General correctly, he has said that the Mills Association or their representative has approved of the tax on sugarcane. This is, I believe, quite correct. But when they gave their blessing to such a tax, I am authorised to say that they never anticipated such a large amount as 6 pies per maund. The maximum they expected the tax to be was 3 pies a maund. I have nothing more to say beyond this and I entirely support, so far as I am concerned, the amendment of Mr. Danby.

Mr. MUHAMMAD TAHIR: Sir, when I rise to oppose the clause under discussion I am really taken back to an idea which is prevailing among us that when we are going to do anything or when we propose to do anything we see into the fitness of time, and unfortunately if the time falls as inauspicious time, then we have experience that our whole show is affected. Having this idea into my mind I think when we took the reign of this Government in our hand, the time that was allotted to our fate was really insuspicious, because from that very time we find that Bills after Bills are being introduced in this House with the result that we are not free from taxation, in as much as that this Bill which has been introduced by such a simple personality like our Hon'ble Dr. Saiyid Mahmud could not be free from taxation. Sir, in support of this clause as our Advocate-General has said in his speech there is no doubt that he has tried to convince the House. For this I can say that he placed a very strong argument for convincing the House for a thing which is, in my opinion, not desired by this House and outside.

So far as this tax is concerned, it has been given out that it is meant for improvement of sugarcane cultivation. We find from the report of the Select Committee that we have got certain allotment of funds for the improvement of sugarcane cultivation. Sir, I have got no experience of the whole province, but still I have seen some arrangement for the improvement of cultivation in our parts of the district where there are agricultural farms. My information is that though a huge amount of money is being spent, no relief and no improvement has been made for the cultivators in the interior. Of course, those improvements are improvements for the support and maintenance of few souls, that is, the staff of the Agricultural Department. Before we think for increasing our fund to improve the condition of cultivators, I think the fund which we have got already at our disposal should be utilised in a way which can show that we have really done something for the good of the public in general in matters of cultivation. The next point is that from the report of the Select Committee it appears that if the contribution made by the Government of India is substantially increased, it might be unnecessary to levy the proposed tax. In this respect I may point out as to what attempt has been made towards the increment of that fund. Before taxing the people we should try our utmost to increase the fund by other sources which may be utilised for the improvement of cultivation. We are here to fight for our existence and, of course, to strengthen our existence for future. It may be a very hard job to deal with the Government of India, but it is very easy to swallow up the poor cultivators and impose a tax of any kind over them. We should not keep ourselves away from difficult task and lean towards sources which are easily accessible.

With these few words, I submit that before we levy any tax or cess on the cultivators we should try our level best towards all other sources to have our income increased. If we fail in all our attempts then we should turn to the measure which is very strong, and are likely to bring hardship to the public in general and to the cultivators in particular. With these few words I resume my seat.

Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA: Sir, with your permission I want to make a few observations on this point. I would like to deal with the points that were raised or, in fact, the points that were explained by the Advocate-General. One thing that has not been clear to my mind in spite of his explanation is that I do not understand why he deprecated the attitude of Mr. Tajamul Husain in bringing the question as to whether the Provincial Legislature was competent or not to levy a tax of this kind. I believe it should be quite open and perfectly straightforward thing for anybody to look into the legality or otherwise of any action that the Legislature might adopt. Even if we are convinced of certain things that on a matter of policy that should be done, but if it is illegal to do that, it would not be fair to advise the members that they should not thereby raise this question because indirectly it means that they are curtailing their own rights and privileges.

I do not know if that is what the Advocate-General meant. But if that was at the back of his mind, I surely do not agree with him.

Another thing he told us was that the Government of India was empowered to tax the manufacture of goods, and when the next stage of the sale of commodity came, the provincial Government was empowered to tax, but before that it would not be for the provincial Government to impose a tax. As I said I fail to understand how the sale of sugarcane is supposed to be something that happens after the manufacture of sugar. I am sure this is a question which is beset with difficulties. I am also sure that it is not the first occasion when the Advocate-General has been found to be discussing the legality or otherwise of this imposition in this province. I am sure he must have by now spent hours in his own Government in considering whether this tax is legal or not. I am also sure that equally important brains must have been advising that probably it is not legal to do so. However, these are my conjectures; they may not be correct, although I have every reason to believe that it must have happened so.

But apart from this the more important side of the thing is whether this tax is going to come from the industry, or the mill-owners,—the occupiers of the factory as he termed them—or from the cultivators. In my opinion that is the more important question with which this Legislature is concerned. At the very outset I want to inform the House that I do not agree with my most revered leader, Dr. Sir Ganesh Dutta Singh, that this is going to be an imposition on the occupiers of the factory. By no stretch of imagination can I persuade myself to believe that the industry could have either agreed or tolerated an imposition of this kind. I hope you will recall to your mind the conditions that obtained last year and which made it imperative for the Government to take some action in order to improve things. You remember that last year the price of sugarcane fell down to such a low level that there was a hue and cry everywhere that it was no longer paying to the cultivators, and that the price fixed by Government was very unfair. If you will go into the history of that, you will be told that one of the chief reasons why the price went very low was the imposition of the excise duty by Government of India which every one of you has condemned and just now even the Advocate-General, of course, in a most passing way, remarked that that was not a very healthy thing and it had not produced healthy effect on the industry as a whole.

Well, it is clear why the prices fell. This excise duty the industry had to meet. They could not produce this money from their pocket and naturally they had to reduce the price that they could offer to the sugarcane cultivators. Similarly, I hope you will agree with me that at present whatever price the Government is fixing, and to which allusion Government have got the power to fix the price. I agree with him but will not agree with me when I say that Government will easily take into consideration the imposition of this tax and would easily transfer whatever

they will be able to obtain from the duty to the producers of the sugarcane. It is a very simple calculation. It will not take much to remind the Hon'ble Minister that even the provincial congress committee decided that the price to be paid for the sugarcane should not be less than six annas. They have fixed 5½ annas and they propose to impose a tax of half an anna on each maund of sugarcane that would be obtained by the occupier of a factory. Surely, if the occupier of a factory can give that to the provincial coffers it should have been transferred to the growers and it would have very nearly come to the price that was advocated for sugarcane by the provincial congress committee.

I, therefore, do maintain that this tax cannot come from the mill-owners or, as a matter of fact, the industry or the consumer is not really going to pay for this. It is only a different way of putting things and probably a convenient way of calculating things and also a convenient way of collecting the tax that you want now to collect through the agency of the occupier of a factory. But that does not mean that actually it will be paid by them. It has got to come from the pockets of the cultivators. That is the one thing that we must bear in mind.

Another aspect of the question which you cannot overlook is this. As you know, last year the excise duty was transferred to the cultivator. I, therefore, maintain that practically not the occupier of a factory, but either the cultivator or the consumer is paying that excise duty. Now, here in the Bihar Sugar Factories Control Bill, section 29, runs thus :

The Provincial Government may after consulting the Board impose a tax not exceeding six pies a maund on all cane sold to a factory in accordance with this Act, or levy a cess at the said rate on the entry of cane into a local area notified in this behalf, for consumption, use or sale therein.

You have got to remember what I have just now told you that ultimately the tax will be shifted to the agriculturists.

Now I like to refer you to the Bihar Agricultural Income-tax Bill which has already been circulated to us and which, in due course, I am sure, will be brought before us for consideration. At the very first page, you will find the definition of the agricultural income. I will read it for your benefit.

“ Agricultural income ” means—

- (1) any rent or income derived from land which is used for agricultural purposes, and is either assessed to land-revenue in Bihar or subject to a local cess or rate assessed and collected under any Bihar and Orissa Act or under any Bihar Act ;
- (2) any income derived from such land by—
 - (i) agriculture, or
 - (ii) the performance of a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

- (iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in sub-clause (ii).

Now, I have already read out to you sub-clause (ii). I hope you will agree with me that whatever tax is imposed, if and when the Bihar Agricultural Income-Tax Bill is passed, it will be shifted on to those who are engaged in the business of cultivation. Now, therefore, I hope you will pardon me if I maintain that all these three taxes are going to be shifted to practically the same source, namely cultivation.

It is now for the Assembly to think and decide whether it is fair to let this imposition of tax to be shifted on to those who are engaged in the business of cultivation. I maintain that this is more a matter of policy than anything else. Even if I were to admit that for the improvement of agriculture, as we have been told, some money is needed and it can only come by way of taxation, some tax has got to be tolerated. It will be difficult for me at this stage to understand or realise that the present condition, as it obtains, is such that the agriculturists' community will be able to bear or tolerate all these taxes. You will also recall that here in this very House we have been repeatedly told that the present rate of rent is acting as hardship. We have also been told about the sins that the landlords are capable of committing from time to time; but do we realise that after all the capacity of agriculturists' community is being every day undermined by the imposition of these taxes and then the tax is being shifted on to the broad shoulders, if I may use the word, which I borrowed from the Advocate-General, of the landlords.

These are the very important aspects of the question which you must necessarily consider. If you let this half an anna go to the agriculturist, he is certainly in a better position to pay his rent than he otherwise would be. These are some of the aspects of this question which you cannot easily overlook. Then also, incidentally, I revert back to what the Advocate-General has said that the one guarantee so far as the interest of agriculturists goes is that Government under this Bill have taken up upon themselves the duty to fix up price. He described it as the minimum price. He should not forget that the intention of the legislature all the time has been to fix a minimum price with a view to ensuring that the price does not go below that. But at the same time it would be possible that a higher price may be made available. This has not happened and I am sure will not happen in future. It is, therefore, for Government to consider whether by all means when fixing the minimum price, they should not take into consideration the proposal of this tax, and whether or not, it is possible for them to give to the agriculturists' community a little more. It is no good saying that by only adopting the duty of fixing price, they have done every thing that would be possible to ensure that everything that could go possibly to the pockets of the agriculturists' community has been ensured.

I think I have sufficiently shown to you that this half an anna without any difficulty or without any hardship to the industry would have

been transferred to the agriculturists' community. We have then been given a sermon, if I could call it, about individual liberty and what the different countries are thinking about the individual liberty, so on and so forth. I hope it were better if those things were not discussed by him. I feel that when he did all that, there was certainly something other than what he professed. His performance was beyond his profession. He wanted to explain the legal position, but, in fact, he started and completed his speech by advocating the policy of Government. I hope that could easily have been left for the Hon'ble the Minister in charge to do. But apart from that although we may now and then talk of questions of how societies are to be framed, how Government are to be run, incidental references of a part of the whole idea are most misleading. How the different states in the world are not run in one way.

The conception of running Government differs from country to country. No body with safety can ascertain that one and the same idea has been adopted by all the countries in the world. If we were to join issue on questions like this, I believe I may have to detain the House for hours together. But that is a point which, I think, is absolutely besides the point which we have been considering and, therefore, we need not go into that. I hope I have made myself perfectly clear, but there is one thing. Probably the Hon'ble the Minister in charge or the hon'ble members might like to know from me, namely, while I definitely consider that this tax will come from the agriculturists' community, I consider that if Government could see their way, they should not impose this tax. On the other hand, if it is possible, and I consider it is definitely possible, they should transfer this half an anna to the agriculturists' community by fixing the minimum price at a higher level. I have got to make an alternative suggestion. This alternative suggestion I would not have made, if I had felt that all the plausible arguments that I have given would go to convince Government and they would give them the idea of imposing this tax. But I have a fear, for some reason or other, they may not do it. If that is what happens, which should not happen, then I have to suggest that instead of utilising the proceeds of this tax, whatever they may be, if I remember correctly, they would be something in the neighbourhood of Rs. 20 lakhs, the proceeds of this tax should not be frittered away. Instead of using this sum of Rs. 20 lakhs in distributing seedlings or distributing manure or improved variety of agricultural implements, I should advise Government that they should, on the basis and security of this tax, even though it may be for a limited period, try to obtain a very large amount of money and with that capital start undertakings of bigger magnitude and of lasting effect. Take for example, if you want that some area ought to have a better type of irrigation system in which, if only capital were provided, you could do it, I should advise that a thing of this kind would be more in the interest of agriculturists than spending this money in things that will have no lasting effect. That is one thing which I very strongly want to place before Government for their very serious consideration. This idea which I have given to them, if and when, as I say, they want definite schemes regarding this, I would have no difficulty in discussing this matter; but I do hope

the Hon'ble the Minister will consider this question. This is all that I have to place before you.

The Hon'ble the SPEAKER : How many minutes will the final reply take ?

The Hon'ble Dr. SAIYID MAHMUD : It may take about ten minutes, Sir.

The Hon'ble the SPEAKER : There appear to be two more names on the list of speakers.

Mr. PRABHUNATH SINHA : I think the matter has been thoroughly discussed, Sir, and the question may now be put.

The Hon'ble the SPEAKER : Has Mr. Shafi to urge any new points before the House ?

Mr. MUHAMMAD SHAFI : It is a question of putting a thing in a different way and, of course, many new things may come up.

The Hon'ble the SPEAKER : How many minutes does the hon'ble member propose to take ?

Mr. MUHAMMAD SHAFI : About ten to fifteen minutes, Sir.

The Hon'ble the SPEAKER : There is very little time left and the hon'ble member wishes to take ten minutes at least ; and then there may be a division. The next clause is still to be put. I think the hon'ble member should better finish his speech in five minutes.

Mr. MUHAMMAD SHAFI : I will try, Sir.

جناب صدر - جناب ڈاکٹر صاحب 'ی ارس تقریر کے بعد جو انہوں نے اس بل کے پیش کرنے کے وقت کی تھی اب اسکی اتنی ضرورت نہیں ہے کہ اور بھی مزید دلیل دی جائے کہ جو ٹیکس ارکھ پر لگایا جائیگا وہ گنا کے کاشتکاروں (cane-growers) پر پڑیگا - میرے صرف یہ کہنا چاہتا ہوں کہ جناب ڈاکٹر صاحب موصوف نے خرد اپنی تقریر میں جب یہ بل اس ایوان میں پیش کیا گیا تھا فرمایا تھا کہ Excise duty on sugar ultimately falls on the shoulders of cane-growers اگر چینی

پریکس لگانے سے اسکا بوجھ ارکھ کے اُپجائے والوں پر پڑ سکتا ہے تو
 مین نہیں سمجھتا ہوں کہ ارکھ کے ارپر کا ٹیکس خواہ وہ چینی کے کارخانہ
 ہی کے ذریعہ سے کپڑے نہ وصول کیا جائے کیونکر گنا کے کاشتکار پر نہیں پڑیکا
 محض یہ کہدینا کہ چرنہ کم سے کم قیمت (minimum price) مقرر
 کردی گئی ہے اس لئے cane-growers پر نہیں پڑیکا، میرے خیال میں
 صحیح نہیں ہے اس لئے کہ جو کچھ یہی قیمت مقرر کیجائیگی اُسوقت
 اس ٹیکس کا ضرر لحاظ رکھنا کیا جائیگا۔ اگر minimum price
 مقرر کرنے کے بعد ٹیکس لگایا گیا تو اس قیمت کو پوری حد تک بڑھنے
 کا آئندہ موقع نہیں ہو سکتا ہے۔ اس لحاظ سے مین کہہ سکتا ہوں کہ
 اس ٹیکس کا بوجھ آخر کار انہی بیچارے کسان غریبوں پر پڑیکا۔
 تو میں پوچھتا ہوں کہ آخر کسان جو ارکھ اُپجائے ہیں وہ
 کتنے قسم کا ٹیکس دیں گے۔ ان کو مالگذاری (rent) دینی پڑتی ہے یہ ایک
 طرح کا ٹیکس ہوا۔ ایک بعد دیہاتوں میں چوکیداری کا ٹیکس بھی
 بگہ کے حساب سے لگایا جاتا ہے یہ دوسرا بوجھ ہوا۔ چوکیداری کا ٹیکس
 ہوتے ہوئے تیسرا ٹیکس cess کا ہوا۔ کسان جب مالگذاری دیتے ہیں تو
 ادہ آدھ فی روپیہ زمیندار کو ادا کرتے ہیں جو کہ ان کے cess کا حصہ ہوتا ہے
 چوتھا بوجھ جو ان پر آئیوا ہے وہ agricultural tax کا ہے۔ دیکھا جائے
 تو ان سب کا مجموعہ معمولی رقم نہیں ہے۔ اب اس کے بعد ارکھ کا پانچواں
 ٹیکس ہوا۔ آنریبل ڈاکٹر سید محمود صاحب نے فرمایا تھا کہ عام طور
 سے دوسو پچاس من ارکھ فی بگہ پیدا ہوتی ہے۔ اگر درپائی فی من
 ٹیکس لگا تو اس لحاظ سے فی بگہ ارکھ کی کاشت پر سات روپیہ تیرہ آنہ
 ٹیکس پڑیکا۔ اگر تین سو من فی بگہ ہوا تو نو روپیہ چھ آنہ ہوا۔ اگر
 چار سو من ہوا تو فی بگہ ساڑھے بارہ روپیہ ہوا۔ پھر آپ سمجھ سکتے
 ہیں کہ کسانوں کے ارپر کتنا بوجھ بڑھتا ہے۔ میں نے مانا کہ
 agricultural tax چھوٹے کسانوں پر نہیں لگایا لیکن تو بھی کافی تعداد
 ان کسانوں کی آجائیگی جو سو بگہ سے زیادہ کاشتکاری کرتے ہیں۔ ایک
 اور نقطہ نظر سے میں یہ کہوں گا کہ جب اس قانون کو صرف درپرس کے
 لئے عملی جامہ دیں گے تو آپ ان درپرسوں کے اندر گنا کی کاشت کی
 ترقی کے لئے کونسا research work کر سکتے ہیں۔ غیر ممکن ہے کہ اس
 درپرس کے اندر کوئی نتیجہ خیز یا مفید کام ارکھ کے ترقی کا ہو۔

سنہ ۱۹۳۱ء میں یہ قانون ختم ہوتا ہے۔ درپس کے اندر آپ ٹیکس وصول کرینگے۔ لیکن اس کا جو نتیجہ ہونا چاہئے یعنی research work کی وجہ سے جو improvement ہونا چاہئے وہ نہیں ہو سکیگا۔ اس لحاظ سے میں کہوں گا کہ یہ قیمت ٹیکس کے لئے مناسب نہیں ہے۔ اسوقت ارکھہ والے خود ہی چلا رہے ہیں کہ ارکھہ کا کافی دام نہیں ملتا ہے اور اسی پریشانی میں مر رہے ہیں۔ غالباً جناب آنریبل ڈاکٹر محمود صاحب نے چند مہینہ قبل اخباروں میں شایع کرایا تھا کہ ارکھہ کی جو قیمت مل رہی ہے وہ کافی نہیں ہے اور نہ راجب (economic) ہے اور یہ خیال بھی ظاہر کیا تھا کہ چھہ آنہ مناسب قیمت ہوئی چاہئے۔ صوبہ کانگریس کمیٹی کی مجلس عاملہ کے علاوہ والیہ صاحب نے بھی چھہ آنہ قیمت کو مناسب قرار دیا ہے۔ تو پھر ٹیکس کا اضافہ کر کے آپ موجودہ غیر راجب قیمت (uneconomic price) کو کیرن کر مناسب بنا دیئے۔ میں - مان کہا جائیگا کہ ارکھہ اُپجائے والوں کی بھلائی اور گناہی کاشت کی ترقی کے لئے کچھہ (ریڈیوں کی ضرورت ہے تو میں پوچھتا ہوں کہ excise duty جو مرکزی حکومت نے چینی پر لگائی ہے کیا اسکا صوبہ کی حکومت کو حصہ (contribution) نہیں مل رہا ہے۔ جہاں تک مجھے واقفیت ہے در سال سے اس صوبہ کو یہ (ریڈیہ) مل رہا ہے۔ لیکن اس (ریڈیہ) کا قلیل حصہ ارکھہ کی کاشت کی ترقی کی تحقیقات (research) کے کام میں صرف ہوتا ہے اور اس کا زیادہ حصہ مشاہرہ میں بانٹ دیا جاتا ہے۔ در دھائی لاکھ (ریڈیہ) سالانہ مرکزی حکومت سے مل رہا ہے اس سے کسانوں کو اور کی ارکھہ کی کاشت کے ترقی میں کیا فائدہ ہوا۔ صوبہ کی حکومت ذرا اور زور سے مرکزی حکومت سے مطالبہ کرے کہ جو حصہ اس صوبہ کو دیرھہ ہے اسکو برہائے۔ میرا خیال ہے کہ اگر دباؤ (pressure) زیادہ ہوگا تو کوئی وجہ نہیں ہے کہ اس کام کے لئے (ریڈیہ) نہ دے لیکن اگر آپ اس ٹیکس کو لگا کر (ریڈیہ) کا انتظام کر لیتے ہیں تو ہو سکتا ہے کہ مرکزی حکومت جواب دے کہ صوبہ کی قانون ساز مجلس نے خاص طور سے ارکھہ کی ترقی (improvement) کے لئے ٹیکس لگانے کی منظوری دیدی ہے تو مرکزی حکومت کو دینے کی کیا ضرورت ہے۔ اس بات کا آپ کو ضرور خیال رکھنا چاہئے۔ جس نقطہ نظر سے دیکھا جائے یہ ٹیکس اسوقت مناسب نہیں ہے۔ مان اگر کچھہ مدت کے بعد گورنمنٹ کے

پاس کوئی اسکیم ہو اور اس اسکیم کا کوئی cut and dried estimate ہو تو ایسی صورت میں مزید ٹیکس کے بوجھ کی زحمت برداشت کی جا سکتی ہے لیکن جب تک کہ کوئی معقول اسکیم گنا کی کاشت کی ترقی کی نہ ہو تب تک محض اس خیال سے کہ اُنڈہ فائدہ کا کام کیا جائیگا ٹیکس نہیں لگانا مناسب ہے اور جب کہ سالانہ حصہ کا دہاائی لاکھ روپیہ کوئی معقول اسکیم نہ رہنے کی وجہ سے پورے فائدہ کے لئے صرف نہ ہوتا ہو۔ انہیں رجوعات کی بنا پر میں اس قانون کے اس دفعہ کی مخالفت کرتا ہوں۔

The Hon'ble Dr. SAIYID MAHMUD :

حضور والا—اس وقت جتنی تقریریں ہوئی ہیں ان کو سنکر متحیر اور پریشان ہوں۔ میری سمجھ میں نہیں آتا ہے کہ ان کا کیا جواب دوں۔ میں ممنون ہوں بابو چندریشور پرشان نرائس سنگھ کا کہ کم سے کم انہوں نے اس مسئلہ پر بحث کی۔ چاہے وہ بحث کسی کو convince نہ کر سکی ہو۔ کہ کیونکر یہ ٹیکس کسان پر پڑیگا۔ لیکن اور بھائیوں نے جو تقریریں کی ہیں انہوں نے یہ سمجھ لیا ہے کہ یہ ٹیکس کسان پر پڑیگا۔ پہلے انہوں نے فرض کر لیا ہے کہ گورنمنٹ انہیں پر ٹیکس لگانے جا رہی ہے اور لگا رہی ہے۔ اور اسی بذا پر تقریریں ہوئیں کہ غریبوں پر ٹیکس نہ لگایا جائے ان کو زیادہ پریشان نہ کیا جائے اور ان کو طرح طرح کی مصیبتوں سے بچانے کے لئے تقریریں ہوئیں۔ میں نہیں سمجھتا ہوں اس کا کون سا موقع تھا۔ نہ تو یہ ارادہ گورنمنٹ کا تھا اور نہ ہوگا کے غریبوں پر ٹیکس لگایا جائے۔ خاص کر اس بل کے متعلق میں یہ کہنا چاہتا ہوں کہ اس میں جس ٹیکس کی تجویز کی گئی ہے اس کا مقصد یہ ہے کہ کسی طرح growers پر مضر اثر نہ پڑے۔ نہ تو یہ گورنمنٹ کا ارادہ تھا نہ ہے اور نہ عملاً ایسا ہوگا کہ یہ ٹیکس کاشتکاروں سے وصول کیا جائے۔ ہمارے دوست بابو چندریشور پرشان نے مسٹر میرک اور سر گنیش دت سنگھ کی رائے سے اتفاق نہ کرتے ہوئے یہ کہہ دیا ہے کہ factory owners پر یہ ٹیکس نہ پڑیگا۔ Industry کی حالت خراب ہے۔ اسلئے factory owners کی کچھ مدد ہونی چاہیئے۔ نہایت ہوشیاری سے انہوں نے اپنے لیڈر سر گنیش دت سنگھ اور ساتھی مسٹر میرک کی رائے سے اہتلاف کرتے ہوئے تقریر کی اس

پر میں انہیں مبارکباد دیتا ہوں۔ بھر حال میں ان سے اور یہائیوں سے عرض کرتا کہ بلا غور کئے اور بلا Act کے الفاظ کو دیکھو۔ یہ فرض کر لینا کہ گاڑی آتی ہی درپدہ ٹیکس فی من کنہ پر لے لیا جائے یہ غلط ہے۔ ہرگز ایسا نہیں ہوگا minimum price کا جہاں تک تعلق ہے نہایت غور خوض کے بعد یونہی اور بہار گورنمنٹ نے ملکر سر دست minimum سوا پانچ آنہ مقرر کیا ہے اس کے ساتھ ہی ساتھ اعلان کیا ہے کہ یہ minimum price سشن میں اس سال کم نہیں ہوگی۔ یہ بجائے خون اتنا بڑا فائدہ growers کو ہے جسکو ہمارے دوست غالباً سمجھ سکیں گے۔ آئندہ سال اگر industries کی حالت بہتر ہو جائیگی توچہ انہ یا اس سے بھی زیادہ سارے چہہ آنہ فی من ممکن ہو سکیگا تو کر دیا جائیگا۔ درپدے کے بارے میں جو کہا گیا ہے تو اسوقت صرف ایک پیسہ لگانے کا ارادہ ہے۔ درپدے لگانے کا اختیار ضرورت کے لئے لے لیا گیا ہے۔ میں اپنی گزشتہ تقریر میں کٹھی رز سے برابر اس کا ذکر کر رہا ہوں۔ اس کے درہارنے کی ضرورت میں نہیں سمجھتا ہوں۔ مسٹر مریک اور سر گنڈیس دت سنگھ کی رائے سے مجھے اتفاق ہے اسکا اثر factory owners پر پڑیگا۔

Mr. W. H. MEYRICK : On a point of information, Sir, may I ask when I said like that ?

The Hon'ble Dr. SAIYID MAHMUD : Many times during the last three days the hon'ble member has said that it will be very hard on the factory owners.

Mr. W. H. MEYRICK : I do not think that I have said so. I merely referred to what the Mills Association had said in regard to

The Hon'ble Dr. SAIYID MAHMUD : I remember that you have said that. However, it does not matter.

بہر حال حضور والا کسی طرح سے اس کا تعلق growers سے نہیں ہے جہانتک factories کا تعلق ہے میں نے پہلے ہی دن عرض کر دیا تھا اور اچ بھی عرض کرتا ہوں کہ یہ ٹیکس happy نہیں ہے۔ factory owners کو ضرور کچھ hit کرتا ہے مگر انہوں نے یہ سمجھا ہے کہ industries کو فائدہ ہے اور اسوقت تک cultivators کو فائدہ نہ پہنچیکا جب تک over-production رکھنے کا سامن نہیں کیا جائیگا۔

انہیں اسکی خوشی ہے یا نہیں یہ میں نہیں جانتا ہوں۔ لیکن اس اصول کو انہوں نے منظور کیا ہے کہ یہہ ٹیکس لگنا چاہئے۔ باقی رہا اب corruption اور بے ایمانی یہ تو کسی نہ کسی شکل میں رہیکی ہی یہہ دوسرا سوال ہے۔ کسی صاحب کی تقریر سے پتا چلا ہے کہ بے ایمانی سے growers کو کم قیمت دی جائیگی حالانکہ corruption کا سوال بالکل علیحدہ ہے۔ میں بار بار اسکو کہہ چکا ہوں کہ یہہ تو آج بھی ہے اور کل بھی تھا۔ اور آئندہ بھی رہیگا۔ لیکن اسکو کم گرنیکی پوری کوشش کی جائیگی اور مجھے سولہ اندہ نہیں۔ تو آئندہ اندہ کامیابی کی امید ہے۔ اور خود فیکٹری والوں نے وعدہ کیا ہے۔ اور ان کے وعدہ پر ہم کو امید ہے جہاں تک corruption کا تعلق ہے کم ہوگا۔ اسلئے حضور والا میں عرض کرتا کہ ان صاحبان کی تقریروں کا منشا سمجھنے سے قاصر ہوں۔

یہہ کیوں فرض کر لیا گیا ہے کہ غریبوں پر ٹیکس لگایا جا رہا ہے۔ اس پر بڑی بڑی تقریریں ہوئی ہیں کہ غریبوں پر ٹیکس نہ لگایا جائے۔ کانگریس گورنمنٹ کو بھی جو نصیحتیں اشارہ میں کی گئیں اسلئے لئے میں شکریہ ادا کرتا ہوں۔ جو کانگریس گورنمنٹ ان غریبوں پر ٹیکس لگانے کا نہ ارادہ رکھتی ہے نہ اکلونگی۔ اب چونکہ بالکل رقت نہیں ہے کل چار منٹ رہ گئے ہیں اسلئے میں ان الفاظ کے ساتھ بیتہ جاتا ہوں۔

The Hon'ble the SPEAKER : According to the amendment proposed by the Hon'ble Dr. Saiyid Mahmud sub-clause (1) of clause 29 will be divided into two parts as follows :—

(1) The Governor may, after consulting the Board, by notification, impose a tax not exceeding six pies a maund on the sale of sugarcane, and may, by notification, exempt from such tax sales in any areas, or any class or classes of such sales, to be specified in the notification.

(2) The Governor may, by notification, impose a cess not exceeding six pies a maund on the entry of sugarcane into a local area, specified in such notification, for consumption, use or sale therein :

Provided that such cess shall not be imposed in the entry into any such area of any sugarcane in respect of the sale of which a tax imposed under sub-section (1) is payable.

I will take up the above two parts separately.

The question is :

That for sub-clause (1) of clause 29 of the Bill the following be substituted :—

(1) The Governor may, after consulting the Board, by notification, impose a tax not exceeding six pies a maund on the sale of sugarcane, and may, by notification, exempt from such tax sales in any area, or any class or classes of such sales, to be specified in the notification.

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

That after sub-clause (1) of clause 29 of the Bill the following sub-clause (2) be inserted :—

(2) The Governor may, by notification, impose a cess not exceeding six pies a maund on the entry of sugarcane into a local area, specified in such notification, for consumption, use or sale therein :

Provided that such cess shall not be imposed on the entry into any such area of any sugarcane in respect of the sale of which a tax imposed under sub-section (1) is payable.

The motion was adopted.

The Hon'ble the SPEAKER : The question is ;

That the existing sub-clause (2) of clause 29 of the Bill be renumbered as sub-clause (3).

The motion was adopted.

The Hon'ble the SPEAKER : The question is :

That clause 29, as settled in the Assembly, do stand part of the Bill.

The motion was adopted.

Clause 29, as amended, was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

Mr. MUHAMMAD SHAFI : Sir, I beg to move :

That in sub-clause (1) of clause 30 of the Bill after the word ' may ' in the second line, the words " after inviting the opinion of the public and the Advisory Committee and " be added.

Mr. RAMCHARITRA SINGH : Sir, I want to point out to the hon'ble member that generally before rules are framed, public are invited to make objections, and so there is no necessity of making it cumbrous now. So, I think the hon'ble member should not press for his amendment

Mr. MUHAMMAD SHAFI :

جناب صدر - اس دفعہ میں بورڈ (Board) سے مشورہ لیا جائیگا ۔ میں چاہتا ہوں کہ مشورہ کی کمیٹی (Advisory Committee) جو غالباً مقامی کمیٹیاں ہونگی اور اسلئے زیادہ تر حالتوں سے واقف ہونگی سے بھی مشورہ لیا جائے ۔ میں کوئی وجہ نہیں دیکھتا کہ آخر مشورہ کی کمیٹی سے کیوں نہ رائے لی جائے ۔ اسکو قبول کر لینے میں کسی اصول کے توڑنے کا سوال نہیں ہے اور نہ اسکی وجہ سے قانون کے مقصد کے تکمیل میں کوئی مہرج واقعہ ہوگا ۔

The Hon'ble Dr. SAIYID MAHMUD :

حضور والا - میرے دوست کا اگر یہ منشا نہیں ہے کہ بالکل season ختم کر دیا جائے ۔ اسلئے Advisory Committee سے consult ہو اور Board سے consult ہو تو اسکا منشا ہی ختم ہو جاتا ہے ۔ لیکن میں ان کو اطلاع دینا چاہتا ہوں کہ rules ہمارے کے تبدیل پر رکھ دئے جائینگے اور اگر ممبران اس پر بحث کرنا چاہینگے تو خوشی سے بحث کر سکتے ہیں ۔ اگر کوئی معقول ترمیم کرنی چاہینگے تو یہ کر سکتے ہیں ۔ ہر معقول تجویز سننے کے لئے گورنمنٹ ہر وقت تیار رہیگی ۔ میں سمجھتا ہوں کہ اس assurance دینے کے بعد کوئی ضرورت ترمیم کی باقی نہیں رہ جاتی ۔

Mr. MUHAMMAD SHAFI :

جناب صدر ا - میری ترمیم مفید تو ضرور ہوگی اگر قبول کر لیا جاتا ۔ لیکن اگر اسکی وجہ سے قانون کے پاس ہونے میں دیر لگیگی جیسا کہ کہا گیا ہے تو میں واپس لینے کیلئے تیار ہوں ۔

The Hon'ble Dr. SAIYID MAHMUD :

ہمارے دوست دیپ نرائس سنگھ صاحب نے close service کے متعلق جو کہا ہے اسکے متعلق اور ممبروں نے بھی کہا ہے اور اس پر بہت زور دیا ہے کہ ایسا ہونا چاہئے ۔ میں ان کو یقین دلانا چاہتا ہوں کہ گورنمنٹ ان باتوں پر جہاننگ ممکن ہوگا غور کریگی ۔ اگر ذرا بھی ممکن ہوگا تو اس پر عمل درآمد کرنیکی کوشش کی جائیگی ۔ اور میں ان کی رائے سے جو کچھ انہوں نے کہا ہے اور ممبروں نے کہا ہے زور دے رہا ہوں کہ ایسا ہونا چاہئے ۔ میں ان کو یقین دلانا ہوں کہ سبھی ممبروں نے جہاننگ کہا ہے اسکو پورا کرنے کی جہاننگ ممکن ہوگا کوشش کی جائیگی ۔ میں پھر سے بابو دیپ

نرائن سنگھ سے کہتا ہوں کہ اگر ممکن ہو تو انہوں نے جن باتوں پر زور دیا ہے ان کو پورا کرنے کی کوشش کی جائیگی۔ میں ایک دفعہ پھر اپنے سکریٹری مسٹر لال کا شکریہ ادا کرتا ہوں۔ میں ایک آدمی کا شکریہ ادا کرتا بھول گیا۔ شروع سے قبل اس کے کہ ہم لوگ آفس میں آئے جن نے مجھے اس بارے میں مدد دی ہے وہ کوئیوینٹر ڈیپارٹمنٹ کے ایک صاحب ہیں جن کا نام مسٹر خلیل الرحمن ہے۔ میں ان کا شکریہ ادا کرتا ہوں۔ اگر میں ان کا شکریہ نہ ادا کروں تو یہ احسان فراموشی ہوگی۔ اس بل کے سلسلہ میں میں جو کچھ کر سکا ہوں وہ مسٹر لال ایجوکیشن سکریٹری کی مدد کی وجہ سے اور مسٹر خلیل الرحمن کے باعث جنہوں نے میری پوری مدد کی۔ میں ان دونوں کا دوبارہ شکریہ ادا کرتا ہوں۔ اور میں اس بات کا اعتراف کرتا ہوں کہ اس ڈیپارٹمنٹ میں مسٹر خلیل الرحمن ایک بہترین افسر ہیں۔

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

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 30 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

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

The motion was adopted.

Clause 31 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That clause 1, as reported by Select Committee, do stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

The Hon'ble the SPEAKER : The question is :

That the title and the preamble as reported by the Select Committee do stand part of the Bill.

The motion was adopted.

The title and the preamble were added to the Bill.

The Hon'ble Dr. SAIYID MAHMUD : Sir, I beg to move :

That the Bihar Sugar Factories Control Bill, 1937, as settled in the Assembly, be passed.

In moving this I only want to say a few words as regards the help that I have received from different quarters especially from Mr. S. Lall in preparing this draft, and Mr. Samuel from the very beginning. I cannot too much thank them for the help they have given. Had it not been for the help which I have received from my Secretary Mr. Lall it would have been impossible for me to bring this Bill to a finish in such a short time. Mr. Samuel also helped us a great deal and I want to thank the Leader of the Opposition who was associated from the very beginning for his help and advice in preparing this Bill.

I also thank other hon'ble members and others whom I consulted for the help they gave me by giving me practical suggestions. Of course, it will be difficult for me to name them one by one. But all the same I thank them from the bottom of my heart for the help I have received.

With these words I propose that the Bill be passed.

Mr. DIP NARAYAN SINHA :

सभापति महोदय, जो बिल हमलोगों के सामने संशोधित रूप में अन्तिम फ़ैसले के लिये पेश है, मैं उम्मीद करता हूँ, यह सभा उसको पास कर देगी और यह भी मुझे आशा है कि आयोगीशन के लीडर महोदय इसको support ही नहीं करेंगे बल्कि अपना आग्रिवाद इस तरह देंगे कि यह बिल यहाँ से पास होकर दूसरी जगह भी आसानी से पास हो जाय। सचमुच ही आनरेबुल मिनिस्टर महोदय ने इस बिल को तैयार करने में और इस बिल को दुरुस्त करने में बहुत बड़े साहस का काम किया है। यह बिल ऊख उगाने वालों के फायदे के लिये तैयार किया गया है लेकिन मस्तीदों के साथ यदि उस ऐक्ट के मुताबिक कार्य नहीं किया गया तो मुझे भय है कि इससे फायदा होना तो दूर रहा बहुत बड़ा नुकसान होगा।

ऊख की खेती और समूचे चीनो के व्यवसाय का काम गवर्नमेन्ट के तीन मुहकमों के हाथ में अब तक था। लेकिन इस नये क़ानून के मुताबिक एक चौथा मुहकमा भी इसी काम के लिये खुलेगा। अब तक फ़ील्डपरेंटिव एपीकलचर और इण्डस्ट्रीज़ डिपार्टमेण्टों के हाथ में यह काम था लेकिन इस नये क़ानून के मुताबिक शूगरप्लेन्ट कमिश्नर के मातहत

एक चौथा मुहकमा खुलेगा। एक ही काम कई मुहकमों के हाथों में रहने से जो अड़चन होती है वह तो सभी पर जाहिर है। इसलिये मैं इसकी ज़रूरत समझता हूँ कि इन काम को एक ही मुहकमा के हाथों में दे दिया जाय। इस नये कानून के मुताबिक़ शूगरकेन कमिश्नर के मन्थे पर शूगर इन्ड्रीज़ को ठीक रास्ते पर चलाने के लिये बहुत बड़ी ज़वाबदेही आजाती है। मेरी समझ से अच्छा होगा यदि उपरोक्त सभी मुहकमों के कामों को शूगरकेन कमिश्नर के हाथों में दे दिया जाय। इस क़ानून के बनाने का एक बहुत बड़ा मकसद यह है कि ऊख़ बोने वालों का संगठन जल्द से जल्द हो। ऊख़ बोने वालों का संगठन कोऑपरेटिव सोसाइटीज़ के द्वारा होगा। कोऑपरेटिव सोसाइटीज़ को खोलने और उनको रजिस्टर करने का अधिकार रजिस्ट्रार के हाथों में है मगर इस काम की अब शूगरकेन कमिश्नर के हाथों में दे दिया जाय तो बहुत बढ़ियाँ काम होगा और तभी इस क़ानून के मनशा के अनुसार काम ठीक तौर से होगा नहीं तो भय है कि इस क़ानून का असली उद्देश्य कहीं नष्ट न हो जाय के न कमिश्नर को अपनी ज़रूरत सदा माहूम रहेगी। कब, कहाँ और कितनी सोसाइटियाँ खुलनी चाहिये इस का उन्हें ठीक २ अन्दाज़ा रहेगा। पर सोसाइटियों को खोलने के लिये उन्हें रजिस्ट्रार के ऊपर भरोसा करना होगा। इसलिये मेरी राय है कि सोसाइटियों को रजिस्टर करने का अधिकार भी केन कमिश्नर को दे देना चाहिये। Bihar and Orissa Co-operative Societies Act, 1935 के अनुसार प्रान्त में एक रजिस्ट्रार तथा उन को मदद करने के लिये एक या एक से अधिक असिस्टेंट रजिस्ट्रार (Assistant Registrar) बहाल दफा ६ के मुताबिक़ करने का गवर्नमेण्ट की अधिकार है। उसी दफा के अनुसार (Co-operative Act) के अनुसार सभी अधिकारों को एक दो को छोड़ कर गवर्नमेण्ट असिस्टेंट रजिस्ट्रारों को दे सकती है ऊख़ उपजाने वालों की सोसाइटियों के लिये केन कमिश्नर को असिस्टेंट रजिस्ट्रार का सभी अधिकार शीघ्र दे देना चाहिये। मैं आशा करता हूँ

कि नये कानून के अनुसार नियमों को बनाने के समय गवर्नमेण्ट मेरे सलाहों पर अवश्य ध्यान देगौ।

The Hon'ble the SPEAKER : The question is :

That the Bihar Sugar Factories Control Bill, 1937, as settled in the Assembly be passed.

The motion was adopted.

The Assembly then adjourned till 11 o'clock on Tuesday, the 14th December, 1937.