

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

The 29th June, 1938.

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

The Assembly met in the Assembly Chamber at Patna on Wednesday, the 29th June 1938, at 11-30 A.M., the Hon'ble the Speaker, Mr. Ram Dayalu Sinha, in the Chair.

UNSTARRED QUESTIONS AND ANSWERS.

QUESTION PAPER SET AT THE TEST EXAMINATION FOR ADMISSION TO THE PATNA TRAINING COLLEGE.

715. Mr. BIRESH DUTTA SINHA: (a) Will Government be pleased to lay on the table a copy of the question paper that was set at the test examination for admission to the Patna Training College this year?

(b) With reference to that question paper, will Government be pleased to state—

(i) whether it is a fact that the questions set in the aforesaid paper were not marked;

(ii) whether according to the general rules of setting question papers, all questions are to be properly marked;

(iii) whether all the questions were understood to be of equal value;

(iv) whether it is a fact that the examinees at the aforesaid examination were put to any disadvantage on account of the questions remaining all unmarked?

(c) Is it a fact that the object of the test examination was to select the most competent graduate candidates for admission into the Patna Training College?

(d) Is it a fact that the candidates with knowledge of at least two vernaculars of the province are to be given preference at the time of selection?

Mr. SUKHLAL SINGH : Arising out of statement under part (b) of the answer, why was Government so graciously pleased as to provide to a *zamindar* of an income of Rs. 20 lakhs with water-supply works and why they did not do so for the poor tenants of the Hazaribagh district ?

The Hon'ble the SPEAKER : To which item is the hon'ble member referring ?

Mr. SUKHLAL SINGH : I am referring to item 3 under "*Deposit works*" relating to "Water-supply to the palace of Ramgarh Wards Estates".

The Hon'ble Mr. ANUGRAH NARAYAN SINHA : I want notice of the question, Sir.

RELIEF TO THE DEBTORS OF THE CO-OPERATIVE SOCIETIES IN THE DISTRICT OF PURNEA AGAINST WHOM CERTIFICATE PROCEEDINGS HAVE BEEN STARTED.

853. Mr. SHAIKH ZIAUR RAHMAN : Will Government be pleased to state—

(a) whether their attention has been drawn to the bad economic condition of the peasantry and the middle class people of the district of Purnea due to the failure of crops last year ;

(b) whether many certificate proceedings have been started against the debtors of the co-operative societies in the said district, specially in the Araria subdivision ;

(c) if the answer to clause (b) be in the affirmative, whether they propose to take any steps for the relief of the debtors concerned ?

Mr. KRISHNA BALLABH SAHAY : (a) Government are informed that the crops last year were not a failure and that the economic condition of the peasantry and the middle classes were the same as in the past two or three years.

(b) 61 certificate cases were started in the whole district of Purnea of which 5 were in the Araria subdivision, 51 in Sadr and 5 in the Kishanganj subdivision. Of these 5 cases in Araria two were struck off and one is pending.

(c) The question does not arise in view of the small number of the certificate proceedings.

COW SACRIFICE IN MAJHAUL.

854. Mr. SAIYID MUHAMMAD MINNATULLAH : Will Government be pleased to state—

(a) whether Government have prohibited the sacrifice of cows in Majhaul within the jurisdiction of Burgaon police-station on the ground that no such sacrifice was ever made there by the Muslims ;

(b) if the answer to clause (a) be in the affirmative, whether Government have passed the said prohibitory order after making enquiries, and if so, when the enquiries were made, and who conducted the enquiries ;

(c) whether Government are aware that on the 12th February, 1938, when the Collector, the Superintendent of Police and several responsible Muslims visited Majhaul, Muslims of Majhaul were ready to produce certificates of many Muslim institutions acknowledging receipts of hides of cows sacrificed from time to time in Majhaul and were also prepared to produce old bones ;

(d) whether they are prepared to reconsider their orders in the light of facts ?

Mr. KRISHNA BALLABH SAHAY : (a) The Subdivisional Officer, Madhipura, issued an order under section 144, Criminal Procedure Code on the 9th February 1938, prohibiting the Muhammadans of village Majhaul from sacrificing cows on the occasion of the last Bakr-Id festival on the ground that sacrifice was likely to lead to a breach of the peace and that the *thana* records clearly showed that there was not any established custom of sacrifice.

(b) The answer is in the affirmative. The enquiries were made first by the police and then personally by the Subdivisional Officer on the 9th February, 1938.

(c) The Collector and the Superintendent of Police visited the village of Majhaul on the 13th February (not on the 12th). It is a fact that some of the Muslims on that day stated that they were ready to produce receipts showing the sales of hides of cows, and were also ready to dig up bones of cows buried in their houses. The Collector did not pursue the enquiry on these points because this evidence, even if produced, would not have been any proof that cows had been sacrificed.

(d) Does not arise.

Mr. BADRUL HASAN : Arising out of part (c) of the answer, what sort of evidence is required to prove such a custom ?

Mr. KRISHNA BALLABH SAHAY : In the opinion of the Collector the evidence did not appear to be satisfactory.

Mr. BADRUL HASAN : My question is : what proof do Government consider necessary ? Bones and certificates were considered insufficient, then what else do Government consider to be satisfactory proof ?

Mr. KRISHNA BALLABH SAHAY : The fact is, Sir, that the bones in question may not be bones of cows, and the hides may have been brought from the neighbouring Muhammadan villages. Therefore the evidence was not satisfactory in the opinion of the Collector. If the hon'ble member challenges the decision of the Collector, the matter may be taken to a Civil Court.

Mr. BADRUL HASAN : I want to know, Sir, what sort of evidence one should adduce in order to prove such a custom ?

The Hon'ble the SPEAKER : That is a matter of opinion.

Mr. BADRUL HASAN : It is a matter of proof, Sir, as to what Government or the Collector may require in this connection.

The Hon'ble the SPEAKER : That is a matter of legal opinion.

Mr. BADRUL HASAN : Then arising out of part (d) of the answer, may I know how this question does not arise ? The answer should be "yes" or "no".

Mr. KRISHNA BALLABH SAHAY : But I want to know how does it arise.

Mr. RAMCHARITRA SINGH : Is it not a fact that the Muslims did not prove before the District Magistrate that they had any custom of sacrifice at the time of *Bakr-Id*?

Mr. KRISHNA BALLABH SAHAY : So far as the custom of sacrifice is concerned, the local officers are guided by the records in the *thanas*. The records in the Manjhaul *thana* showed that cow sacrifice was not allowed in this village. The Muhammadans produced these two proofs in support of their contention that they were allowed to do cow sacrifice. The Collector was not satisfied with these proofs, and there the matter rests. If the hon'ble member wants any guidance from us, we would say that the matter may be referred to Court for decision.

Mr. MUHAMMAD SHAFI : What is the procedure adopted for having such records in the *thana*?

Mr. KRISHNA BALLABH SAHAY : The records have been existing for more than fifty years, and those records show at what places in every *thana* cow sacrifice is allowed, and at present Government are guided by those records.

Mr. MUHAMMAD SHAFI : In what manner those records were prepared ?

Mr. KRISHNA BALLABH SAHAY : Those records were prepared with the approval of the Collector on the report of the police.

Mr. MUHAMMAD SHAFI : May I know whether the villagers had any information about those records or had any access to them ?

Mr. KRISHNA BALLABH SAHAY : It is obvious that the villagers were satisfied with the arrangement up till now.

Mr. MUHAMMAD SHAFI : With what arrangement ?

Mr. KRISHNA BALLABH SAHAY : With this arrangement that they did not challenge the *thana* records.

Mr. MUHAMMAD SHAFI : Is it not a fact that the *thana* records have been challenged on many occasions ?

Mr. KRISHNA BALLABH SAHAY : Challenged by whom and where ?

Mr. MUHAMMAD SHAFI : By the aggrieved persons.

(No answer.)

Mr. SAIYID ALI MANZAR : Were cows used to be slaughtered ordinarily in the village of Majhaul besides the *Bakr-Id* festival ?

Mr. KRISHNA BALLABH SAHAY : It appears this was not allowed.

Mr. SAIYID ALI MANZAR : Is it not a fact that the Muslims were prepared to produce receipts for eleven or twelve years showing the dates of sale which corresponded with the *Bakr-Id* time ?

Mr. KRISHNA BALLABH SAHAY : Sir, I have already said that production of receipts is not a conclusive evidence. These hides might have been got from other villages where Muhammadans live and where cow-sacrifice is allowed.

Mr. SAIYID ALI MANZAR : Is it the insinuation that the Muhammadans brought bones from other places ?

Mr. KRISHNA BALLABH SAHAY : We do not insinuate or suggest anything of the kind, but that is a plausible explanation, and it is not a conclusive proof that sacrifice was allowed in the village, especially when there were contrary records in the *thana*.

Mr. SAIYID ALI MANZAR : Then am I to understand from the answer that the District Magistrate was not satisfied that the production of receipts for so many years along with the finding of bones in the houses of Muslims go to show to a very great extent that cows were allowed to be sacrificed in that village ?

Mr. KRISHNA BALLABH SAHAY : I submit, Sir, that the hon'ble member is arguing his point. I have already submitted to you that the District Magistrate was not satisfied because he thought that the bones produced might be the bones of animals other than the cows and hides produced might have been got from other villages. He had no conclusive evidence on these two points, and, therefore, his opinion was that cow-sacrifice was not allowed, specially when there was an entry in the *thana* records in opposition to this contention.

Mr. SAIYID ALI MANZAR : What material is in possession of Government to show that the bones were not of cows ?

Mr. KRISHNA BALLABH SAHAY : I have already answered that question, Sir.

Mr. MUHAMMAD SHAFI : Would it not be possible to ascertain whether a certain kind of bone belongs to a cow or to any other animal ?

Mr. KRISHNA BALLABH SAHAY : This is a matter of opinion. At any rate, the Collector did not feel satisfied that the bones were bones of cows.

Mr. MUHAMMAD SHAFI : Were experts consulted on the point by the Collector ?

Mr. KRISHNA BALLABH SAHAY : The answer is in the negative, Sir.

Khan Bahadur SAGHIRUL HAQQ : Is it not a fact that the Subdivisional Officer, Madhipura, relied on an entry in the crime directory ?

Mr. KRISHNA BALLABH SAHAY : Arising out of what part of the answer, Sir ? I would like the hon'ble member to repeat his question.

Khan Bahadur SAGHIRUL HAQQ : Not arising out of any particular part, Sir. But taking into consideration the whole answer, may I know whether the Subdivisional Officer, Madhipura, relied upon the entries in the crime directory ?

Mr. KRISHNA BALLABH SAHAY : The Subdivisional Officer relied upon the entries in the *thana* records. That is all that I know of.

Khan Bahadur SAGHIRUL HAQQ : May I know what is that record ? Is it not crime directory in which the custom or no custom is recorded ?

Mr. KRISHNA BALLABH SAHAY : I would not like to answer this question off-hand, Sir. There are entries in the *thana* to show at what places and in what villages cow sacrifice is permitted and the Subdivisional Officer was guided by these entries. As regards the particular question that my hon'ble friend has put, I cannot answer it off-hand.

Khan Bahadur SAGHIRUL HAQQ : Are Government aware that these records are prepared on the information given to the police officers by *chowkidars* ?

Mr. KRISHNA BALLABH SAHAY : In this particular case, I may inform the hon'ble member that the *chowkidar* was himself a Muhammadan and it is an old record.

Khan Bahadur SAGHIRUL HAQQ : I do not mean to ask Government to what particular community the *chowkidar* of village Majhaul belonged. Is it not a fact, generally speaking, that these records are prepared on the informations given to the police officers by the *chowkidars* ?

Mr. KRISHNA BALLABH SAHAY : The sub-inspector does not rely upon the information of a *chowkidar* but he is certainly a link in the chain.

Khan Bahadur SAGHIRUL HAQQ : Are the records prepared by the police officer by making open enquiries in the villages ?

Mr. KRISHNA BALLABH SAHAY : Not by open enquiry, but there are means by which the police officers can arrive at the truth and the findings of the police officers are also examined by the Collector.

Khan Bahadur SAGHIRUL HAQQ : May I know how the Collector examines them? Does he simply peruse the records or what?

Mr. KRISHNA BALLABH SAHAY : If necessary, he makes further enquiries also.

Khan Bahadur SAGHIRUL HAQQ : Are Government aware of any particular case in which the District Officer of any district made further enquiries as to the correctness of such a document prepared by the police?

Mr. KRISHNA BALLABH SAHAY : Sir, I know the rule, but I cannot say whether the rule has been applied. If the hon'ble member wants information, I shall give him.

Mr. MUHAMMAD YUNUS : Sir, in one of his replies Mr. Krishna Ballabh Sahay said that there are means by which the police officers can arrive at the truth. Will Government be pleased to state those means?

Mr. KRISHNA BALLABH SAHAY : Sir, the hon'ble member was enquiring whether an open enquiry was made, by which I thought he meant to imply that Hindus and Muhammadans should be collected and each should be asked to produce evidence. To that, Sir, I said that open enquiry is not made. The police sub-inspector would go in the villages, make enquiries and come to his own findings.

Mr. MUHAMMAD YUNUS : That was not my question, nor that is the answer. The hon'ble the Parliamentary Secretary said that police officers have got means by which they arrive at the truth. I want to know what are those means.

Mr. KRISHNA BALLABH SAHAY : I have already answered that question, Sir. The police officer goes to the villages and by asking people comes to his own findings.

Mr. MUHAMMAD SHAFI : Is it not a fact that an enquiry made by the police officer has no value unless it is decided in a legal way?

Mr. KRISHNA BALLABH SAHAY : Nobody disputes the hon'ble member's claim to contest this in a Law Court.

GRIEVANCES OF THE OVERSEERS OF PATNA AND CENTRAL DIVISIONS FOR THEIR QUARTERS.

855. Mr. BIRENDRA BAHADUR SINHA* : Will Government be pleased to state—

(a) whether the overseer staff of the Central and the Patna Divisions of the Public Works Department have represented their grievances to Government regarding quarters; and if so, with what results;

* In the absence of the questioner, the answer was given at the request of Mr. Harikishore Prashad.