

# THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

Wednesday, the 26th June, 1946.

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

\*The Assembly met in the Assembly Chamber at Patna on Wednesday, the 26th June, 1946, at 11-30 A.M., the Hon'ble the Speaker, Mr. Vindhye shwari Prasada Verma, in the Chair.

## SHORT NOTICE QUESTIONS AND ANSWERS.

### BLACK-MARKETING OF MISCELLANEOUS GOODS.

\*35. Mr. MEHDI HASAN : Will the Hon'ble Minister in charge of Supply and Price Control be pleased to state—

- (a) whether it is a fact that one of the chief causes of black-marketing, specially in miscellaneous goods is the difficulty placed by Railway in transit of goods;
- (b) if the answer is in the affirmative, do Government intend moving Railway authorities to remove the difficulty?

The Hon'ble Mr. ANUGRAH NARAYAN SINHA : (a) No. Shortage of transport does affect this point to some extent.

(b) Does not arise.

### DEALERS IN WOOLLEN GOODS.

36. Mr. HIRALAL SARAF : Will the Hon'ble Minister in charge of Supply and Price Control Department be pleased to state—

- (a) whether it is a fact that the Government appointed last year a number of dealers in woollen goods;
- (b) whether it is a fact that the supply position with regard to woollen goods has now improved;
- (c) if answers to clauses (a) and (b) be in the affirmative whether it is still necessary to continue to vest the monopoly of distribution of woollen goods in the hands of a few approved dealers to the exclusion of so many other established long in the trade;
- (d) if answer to clause (c) above be in the affirmative, do Government propose to increase the number of approved dealers in order to ensure equitable and widest possible distribution of woollen goods through so many other dealers excluded hitherto?

The Hon'ble Mr. ANUGRAH NARAYAN SINHA : (a) The Government of India appointed some dealers for selling Indian woollen goods. Foreign woollen goods come through the trade.

\*In the absence of the questioner, the answer was given at the request of Mr. Tajamul Hussain.

**Mr. JAMUNA PRASHAD SINGH :** Sir, as I have not obtained the previous permission of my party leader, I am unable to move the adjournment motion and I, therefore, do not want to move it.

**Mr. TAJAMUL HUSAIN :** May I know what this adjournment motion is about ? Is it a censure on Government ?

**The Hon'ble the SPEAKER :** It is not the practice to place an adjournment motion before the House unless it is definitely understood from the hon'ble member that he wants to pursue his notice.

**Mr. TAJAMUL HUSAIN :** May I know why the Hon'ble the Prime Minister, as Leader of the Congress Party is not giving permission to move this adjournment motion ?

**The Hon'ble the SPEAKER :** The House or the Chair is not concerned with it.

**The Hon'ble Mr. SRI KRISHNA SINHA :** Sir, before we proceed with the debate, I would draw your attention to one thing. We have had enough discussion on this resolution and it is better, therefore, that it should be finished now. The other day Mr. Dip Narayan Sinha expressed a desire that he would like to speak on this Resolution. So after he has finished his speech Government may be called upon to give a reply and then the debate may be finished. We have got another Resolution before the House which is equally important and I think the hon'ble members of the House are very keen to have a debate on that. If they want that Resolution to be discussed then it is very necessary that the debate on this Resolution should be brought to an end soon.

**The Hon'ble the SPEAKER :** I have a list before me of the names of several hon'ble members who are still eager to speak on this Resolution. But the Leader of the House desires that the hon'ble members should exercise restraint, and therefore most of the hon'ble members would not rise in their seats and a very limited number would try to speak on this Resolution or if only one member, Mr. Dip Narayan Sinha rises then the Resolution can be finished very soon.

## RESOLUTIONS.

ATROCITIES COMMITTED BY GOVERNMENT SERVANTS IN 1942 ( *Contd* ).

**Mr. RAS BIHARI LAL :**

माननीय स्पीकर साहब, फूलन बाबू का प्रस्ताव जो संशोधित रूप में है, मैं उसका समर्थन करने के लिये खड़ा हुआ हूँ। सन् १९४२ ई० में हिन्दुस्तान की जनता ने क्रान्ति की। क्रान्ति का उद्देश्य आज़ादी हासिल करना था और अंग्रेज़ी सल्तनत को उखाड़ फेंकना था। ब्रिटिश साम्राज्य शाही ने इस क्रान्ति को कुचलने की पूरी कोशिश की और जिस राष्ट्रीय संस्था

ने इस क्रान्ति को चलाने की पूरी तैयारी की थी उसको नेशतनाबूद करने को और उखाड़ फेंकने की भरपूर कोशिश की यद्यपि हम लोग आज़ादी के रास्ते में आगे बढ़े पर अंग्रेजी सत्तनत को उखाड़ फेंकने में नाकामयाब रहे, पर अब भी यह कायम है। अंग्रेजी राज जिसको हम लोग उखाड़ फेंकना चाहते हैं वह अब भी कायम है। और राष्ट्रीय संस्था भी अपनी कोशिश में लगी हैं और उसको लतियाने की तैयारी कर रही है। लेकिन यह सब बातें तो अपनी जगह पर ठीक हैं। ब्रिटिश साम्राज्य-शाही ने इस आन्दोलन को दबाने की कोशिश की, यह भी अपनी जगह पर ठीक है। आज हमें यहाँ पर उससे बहस नहीं है। हमारा सवाल तो उन अफसरों से है जिनकी हम काफी मोटी तनखाह देते हैं। उसी की तरफ हम आपका ध्यान आकर्षित करना चाहते हैं। हम यहाँ शपथ खाकर आये हैं कि इन अफसरों की कार्रवाइयों को इमानदारी से देखेंगे। आज उस इमानदारी का तकाज़ा है कि हम उन अफसरों की कार्रवाइयों को देखे, जिनको मोटी मोटी तनखाह देकर बहाल किया गया है कि वे किस प्रकार अपने काम को अंजाम देते हैं।

आप लोगों ने टेनब्रुक साहब की तिरहुत डिविज़न में की गई हरकतों को काफी सुना है। अब उनके भाई ब्लुइट साहब ने भागलपुर में जो किया उसको मैं आप को सुमाना चाहता हूँ। आप लोगों को शायद मालूम नहीं होगा कि प्रान्त भर में जितने आदमी गोली से मारे गये उससे कई गुना ज्यादा आदमी भागलपुर में मारे गए हैं। दूसरी उल्लेखनीय बात यह है कि और जगहों में तो जुलूस और मोटिंग पर गोली चलाई गई मगर हमारे भागलपुर में जो गोली चलाई गई उसको निर्मम हत्या (cold-blooded murder) के सिवा दूसरा नहीं कहा जा सकता है। सबसे पहले जो कान्ड हुआ वह पिरपैती हाट पर हुआ। हाट लगी हुई थी। न वहाँ सभा हो रही थी, न जुलूस निकाला गया था। लोग खरीद बिक्री कर रहे थे। इतने में मिलिट्री पहुँची। मशीनगन लगा दी गई और गोलियों को बौछार शुरू हो गई। काफी लोग गोली के शिकार हुये। लोग भाग भाग कर खेतों में गिरे और मर गये। सन्यास और पहाड़ी लोग गोली खाकर पहाड़ों में भागे और वहीं मर गये। साठ पैंसठ आदमियों की लिस्ट कांग्रेस ने तैयार की है मगर न जाने कितने मर गये जिनका पता ही नहीं। तो हमारे माँग यही है कि जिस

मजिस्ट्रेट ने गोली चलाने का हुक्म दिया और जिस पुलिस ने गोली चलाई उसको जांच कौ जाय या नहीं इसपर आप लोग विचार करें ।

इसके बाद सुल्तान गंज थाने की बात हैं । वहां बहुत से महाजन लोगों ने माल अंगायया था । स्टेशन में मालूम होता था अंग्रेजों राज्य नहीं है । लोगों का ख्याल हुआ कि लोग लूटपाट कर ले जायेंगे ।

वहां कोई हंगामा नहीं था और अगर उनको मना कर दिया जाता तो भीड़ हट जाती । लेकिन फिर भी पुलिस ने गोली चलाकर काफी आदमियों को मारा । कैदियों आदमी जो स्टेशन पर थे वे भी मारे गए । कुछ लोग स्टेशन के बगल में एक गड़हे में मछली मार रहे थे, ये लोग भी काफी तादाद में मारे गए ।

गोली चलाने में सबसे ज्यादा भयानक जुलम जेल के अंदर हुआ । लड़ाई के जमाने में वेबारे कैदियों से बहुत ज्यादा काम लिया जाता था । जेल में इनसे लड़ाई का सामान तैयार कराया जाता था जो इन्हें पसंद नहीं था । इसलिए हम लोगों ने बगावत की और इस बगावत में फेक्टरी में जो काम कराते थे वे भी मारे गए । इसका सबूत यह है कि कारखाने के मालिक जो डिप्टी सुपरिन्टेण्डेंट थे वह मारे गए या टेक्सटाइल इन्स्पेक्टर और उनके साथ जो सिपाही थे वह मारे गए जेल के मालिक जो सुपरिन्टेण्डेंट थे वे नहीं मारे गए । इससे यह साफ जाहिर होता है कि कैदियों से जो काम लेने वाले थे वे भी मारे गए । लेकिन इसको राजनैतिक रंग दे दिया गया और कैदियों पर गोली चलाई गई ।

जब गोरी पुलिस जेल में गई तो बलवाई लोग भाग गए, लेकिन जेल के बाहर जो कैदी पहरा दे रही थे उसको उन्होंने ने मारना शुरू किया और वे लोग मारे गए । उस वक्त जो मैजिस्ट्रेट इनचार्ज (incharge) होकर गए थे उनको जानना चाहिए था कि डिप्टी सुपरिन्टेण्डेंट मारे गए हैं और कैदियों तथा जेल के स्टाफ में भगड़ा है । वही हालत में उन्हें जेल का चार्ज लेना चाहिए था, लेकिन उन्होंने ऐसा नहीं किया और वह चले गए । इसका नतीजा यह हुआ कि जिन सिपाहियों की अखज लेना था या अदावत थी, उन लोगों ने कैदियों पर, उन्हें बाहर निकालकर, गोली चलाई और बांस से गला टीप

कर मार दिया। मैं सरकार से अपील करूँगा कि इन सब अत्याचारों की जांच होनी चाहिए। एक-एक, दो-दो आदमी करके तो बहुत लोग मारे गए हैं। इसके अलावे बहुत जगहों में आदमी के घरों में आग लगा दी गई है। राधो बाबू मोरुतार का घर जला दिया गया।

**Mr. Hon'ble The SPEAKER :**

आपके लिए एक मिनट और वक्त है।

**Mr. RAS BIHARI LAL :**

औरतों को बेइज्जत किया गया है और न जाने कितने नारकीय कांड किए गए हैं दो वर्ष के लड़के को गिरफ्तार किया गया है। जिस आदमी के लिए वारंट भेजा गया उसके नहीं मिलने पर उसके बाप को गिरफ्तार किया गया है। मिलिटरी के घोड़े के पैर में रस्सा बांधकर उसे घसीटा गया। एक बूढ़े आदमी जो बीमार थे और बैठकर सियाराम-सियाराम जप रहे थे उनको गोली से मारने को कहा गया, लेकिन कुछ लोगों के ऐसा करने से रोकने पर उनकी (बूढ़े आदमी को) गिरफ्तार कर लिया गया और फिर बाद में उन्हें छोड़ दिया गया।

**Mr. M. MORRIS :** Sir, if there be surprise at my rising to speak on this resolution which is being pressed for discussion it is not to oppose it, it is merely to place before the House certain considerations that suggest themselves. From all that has been recounted by the several hon'ble members who have spoken on this resolution there would seem to have been serious excesses of shooting and destruction of human lives and property. Mobs or persons who were found uprooting rail tracks or breaking bridges and culverts or cutting telegraph wires obviously braved the extreme consequences. It happens, however, that there is expressed and unexpressed impression of many that there has been indiscriminate shooting and destruction, and the necessity for introducing an Indemnifying Act is itself suggestive of such a situation. This state of affairs certainly calls for an enquiry and action. When anything much less serious, such as a motor crash or loss of lives in a colliery disaster or in a railway accident evoke a searching enquiry then the demand for an enquiry where there has been indiscriminate shooting and destruction is all the more necessary and is understandable (*Hear, hear*). The Government officers accused may themselves welcome an enquiry so that they may emerge from the clouded atmosphere that surrounds them. Now, let us turn to the other side of the picture. Impatient Nationalism breeds rebellion and this is a calculated contingency regarding which a Government is reckoned to keep itself always fully informed and to be duly prepared. The Government was apparently uninformed and was not prepared for the rebellion of 1942 when mutinous crowd

caused serious destruction of lives and property. Cases were instituted and persons who could be brought to book were tried and convicted. Urged by its following, the present Government have thought it fit to release convicted offenders, to re-instate delinquent officers and to remit fines. In other words' offenders have been let off, regardless of the crime that had been brought home to them. In the circumstances how can the present Government undertake and be expected to launch an enquiry against the other party. Moreover, the Government of the time is making way to a National Government. The shooting was done mainly by the Military and the British officers associated with it are being pressed to quit the country. Anyway, is not the demand in its present stage placing a heavy responsibility on the Government unless persons come forward with specific instances in writing against particular officers for a judicial enquiry when those who are found guilty would be made answerable for their wanton actions ?

Finally, apart from an enquiry towards affording compensation for loss or damage which may be useful, to what and to where will any other enquiry tend. What satisfaction will it produce ? It will lead presumably to a dead end, unless any instance can be substantiated or corroborated with tangible evidence ; and the position has become unpromising after the long time that has elapsed since the occurrences that demand the enquiry took place. Why look back purposelessly on the unfortunate past, when there is no time to waste with so much constructive work ahead in the new opportunities that progressing nationalism has seized ?

Above all, is it not best that the honour that crowns those who sacrificed their lives in a cause, which to them was a cherished cause, be left on them peacefully without being discounted or disturbed in any way.

If there must be an enquiry, it would perhaps be more to the purpose if there was an enquiry with regard to compensation for loss or damage as to whether the manner in which the rebellion was met was human, so that, bearing in mind the principle of life other means may be thoughtfully discovered and devised for an improvement in the method of dealing with resort to force with some less destructive control in a similar situation then it does arise again.

**Mr. PURUSHOTTAM CHOHAN :** Sir, I want to move closure.

**Mr. TAJAMUL HUSAIN :** It is an important motion ; so, what is the use of moving closure.

**Mr. JADUBANS SAHAY :** But there are other important resolutions to be discussed.

**The Hon'ble the SPEAKER :** I have received information that no hon'ble member from Ranchi has spoken on the subject Does any hon'ble member from Ranchi want to speak ?

*(None rose to speak.)*

The Hon'ble the SPEAKER : Anybody from the Government Bench ?

(None rose to speak.)

Mr. SHIVADHARI SINGH :

माननीय सीकर साहब, मैं बाबू फुलन प्रसाद वर्मा के प्रस्ताव का समर्थन करता हूँ और ऐसा करता हुआ मैं उस साम्राज्यशाही का ध्वंस चाहता हूँ जिसने १९४२ की क्रान्ति में, जिसमें हमने और हमारी निहत्थी जनता ने विजय प्राप्त की थी, बाद नौकरशाही ने हमारी निहत्थी जनता को कुचलने के लिये कोई उपाय उठा नहीं रखा। हमारी जनता पर जो जुल्म हुए उनके लिए मैं अपने अन्दर बदला का भाव रखता हूँ और मैं इसके लिए प्रतिज्ञाबद्ध होता हूँ कि इस अंग्रेजी राज्य को खतम करके छोड़ूँगा। साथ ही साथ मैं चाहता हूँ कि अनेको ऐसे लोगों का आविर्भाव हो जो उस आतंक का बदला ले सकें जिसे साम्राज्यशाही ने हमारे देश पर और हमारी जनता पर ढाहा, अब मैं आप लोगों को यह बताने जा रहा हूँ कि हमारे इलाके में लोकल पुलिस ने तो कम बस, पर, कैम्प इन्चाज के सुपरवाइजरों ने तो बहुत जुल्म किये। हमारे इलाके में पुलिस वालों ने २२ छावनियाँ छा रखी थीं और कहीं २ क्या २ अत्याचार हुए इसका मैं संक्षेप में वर्णन करता हूँ। नौगड़िया में गोली चली जिसमें मुन्नी साह गोली से मरे, भुवनेश्वर मंडल नामके एक आदमी को गोली लगी, एक पैर छट गया और एक छः वर्ष की लड़की का जो कोठे पर थी, गोली लगकर एक हाथ बेकाम हो गया। इसके बाद मैं तल्लो की बात कहता हूँ जहाँ हमारे माननीय प्राइम मिनिस्टर साहब हो आये हैं और फाइनल मिनिस्टर साहब भी उस जगह को जानते हैं। यहाँ पर लाखों लाख रुपये लूटे गये। अन्दाज है कि करीब ६० हजार रुपये जगद लूटे गये। बहुत-सा सामान बरबाद किया गया और कितने ही मकान ध्वंस किये गये। मढ़वा में बसंत राय नाम के एक सज्जन थे उनको हमारे सेनानी पार्थ ब्रह्मचारी कामिला समझ कर पकड़ा गया और फाँसी पर, शूली पर लटका दिया गया और कहा जाता है कि सात घण्टे तक उनको उसी हालत में रखा गया। रड़ रड़ कर उनको पीटा जाता था और जब बेहोश हो जाते थे तो होश में लाकर फिर उनको पीटा जाता था। उसके बाद उनको उठाकर थाना लाया गया और उनको तरह २ को यातनायें दी गयीं उन्हें लकवे की बيمारी होगयी थी और वे

१९४५ में मर गये। भ्रमरपुर में राष्ट्रीय झंडा फहराया गया था। मिलिटरी ने उसे उतार दिया। वहां स्वयंसेवकों के एक झुंड ने नारा लगाते हुए झण्डा उतारने से रोका जिसमें नवल किशोर भाा नामक एक नवयुवक झंडा लिये हुए थे। गोली चलायी गयी और ये गोली खाकर वहीं मर गये। सदानन्द भाा को भी गोली लगी और वे अस्पताल में जाकर मर गये। इसी तरह लतीपुर में दशरथ सिंह (ठाकुर) को मिलिटरी ने गोली मार दी और वे मर गये। तेरुघी में भी जगरूप चौधरी नामक व्यक्ति मरे। इसी तरह की एक घटना मैं और बतलाता हूं। जब शिमला कांग्रेस हो रही थी उस समय हमारे एक बहादुर सैनिक श्री नागेश्वर सेन अपने दालान में भोजन कर रहे थे। उसी समय नौगछिया के इंचार्ज सधुनाथ सिंह ने वहां पहुंचकर गोली चलायी, तीन बार गोली चली जिस में से दो गोलियां उनको लगी एक सीने पर और दूसरी पसली पर वहां से टांगकर वे थाने में लाये गये वहां के सब-इन्स्पेक्टर राम गति सिंह ने अल्दी से उनको जेनरल हॉस्पिटल में पहुंचाया, वहां उनका सुस्तेदी के साथ इलाज हुआ और वे बच गये। वे अभी तक जिन्दा हैं। जयरामपुर में जो ज्यादातियां हुईं उनका वर्णन करना मेरे लिए कठिन है। वहां के कैम्प के इंचार्ज सत्यनारायण सिंह थे। वे चामा शर्मा को, जो फरार थे, गिरफ्तार करने के लिए उनके घर गये और उनकी स्त्री से कहा कि मैं तुम्हारे लड़के को गिरफ्तार करता हूं वह बच्चा १५ महीने का था। उस स्त्री ने उसको दे दिया। वहां से ले जाने के बाद मिलिटरी ने आदमी भेजकर कहलवाया कि तुम यहां आकर उसे दूध पिला जाओ। उसने जवाब दिया कि उसे काट डालो या जला दो मगर मैं दूध पिलाने नहीं आऊंगा। तब उसे सेन्द्रल जेलमें लाया गया। लेकिन वहां के सुपरिन्टेण्डेंट ने वहां रखने के लिए allow नहीं किया। तब उसको घर वापस किया गया। उस बच्चे को हमारे प्रार्थम मिनिस्टर साहब देख चुके हैं और उसका फोटो भी लेकर उनके पास भेजा गया है। इस तरह के अनेक जुल्म वहां किये गये। सुलतानगंज में पुलिस सब-इन्स्पेक्टर कमलाप्रसाद सिंह जिसने सियाराम सिंह के सामने आत्मसमर्पण कर दिया था, उनके सूचना देने के कारण गोली चली और कहा जाता है कि २८४ आदमी, जो मछली मार रहे थे या दूध उधर चल फिर रहे थे मशीनगन लगाकर मारे गये। पोरपैतौ हाट में मशीनगन लगा दो गयी और ६५ आदमी मारे गये। सेन्द्रल जेल भागलपुर में जब गोली चली तो उसमें १७५



आदमी मरे और अनेकों घायल हुए। गवर्नमेंट की विज्ञप्ति (communique) है कि सिर्फ २८ आदमी मरे। वहाँ तीन को फाँसी पर भी लटका दिया गया। आखीर सोनवर्षा दिवारा गोलीकाण्ड जो १९४४ में हुई उसका जिक्र किये देता हूँ। वह यहाँ कि उसी दिवारे की जनता पर बहुत ही जुल्म का पहाड़ पुलिस ने ढाह दीया, लोग ब्राहि ब्राहि कर रहे थे हमारे बहादुर आन्दोलनकारी सिया राम ब्रह्मचारी, आदि अन्यत्र चले गये थे, आखीर पुलिस के आतंक से आतंकित जनता के त्राण के लिये क्रांतिकारो दल ने एक प्रत्यक्ष मोर्चा लिया, जिसमें हमारे आठ बहादुर मारे गये और कुछ घायल हुए। अखिर मैं पुनः फूलन प्रसाद वर्मा जी के प्रस्ताव का समर्थन करते हुए सरकार से अपील करता हूँ कि इसे पासकर उचित कार्रवाई करें।

**Mr. PURUSHOTTAM CHOHAN :** I move closure.

**The Hon'ble the SPEAKER :**

चौहान साहब, सिर्फ closure कहने से closure नहीं होगा। आपने closure को फार्म में नहीं पेश किया है हम क्या करें।

**Mr. HARI KISHORE PRASAD :** Sir, I whole-heartedly support the resolution of Mr. Phulan Prasad Varma. The picture of the atrocities will not be complete if we do not hear of the atrocities, of South Bhagalpur. You must have heard that the question of Banka was in the House of Commons and also in this country. Even the Ex-Governor had been to Banka in February 1943 and against all canons of jurisprudence he had said that dacoits like Babu Purusram Singh had been arrested although cases were *Sub-Judice*. It was intended to give hint to deal with such people firmly. Dr. Rajendra Prasad has said that South Bhagalpur was described as a disturbed area where people had to put up with many sorts of disabilities and difficulties and what was done was very abnormal. When the August movement was ushered in, the Subdivisional Officer, Mr. Samad Khan released on bail many under trials under Section 107, 109 or 110. The result was that they formed a gang and did things which were undesirable. Therefore, my charge against the Subdivisional Officer or as a matter of fact against the Government is that at such a critical time when the undesirables should have been kept behind the prison bars were deliberately and designedly released on bail. You know, Sir, the policy of the Congress is negotiation and settlement when possible and non-co-operation and direct action when necessary. The resolution that was passed on the 14th July, 1942, by the Working Committee was to this effect :

“ It urged the withdrawal of British power from India, pointing out that the Congress wished to take no hasty step and would like to avoid, as far as possible, any course of action that might embarrass the United Nations and pleaded with British Government

to accept the Congress proposal. If the appeal failed the Congress would then be reluctantly compelled to utilise all its non-violent strength for the vindication of the political rights and liberty of India under the leadership of Mahatma Gandhi ”.

This resolution of the Working Committee was passed on the 14th of July, 1942.

Then after that Dr. Rajendra Prasad had clearly said that there should be no sort of violence and that they would acquit themselves accordingly. He further said in an interview at Jubbulpore :

“ The demand for the British withdrawal is not actuated by a desire to embarrass but the motive behind is to enable India to defend herself and to help the Allies in winning the war by bringing India's wholehearted support to the Allied cause. ”

So, Sir, the whole object was not to embarrass the British Government at a time when it was trembling and Singapore had fallen. Sir, it is true that Mr. Tenbroeke, Mr. Creed and others committed excesses on innocent people. The signal was given by Mr. Churchill and Mr. Amery for repression. Mr. L. S. Amery, Secretary of State for India on the 30th July, 1942 speaking for India, gave a warning in the House of Commons that the Government of India would not flinch from taking every possible step to meet any situation that might arise out of Congress action. The demand of the Congress for British withdrawal would, if conceded, completely disrupt the Governmental machinery in one of the most vital theatres of the war at a time when every energy was needed for the struggle against the common enemy. It was the earnest hope of the British Government that the people of India would not countenance a movement fraught with such disastrous consequences for the Allied cause but on the contrary, throw their all into the struggle against the Axis. So, they were prepared to deal with India because of the danger which had come ahead and if the danger would cripple, the result will be complete subjugation of India. For this modest demand the Congress was repressed. On the 8th of August, 1942, that very resolution of the Working Committee which was passed on the 14th of July, 1942, was adopted by the All-India Congress Committee. The result was that all the leaders were placed in jail in utter disregard of law and fairplay. Now, Sir, it was Mr. Churchill and his lieutenant, Mr. Leopold Amery, who precipitated the crisis. The Congress in order to check the advance of the Japanese passed this resolution of August, 1942. So, Sir, all the leaders, who could have given us guidance, were arrested overnight, and early next morning when Pt. Jawaharlal Nehru was arrested he was thinking of broadcasting to the country and to the world the implications that had arisen as a result of the resolution of August, 1942. The result of the wholesale arrest of our leaders was that those who were left behind had to work using their own discretion and they did commit some mistakes which are not unexpected in a country where 40 crores of people reside, especially when there was a world-wide war raging, and people throughout the world were engaged in a grim struggle of life and death. Mahatmaji has also congratulated people on the singular courage shown by them on that occasion ; but he said that they had committed some mistakes. That was only natural when they had not

their leaders to guide them, and when there was rule of the Military and the Police for three years. These people—the Military and the Police—without any sort of exigency for such wanton action indulged in excesses. They shot people, as my hon'ble friend, Mr. Ram Binod Sinha, has said in respect of Mr. Ten-Broeke, in order to teach them a lesson which the people of this country would not forget for their life. But, thank God, India has emerged victorious from the conflagration of revolution. Now, we are on the threshold of independence and we have shown to the world that we cannot only face *lathi* charges and go to jail but we can, if necessary, face bullets also. I shall now give you, Sir, the reasons why we want a commission. We want a commission of enquiry because there was a Lord Hunter's Commission for the Jalianawalabagh tragedy. Sir, if there was one Jalianawalabagh when the Hunter Commission was appointed, there have been hundreds of Jalianawalabaghs in almost every district of this province. In the case of the Hunter Commission, General Dyer quite frankly said that he has shot and shot strong till the ammunition ran short and the people came again and again and laughed at him. But I doubt very much if persons like Mr. Ten-Broeke and Mr. Creed who shot wantonly would be frank enough to say so. In Katoria thana Congress workers living within a radius of about 15 miles, were implicated in a false case of arson. People were asked to put off their cloths and when they became naked, discussions were held between the Subdivisional Officer and the Military as to whether they should or should not shoot. But ultimately their clothes were burnt and they were allowed to go. The innocent workers were arrested and sentenced to long imprisonments. From the 22nd August, only after a fortnight, there was Military rule and then officials and the police backed by the Military began to indulge in the wanton excesses including rape and they began to teach the people a lesson and everywhere they went about shooting and shooting people wantonly if they met with the least resistance.

**Mr. BUDHINATH JHA :**

स्पीकर महोदय, मैं जानना चाहता हूँ कि जिस जिले के माननीय सदस्य नहीं बोले हैं उन्हें को बोलने का मौका दिया जायगा या संयोगवश जो मेम्बर इस प्रस्ताव के संशोधन में कुछ कह चुके हैं और उनके जिले के सदस्य कुछ बोलना चाहते हैं, उनको फिर से कुछ कहने का मौका दिया जायगा ?

**The Hon'ble The SPEAKER :**

स्पीकर के लिये जो कायदा है उसके मुताबिक मैं आप लोगों का नाम पुकारता हूँ और मैं उस कायदे को आप लोगों से नहीं कहना चाहता हूँ। नये मेम्बरों को पुराने मेम्बरों के बनिस्पत preference देने की जरूरत है। इसलिये मैं जयनारायण प्रसाद को बोलने की इजाजत देता हूँ।

**Mr. JAYNARAYAN PRASAD :**

माननीय सभापतिजी, मैं फूलन प्रसाद वर्मा के प्रस्ताव का समर्थन करने के लिए खड़ा हुआ हूँ। इस प्रस्ताव का समर्थन करते हुए, १९४२ के आन्दोलन में जो, घटनाएँ हुईं उनके सम्बन्ध में मुझे कोई रोना नहीं रोना है। मैं खूब समझता हूँ कि एक गुलाम मुल्क की अपनी आजादी हासिल करने का पूरा हक है और जब २ उसको इसके सिप मौका मिले, उसको चाहिये कि इसके लिए कोशिश करे और जरूरत हो तो बगावत भी करे। १९४२ के आन्दोलन के समय हम लोगों का यही कर्तव्य था कि हम लोग अपनी आजादी को हासिल करने के लिए बगावत करें। इस बगावत को दबाने के लिए और ब्रिटिश साम्राज्य को कायम रखने के लिए सरकारी नौकरों ने हम लोगों के उपर जो जुल्म ढाहे उसका वर्णन नहीं हो सकता है। अफसोस की बात तो यह है कि जिन लोगों का यह कर्तव्य है कि peace and order कायम रखें और जो लोग कानून को तोड़े उसके सजा दें, उन्हीं लोगों ने ब्रिटिश साम्राज्य को कायम रखने के लिए यहां के कानून को तोड़ा और कानून के खिलाफ कारवाइयाँ कीं। मैं पूछता हूँ कि इन लोगों को कानून तोड़ने और उसके खिलाफ काम करने के लिए क्यों नहीं सजा दी जाय। मैं चाहता हूँ कि इसके लिए enquiry को जाय और उस enquiry के बाद जो सजा देने के काबिल हों उनको सजा दी जाय।

मैं इस सिलसिले में अपने जिले को कुछ घटनाओं का जिक्र कर देना चाहता हूँ। २४ अगस्त १९४२ को बेतिया में एक जलूस निकला। शहर में १४४ की नोटिस हो चुकी थी जलूस निकालने का यही मकसद था कि जलूस चारों तरफ शहर में घूमे और घूमने के बाद एक सभा (meeting) करे। उस समय वहाँ के डिविजन के कमिशनर मैन्सफील्ड साहब और केम्प साहब जो आज कल हथुषा राज्य के मैनेजर हैं, वहाँ मौजूद थे। केम्प साहब को First class magistrate का power मिल चुका था और कमिशनर साहब के साथ थे। ये लोग टोमियों को लेकर बेतिया गये और एक साधारण जलूस पर जो लगभग दस हजार का था और जिसके हाथ में न हथियार थे और न कोई खतरनाक programme ही था, गोली चलाने के लिए मुस्तैद हुये। मैन्सफील्ड साहब ने बेतिया राज्य के मैनेजर बिपिन बाबू से कहा कि तुम

हमारे साथ चलो जलूस को दबाना है। विपिन बाबू ने कहा कि इस जलूस को जिम्मेवारी मुझपर छोड़ दीजिये तो उन लोगों ने कहा कि इस जलूस के सब लोगों को एक सबक सिखना है। इस पर विपिन बाबू ने कहा कि मैं आपके साथ जाने को तैयार नहीं हूँ। आपको इसके बारे में और सुनाना चाहता हूँ। वहाँ के एस० डी० ओ० ने कहा कि जलूस को जिम्मेवारी मुझ पर है और मैं समझता हूँ कि गोली चलाने को जरूरत नहीं है। मैन्सफील्ड साहब ने कहा कि जब कमिश्नर मौजूद हैं तब तुम पर कौन सी जिम्मेवारी है। जब जलूस छोटी रमना के नजदीक पहुँचा तो उन लोगों ने जलूस के पिछले हिस्से पर Rifle से वार किया जिससे तुलसी राखत तो वही मर गया और गणेश राय गोली लगने से अस्पताल में भेजे गये और वे वहाँ मर गये। जलूस घूमते २ छोटी रमना के पास जब आया तो वहाँ उन लोगों ने दो मशीनगनों fit करवायी और बिना warning दिये उन लोगों पर दनादन fire करवाना शुरू किया और इस तरह से भीड़ को हटने या भागने का भी मौका नहीं दिया। गोली चलने के वक्त वहाँ के कुछ लोगों ने सो जाने का इशारा किया। फल यह हुआ कि जहाँ कितनी लाशें गिरती वहाँ सिर्फ आठ आदमी मरे और कितने घायल हुए इसका कोई ठिकाना नहीं है। करीब १५० आदमी अस्पताल में भेजे गये जिनमें से कितनों का पर काट दिया गया और कितनों के हाथ काट दिये गये। आज वे लकड़ी के सहारे चलते फिरते नजर आते हैं, वे गोली चलाने पर उतारू थे इसका प्रमाण यह है कि गोली चलने के पहले ही अस्पताल में खबर भेज दी गयी थी कि bandage बिछावन और post-mortem का सब सामान तैयार रहना चाहिए। इन लोगों की नीयत भीड़ को भगाने और तितर बितर करने की नहीं बल्कि लोगों को मारने की थी।

मेहसी में टौमियों के साथ शायद मोहन चौधरी या मिश्र एक डिपटी मजिस्ट्रेट थे। ऐसा सुना जाता है वे लोग वहाँ की जनता को इसलिए तंग करते थे जिसमें लोग वहाँ के अपराधियों को बतावें। मेहसी के एक धनीमानी पुरुष रामावतार राम को जो वहाँ के बहुत बड़े आदमी थे घर से बुलाया गया।

उनको घर से बुलाया गया और लाइन पर खड़ा किया गया। जहाँ लाइन टूटी हुई थी उनसे पूछा गया कि किसने तोड़ा है। उन्होंने कहा मैं नहीं जानता। कुछ वाद विवाद हुआ उन्हें पेशाब की हाजत मालूम हुई और वे पेशाब करने चले गये। इस पर तीन गोलियाँ चलाई गईं और मारने के बाद उनको मुजफ्फरपुर अस्पताल में लाया गया जहाँ वह मर गये। घोड़ासाहन में लड़कों ने जलूष निकाला। वहाँ केम्य साइड गये थे। जब जलूष थाने की ओर चला तो उस पर फायर किया गया। सरकारी रिपोर्ट में चार ही आदमियों के मरने की बात है मगर गैर-सरकारी रिपोर्ट से मालूम होता है कि वहाँ बहुत से आदमी मारे गये। इस तरह की कितनी ही घटनायें हैं जो कही जा सकती हैं। केसरिया में एक साथू था। (समय खतम हो गया)

(Interval for lunch.)

MR. DIPNARAIN SINHA :

सभापतिजो, जो प्रस्ताव इस सभा में पेश है और जिस पर बहस चल रही है उसमें, आपकी आज्ञा से, मैं एक संशोधन पेश करना चाहता हूँ।

My amendment would be as follows :—

I beg to move :

That for the words "to appoint a Commission vested with the necessary power of the words "to take suitable steps," be substituted; the words "and report on" be deleted, and after words "1942 and" for the words "to recommend appropriate punishment for the offenders" the words "take such action against the offenders as may be deemed appropriate on the basis of the enquiry" be substituted.

The resolution in the amended form will read thus :—

"This Assembly recommends to Government to take suitable steps to enquire into the excesses and atrocities committed by Government servants in utter disregard of law during the political upheaval of 1942 and to take such action against the offenders as may be deemed appropriate on the basis of the enquiry".

इस सभा में इस प्रस्ताव पर आज चार दिनों से बहस चल रही है। यह प्रस्ताव कितना गंभीर है और इसके संबंध में सभा के सदस्यों का क्या ख्याल है इसे हम लोग जान चुके हैं। मैं इस सभा का अब अधिक समय नहीं लेना चाहता। मैं सरकार का ध्यान इस गंभीर प्रस्ताव के विषय की ओर फिर एक बार ले जाना चाहता हूँ। मैं जानता हूँ शासन के ठोस वसूली के मुताबिक सरकारी कर्मचारियों के खिलाफ इस सभा में आम तौर से बातें उठाना सुनासिब है। लेकिन कभी कभी मजबूरी हो जाती है और इसी वजह से इस

सभा में सरकारी अफसरों की कार्रवाई के ऊपर बोलना पड़ता है। मैं समझता हूँ कि इस सभा के इतिहास में यह पहला ही मौका है जब सरकारी कर्मचारियों के खिलाफ आम तौर से बहुत बातें कही जा चुकी हैं और यदि मैं भी कुछ कहूँ तो बेमुनासिब नहीं होगा। सरकार और सभा के सदस्यों का ध्यान मैं सन् १९४२ की स्थिति की ओर ले जाना चाहता हूँ। बेतिया जैसी छोटी जगह में कुछ लोग अपने खयालात का इजहार करने के लिए जमा हुए। वे लोग शांति के साथ अपने विचारों का प्रदर्शन करना चाहते थे। लेकिन उस समय के तिहुत के डिविजनल कमिशनर साहब को यह बात पसंद नहीं आई। उन्हें यह भी मालूम हुआ कि लोग जलूस ले जा रहे हैं। लेकिन उन्हें बतलाया गया कि लोग सिर्फ जलूस निकाल कर वापस चले जायेंगे, लोगों का उद्देश्य न किसी से लड़ाई लड़ने का था और न किसी को मारने का। जवाबदेह लोगों का कहना है कि कमिशनर साहब ने, जो सकता है भय में आकर या उस समय सरकारी कर्मचारियों के दिमाग में जो नशा घुस गया था उस नशे की वजह से जलूस के सामने मेशीनगन लगवा दिया और उसके चलाने के लिये हुक्म भी दे दिया। काफी लोग मारे गये और इसके बाद मेशीनगन चलाने वाले जो पलटन थे वह जलूस को देख कर भाग गई। कई आदमी जो जलूस के बाहर के थे वे भी निर्दोष मारे गए। कुछ ऐसे दूकान वाले थे जो निर्दोष थे और अलग बैठे हुए थे, उन्हें भी गोली लगी और उनमें से एक आदमी मर भी गया। मैं सरकार से कहना चाहता हूँ कि कुछ लोगों ने उतावला हो कर जलूस निकाला सही, लेकिन एक डिविजनल कमिशनर जो चार जिलों का मालिक है अगर उतावला होकर मेशीनगन चलाने का हुक्म देता है तो क्या उसके लिए यह मुनासिब है। मैं समझता हूँ कोई भी सरकार चाहे वह कांग्रेस की सरकार हो या दफा-८३ की सरकार जो इसे कभी भी मुनासिब नहीं समझेगी।

सरकार को शायद मालूम है और इस सभा के काफी सदस्यों ने इस बात की ओर इशारा भी किया है कि मुजफ्फरपुर के कई गांव जला दिए गए।

तिपरो, बनगांवा और बिठौली, ये गांव सारे के सारे जला दिए गए। एक गांव के जलाने के विषय में जो खबर मिली है उसे मैं आपके सामने रख देना चाहता हूं। वहाँ सरकार के दो बड़े-बड़े अफसर गए थे। एक डिप्टी मैजिस्ट्रेट थे और एक पुलिस के डी० आई० जी० थे। इन लोगों के साथ पलटन की एक छोटी टुकड़ी भी थी। उस डिप्टी मैजिस्ट्रेट पर नोटिस दी गई थी और नोटिस के जवाब में, जहां तक मुझे मालूम है, उन्होंने लिखा है कि उन्होंने गोली चलाने की आज्ञा नहीं दी। उनसे बार बार कहा गया कि वे गांव को जलाने के लिए आज्ञा दें लेकिन उन्होंने ऐसा करने से इन्कार कर दिया। इसके बाद पुलिस के जो डी० आई० जी० थे उन्होंने हुक्म दिया कि गांव को जला दो। दो सरकारी अफसर थे। एक ने कहा कि ऐसा करने की जरूरत नहीं है, लेकिन दूसरे ने पहले की बात न मान कर गांव को फूंक देने का हुक्म दे दिया। जिस थाने में यह गांव है उस थाने को डायरी में यह लिखा हुआ है कि पुलिस के डी० आई० जी० के हुक्म से बिठौली गांव जलाया गया।

आपको सुनकर शायद आश्चर्य मालूम होगा कि जिस समय आंदोलन तेजो के साथ चल रहा था उस समय डी० आई० जी० ने शिवहर के राजकुमार से कहा कि अब तुम्हारी बारी है।

**Thakur RAMNANDAN SINGH :**

उनका नाम क्या है ?

**Mr. DIPNARAYAN SINHA :**

उनका नाम टेनब्रूक साहब है : उन्होंने शिवहर के राजकुमार से कहा कि अब अंग्रेजी राज उठ रहा है। इस समय जो जितना देखना कर सकेगा उतने का वह राजा होगा और उतनी उसको जमींदारी होगी। हम आप को सब तरह से मदद देने को तैयार हैं, आप लड़ कर देखल दहानी कीजिए। इसके बाद शिवहर के राजकुमार ने समझ लिया कि हम अपने इलाका के बादशाह हो गए और उन्होंने तमाम देखल करना और लोगों को तंग करना शुरू किया।



मैं इस सभा के सामने दो-एक बातें कह देना चाहता हूँ। सरकार के सम्बन्ध में कहा जाता है कि वह कानून के आधार पर कायम है। किंतु क्या ऐसे सरकार के ऊँचे दर्जे के कर्मचारियों का ऐसा काम होना चाहिए था? मैं समझता हूँ हरगिज नहीं। किन्तु यदि सरकारी अफसरों ने ऊपर कहे हुए कामों को किया और उनपर कोई कार्रवाई नहीं की गई तो आप विश्वास रखें सूबे में शान्ति और अमन-चैन नहीं रहने पायेगा।

एक जगह एक मुकदमा में इजहार देते हुए एक पुलिस के दारोगा ने कहा—शायद मधुबनी के किसी इजलास में उन्हें इजहार देने का मौका मिला था—कि सैलिसबरी साहब के दुकम के बाद अमुक गांव में आग लगाई गई, अमुक घर जलाया गया। ये बातें उस दारोगा के बयान में मौजूद हैं। सैलिसबरी का नाम इस सभा में कई बार आ चुका है।

एक मुजरिम को कैद कर लेने के बाद और जब वह पूरा कंजो में आ गया तो सैलिसबरी साहब ने ऐसी दुनिया से बिदा करने की कोशिश की। मैं अब यहां ज्यादा उदाहरण नहीं देना चाहता हूँ। काफी उदाहरण दिये जा चुके हैं और मैं उनकी फिहरिस्त को लम्बी बनाना नहीं चाहता। क्योंकि अगर सब उदाहरणों की फिहरिस्त आप के सामने पेश करना चाहूँ तो बहुत समय लगेगा। हमारे और साथी मेम्बरान जितनी बात कह चुके हैं वे सभी बातें गौर करने के लायक हैं। इसलिये मैं सरकार से आग्रह करूँगा कि जो प्रस्ताव और खास करके संशोधन के रूप में जो प्रस्ताव सभा के सामने आया है उसे ब्रह्म मंजूर कर ले। जिस समय शिमला कांग्रेस चलाने के लिए अखिल भारतीय कांग्रेस एक्जिक्यूटिव कमिटी के मेम्बरान जेल से बाहर लाये गये उस समय सरकारी कर्मचारियों का ख्याल हो गया कि अब कांग्रेस और गवर्नमेन्ट के बीच समझौता हो जायगा। उस समय जब कभी भी मैं पटना में आया मैंने सुना कि सेक्रेटेरियट से बहुत से कागज हटा करके जलाये जा रहे हैं और कुछ कागज, जो १९४२ के आन्दोलन से सम्बन्ध रखते थे, फाइल में बांध कर गवर्नमेन्ट हाउस में रखे जा रहे हैं। ये बातें आम तौर से पटने की गलियों में मैं सुना करता था। उस समय उन

बातों पर अविश्वास करना मेरे लिए गैरसुमकिन था। मैं नहीं जानता कि हकीकत में बात क्या है। लेकिन जब सरकार के दफ्तर में इस तरह की कार्रवाई हो सकती है और अगर ये बातें सही हैं तो किस तरह से आम जनता को सुनवाई हो सकती है और किस तरह से आम जनता अपनी वयानों और अपनी बातों को सरकार के सामने रख सकती है। इसलिए अभी जो मौजूद सरकार है उसके लिए यह जरूरी हो जाता है कि जांच करने के बाद कोई न कोई कार्रवाई दोषी अफसरों को सजा देने के लिए जरूर करे मैंने जिस संशोधन को पेश किया है उसके अनुसार सरकार को पूरा अवसर इस बात के लिए मिल जाता है कि वह जिस उपाय या ढंग से मुनासिब समझे उन जुल्मों की जांच करे जिन्हें सरकारी अफसरों ने १९४२ के मौके पर किया।

**The Hon'ble the SPEAKER :** Order, Order. My attention has been drawn to the fact that a visitor in the official gallery is smoking. Such conduct is against the dignity of the House and forfeits the right of a visitor. The Hon'ble Member may proceed.

**Mr. DIP NARAYAN SINHA :**

मैं उमीद करता हूँ कि सरकार जल्द से जल्द इस प्रस्ताव के मुताबिक कार्रवाई करेगी ताकि सबे में लोगों के दिमाग में जो बेचैनी है वह दूर हो जाय। मैं सुनता हूँ कि लोगों का ऐसा ख्याल है कि सरकारी कर्मचारी यह भी सोच रहे हैं कि इस प्रस्ताव के मुताबिक शायद कोई कार्रवाई न हो। इसलिए मैं सरकार से कहूंगा कि वह अपनी बातों को इस सभा में साफ २ लोगों को बताये और जहाँ तक सुमकिन हो इस प्रस्ताव के मुताबिक किसी न किसी तरह की कार्रवाई जल्दी की जाय।

**Mr. SAIYID JAFAR IMAM :**

مستتر اسپیکر، ابھی آنریبل مقرر بابو دیپ نرائن سنگھ نے اپنی تقریر میں فرمایا ہے کہ کچھ کاغذات گورنمنٹ ہائوس میں چھپا کر رکھ دیئے گئے۔  
ہیں کیا میں معزز وزیر اعظم صاحب سے درخواست کر سکتا ہوں کہ وہ ان تمام کاغذات کو وہاں سے منگوالیں۔

**The Hon'ble Mr. SRI KRISHNA SINHA :** Sir, the debate on this resolution has lasted for days, and in view of the importance of the resolution it was natural that it should have been so. Only the other day I had been to Bombay and met my friends from all parts of India there and from my talks with them, I realised that this resolution has attracted notice all over the country. I have heard with rapt attention the speeches

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1942 ATROCITIES BY GOVT. SERVANTS.

[16TH JULY]

made by my hon'ble friends with regard to this resolution. I am one of those who were in the midst of the great political upheaval of 1942. Soon after I came out of jail I went all over the province meeting people and trying to learn from them what had happened. So it is but natural that the speeches made here did not add to the stock of my knowledge regarding the happenings of 1942 in the province. But still I heard these speeches with rapt attention because behind the speeches I found sincerity, I found a burning desire to see the wrongs righted. There are some who have found in these speeches a spirit of victimisation, there are some who have found in these speeches a cry for revenge.

I, though a member of the Government, would like to strongly deny such charges levelled against those who have raised their voice in support of this resolution. It is natural, Sir, that this resolution should have excited heat and passion but behind that heat and passion I have found a desire for justice. It is necessary that any Government worth the name, any Government which claims to be a people's Government should view with sympathy a demand for such a justice. My heart is with those who have spoken in favour of this resolution though the position which I occupy makes me speak with a certain amount of caution, and that caution is necessary because as member of the Government I have got difficult duties to perform. Sir, if we scan carefully the motives which have led to the formation by man of political organisations, of which a State is the best expression, we shall find that it is the instinct of security of a man against dangers and uncertainties that has impelled him to do so. But man wants security and consequently forms political organisation because he wants to enjoy liberties; he wants to develop his individual self and he can't develop his individual self without enjoying certain amount of liberty. So, every Government has got a very difficult duty to perform.

It is its duty to vouchsafe security to those living under it not in order that those who rule over them may do things in their own way; but in order that they may freely develop all that is best in them. It is because of this, Sir, that I said at the beginning that the duty a Government has to perform is a very difficult duty. It is the duty to reconcile liberty with security. Liberty implies absence of force. If liberty is to be assured to any individual no force need be exerted against him. But constituted as our society is, at present the State is compelled to use certain amount of force in restraint of liberty. There may come a time when Lenin's dream of a state being based on complete and voluntary co-operation will be realised and the functions of the State will become so simple that the duties of the administrators will be as simple as the duties of the washerwomen. But unfortunately we in this world have not yet reached that stage. It is very difficult to say what part force played in the beginning when political organization took its birth. But from the moment a State in the modern sense of the term came into being, force has played a very great part in its workings. The modern State in its beginning was based completely on force and the evolution of the modern State has consisted

in the gradual elimination of force from and increase of voluntary co-operation in its workings. But still force plays a very great part in the workings of a State and Government.

Force has to be resorted to in order to make liberty secured to men. But experiments in the act of Government has been successful in evolving a safeguard against this necessary use of force in the administration of the Government has been founded and this safeguard is that the force used must be the force sanctioned by law. It is admitted now all over the world that a Government in order to enforce law and order may shoot men, may hang men, may imprison them for an indefinite period of time but the tenets of the modern days' Government require that the Government—these agents of the Government which is compelled to use force for purchasing security and liberty to individual citizens must themselves keep while doing so within the bounds of law. In ordinary periods there is this check on Government's servants entrusted with the task of enforcing law and order. In times of excitement, in times of revolution there arise difficult moments when it becomes very difficult, sometimes impossible, for those entrusted with the task of maintaining law and order to decide whether a particular step which the exigencies of the situation require to be taken, is one sanctioned by law. In such moments of excitement officials are placed under difficult situations, real difficulties arise in the way of their enforcing law and order and so we must admit that all over the world after such periods of excitement Indemnity Acts are enacted to give protection to those who might have had occasion to work in such difficult moments. But an Indemnity Act too has got limitations of its own. If a particular officer thinks that in order to enforce law and order he has simply to collect a dozen men, hang them from the tree standing nearby and hang them by the neck till they are dead, certainly no Indemnity Act enacted by any civilized Government of today would pardon such an officer for the grossly immoral act of thus depriving men of their valuable life. Even an officer while acting in moments of difficulty must be acting in the belief that whatever he has been doing has been doing with the good faith that it was necessary for the maintenance of law and order. But Government servants even while so discharging their difficult duties of enforcing law and order have to work within the bounds of law and it is this which makes us view with sympathy resolution the demand behind the present. We feel that sometimes an Indemnity Act is necessary because in times of emergency an officer may honestly do acts which in calmer moments a Judge sitting on the Bench might consider to be illegal. So, it is necessary that officers working in times of difficulties have to be given protection for acts but these must be acts which an average reasonable man thinks to be necessary and proper for the maintenance of law and order. These are the principles with which we as members of a popular Government would like to be guided and I assure hon'ble members of this House that we are always willing and ready to look into cases of alleged atrocities, to enquire into them and try to find out if the particular officer or officers in doing such

acts kept themselves within the bounds of law, kept themselves within the bounds which even an Indemnity Act expects them to keep themselves within. Sir, one thing more I should like to make clear. Sometimes it is said that in the year 1942 there was an open rebellion in the country. But I do not think the Government of that time had ceased to function as Government. It has never been the claim of those who held the reins of Government in about 1942 that Government had ceased to exist and there was an open war between two contending parties trying to wrest power from each other. But even if it be assumed for a moment that there was an open war in the country between two parties—not between the Government of the time and the people—even then according to the civilised canons of the modern day such contending parties have to observe certain rules of conduct. During war when an enemy force occupies the country of the conquered, even that enemy force has to observe certain rules so that the relationship between the conquered and the conquerors may be governed according to certain moral standards. Only the other day the Government of India in deciding their policy regarding the I. N. A. men made a distinction between those men who had fought for a cause in which they believed and those while fighting for the cause which they believed in committed acts of cruelty and immorality. While the Government of India released those men unconditionally who according to them were fighting for a cause they convicted those who were found guilty of acts of cruelty and immorality. We too think that if in the year 1942 particular officers did something out of a motive for gain, out of wickedness certainly the conduct of such deserves to be enquired into and those found guilty punished.

So, Government accepts the spirit lying behind this resolution, but Government is unable to accept the resolution in the form in which it was originally brought before this House, and there are reasons for that. My hon'ble friends, while speaking of atrocities of 1942, should also remember that the time has changed. In 1942 they were rebels out to pull down the structure of Imperialism in this country. Now in the year 1946 they are sitting here after having given permission to some of their own colleagues and friends to run this Government. We want their co-operation and help in running this Government, and if a Government is to be run and run successfully, it is their duty as well as mine to see that no unnecessary stir and fear is caused in those on whom we have to rely for the running of this Government. In spite of all that happened in the year 1942, we have to admit—we may differ as to the percentage—that in the services there are men, honest men, honest Englishmen, honest Indians, who still think of giving their best to the service of this province. Even if there be only a few such men in the services, even if their percentage be extremely low, I must confess that the number of such honourable persons perhaps is very low, on whom we have to rely for the proper discharge of the duties of a Government, it is our duty to see that we do nothing, we say nothing, which will cause alarm in them who have made up their mind to give their best to us. It is because of this, Sir, that this Government is opposed to the

proposal of the appointment of a Commission. As members of Government we have very great difficult duties to perform. We have to give protection to the honest members of the services under the Government. We have to see that they are not unnecessarily harmed; and in this connection I must mention one instance which only the other day came to my notice. I will request the hon'ble members of this House, the hon'ble members who belong to my party, to the party which is mainly responsible for a successful Government to be careful in making accusations. Only the other day there was some incident in the district of Darbhanga. News flashed across the province and they appeared with broad headlines in the local papers that Jalianwalla Bagh was being repeated in certain parts of the Darbhanga district. It has become an ordinary thing with some of the hon'ble members of this House to bring in adjournment motions on any occasion that may offer to them. An adjournment motion was brought in this House to condemn the conduct of the policemen involved in this incident. I got a proper enquiry made, and after enquiry I found that the allegations were not true. Yes, the policemen committed some excesses and I very much wish they had refrained from them. But as the Minister in-charge of the Department I am bold enough to proclaim from here that those policemen would have acted like angels and not men if they had refrained from them. I, therefore, say, Sir, that as a Government we have to see that nothing is done, nothing is said, which undermines the faith of the services in the Government. We have to give them due protection but I must also at the same time say, and through you, Sir, I want to say to the services of the province, that in order to deserve this protection they must be brave, they must be honest, they must be faithful and they must be fearless, in the discharge of their duties. While as a Government it is our duty to give protection to the honest and faithful it is equally our duty to punish those who are found wicked, who commit excesses, who commit crimes with sordid motives. I have been told by those who want to deter us from making enquiries that such a course will undermine the faith of the services in this Government. I again repeat my assurance to them the honest among them, the faithful among them, the dutiful among them, that they have nothing to fear from this Government. We assure protection to those who do their duties honestly and faithfully. But certainly we can not tolerate those who have been actually guilty of the offences complained of. But my hon'ble friends will see that even as regards them I have to be sure if the allegations made against them are true. I am sure my hon'ble friends do not expect of Government that it should punish any one without going into the matter and trying to find out the truth. The same principles of civilised Government which expect Government servants to keep themselves within the bounds of law also expect that no man will be punished unless he has actually been found guilty, and it is because of this that I would insist upon one thing. A Commission of the type which this resolution wants Government to appoint cannot serve the purpose which my hon'ble friends have in view. A Commission is appointed generally to enquire into some happenings and come to

certain general conclusions. A commission might have been appointed to find out whether the section 93 Government did things in the interest of the people and whether the services in general were guilty of atrocities and cruel acts, but such general findings would be of no avail at present. The section 93 Government has been condemned. The British statesmanship in their wisdom decided to appeal to the electorate, and the electorate, I hope my Muslim friends will pardon me, has sent the rebels of 1942 in a thumping majority in this House and they have formed the present Government replacing the Government of 1942. I am sure my friends do not want a Commission to find out the truth or otherwise of the general allegations made against the Government thus replaced. They want, I think that all those officers who have been guilty of acts of cruelty and acts done with sordid motives should be proceeded against, that enquiry should be made into those acts and they should be punished if found guilty. Now, Sir, if the conduct of certain individuals is to be enquired into and guilt as regards them to be fixed, it is very necessary that the machinery should be just suited for that work. A general Commission going all over the province, inviting applications and then hearing them, is something which will not suit the purpose which the hon'ble members have in view. Therefore, the machinery which the Government would suggest is this. In their speeches in this House my hon'ble friends have given particular instances. In this connection I would expect them to remember that if some Government servants exceeded the bounds of law in 1942, the circumstances then were such that they also in some instances exceeded that bound. Keeping this in view if instances of atrocities, cruelty, and acts done with malice or with the purpose of making sordid gains are made known to this Government, the Government is ready and willing to get these things enquired into and take suitable steps against those found guilty.

Sir, we are prepared to appoint Judicial Tribunals even to enquire into these allegations, but Government must be in possession of definite allegations against individual officers who are supposed to have been guilty of such action in the year 1942. It is our duty to see that no officer whatever his race, whatever his creed, whatever his nationality is punished for something which has not been established against him beyond doubt. Therefore, Sir, Government is unable to accept the proposal for the appointment of a Commission; but certainly if instances are brought to the notice of Government—instances have been brought to the notice of Government in the course of the—debate and if more instances are brought to the notice of Government, Government will certainly make enquiries and take steps as it thinks proper. We are here because of a mandate from the people. If we find we cannot carry out that mandate, it will be time for us to think what next step to take. I assure my hon'ble friends that while this Government thinks its duty to protect the faithful and the honest in the service, it is similarly its duty to find out the guilty and punish them. I am only sorry that my friend, the mover of the resolution, Mr. Phulan Prasad Verma is not here; else, I would have begged him to withdraw his resolution after the assurance just given. Because he is not here, perhaps there is difficulty in the way of the resolution being

withdrawn. An amendment has also been brought to this resolution. We as members of this Government will keep neutral but if hon'ble members of this House want that it must be voted upon, I have no objection to the resolution as amended being voted upon. Members of my party are free to vote as they like.

**The Hon'ble the SPEAKER :** Notice of 4 amendments were given before and notice of one has been received today. All the amendments were admitted. Mr. Lambodar Mookherjee moved his amendment. The amendment of Mr. Ram Binod Sinha is substantially identical with the amendment moved by Mr. Lambodar Mookherjee. Mr. Jamuna Prashad Singh did not move his amendment. Perhaps he was then absent. The amendment standing in the name of Mr. Amiyo- Kumar Ghosh was not moved. Now, I would ask the hon'ble member Mr. Lambodar Mookherjee whether he proposes to withdraw his amendment.

**Mr. LAMBODAR MOOKHERJEE :** Yes, Sir, I beg leave of the House to withdraw my motion.

**The Hon'ble the SPEAKER :** Has he the leave of the House to withdraw it ?

Several hon'ble members—Yes, yes.

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

**The Hon'ble the SPEAKER :** The amendment of which notice has first been given by Mr. Dip Narayan Sinha reads as follows :—

That for the words "to appoint a commission vested with necessary powers", the words "to take suitable steps" be substituted; the words "and report on" be deleted and after the words "1942 and" for the words "recommend appropriate punishment for the offenders", the words "take such action against the offenders as may be deemed appropriate on the basis of the enquiry" be substituted.

The amendment was put to vote and was carried.

Now the original resolution as amended would stand thus—

"that the Assembly recommends to Government to take suitable steps to enquire into the excesses and atrocities committed by the Government servants in utter disregard of law during the political upheaval of 1942 and to take such action against the offenders as may be deemed appropriate on the basis of the enquiry."

The question is :

That the Assembly recommends to Government to take suitable steps to enquire into the excesses and atrocities committed by the Government servants in utter disregard of law during the political upheaval of 1942 and to take such action against the offenders as may be deemed appropriate on the basis of the enquiry.

The resolution was adopted.

**The Hon'ble the SPEAKER :** The resolution standing for today have to be taken up now. They were originally fixed for the 2nd July, 1946. Hon'ble members will please refer to Supplement V to the List of Business for July, 1946. The first resolution stands in the name of



Mr. Hira Lal Saraf. May I know from the hon'ble member what he proposes to do with his resolution.

**Mr. HIRA LAL SARAF :**

मैं अपने प्रस्ताव को पेश करना नहीं चाहता ।

**The Hon'ble the SPEAKER :** The next resolution stands in the name of Mr. Deoki Nandan Prasad. He may move it.

**Mr. DEOKI NANDAN PRASAD :** I do not want to move it.

#### ABOLITION OF ZAMINDARI SYSTEM.

**The Hon'ble the SPEAKER :** The third resolution stands in the name of Mr. Purushottam Chohan. He may move it.

**Rai Bahadur SYAMNANDAN SAHAYA :** It is now about 3-45 P. M. My own opinion is that this resolution, to do justice to the subject and not merely to complete a formality will require more time than the House has at its disposal today. I do not object to the resolution being moved. In fact I would like the resolution to be moved today but I want a full day to be allotted for it so that we may have ample opportunity to place our views on the subject. It is not possible to finish it today and, therefore, I request the Hon'ble the Prime Minister through you to allot one day exclusively for it.

I do not fight shy of the resolution being moved today. But certainly I like that full justice be done to the subject-matter of the resolution. With the time at our disposal today neither we nor Government would be able to discuss the problems involved. I want full time to be allotted to us to meet the points raised in the course of the debate.

**The Hon'ble Mr. RAMCHARITRA SINHA :** But that point does not arise at present. The hon'ble member should move the resolution first and then he should ask Government to consider this question of time. At present he should not take the line of action he has taken. After the resolution has been moved, he should ask the Leader of the House to allot another day. This question should not have been raised at this stage. That will be according to the rules of procedure of the House.

**Rai Bahadur SYAMNANDAN SAHAYA :** Sir, it is not my desire to question or challenge the rule of procedure of the House. I have sufficient experience of the House to know what the rules of debates in this House are. But my desire to submit was that with the consent of the House we could pass on to the other resolution and immediately after moving this resolution a whole day for its discussion might be allotted. If that does not suit the House, and if the Leader of the House says that we should discuss it for such time as is available today and we may continue its discussion again on a day specially allotted for the purpose, that would fully meet with our desires.