

THE BIHAR LEGISLATIVE ASSEMBLY DEBATES

Friday, The 24th May, 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 Friday, the 24th May, 1946 at 11.30 A.M., the Hon'ble the Speaker, Mr. Vindhyeshwari Prasada Varma, in the Chair.

OATH OF ALLEGIANCE.

The Hon'ble the SPEAKER: Any hon'ble member present who has not taken the prescribed oath or affirmation of allegiance to the crown will kindly do so now.

The following member made the prescribed oath of allegiance to the crown and took his seat :—

Mr. Saiyid Amin Ahmad: (Manbhum Muhammadan Rural constituency).

SHORT-NOTICE QUESTION AND ANSWER.

RELEASE OF POLITICAL PRISONERS.

1. Mr. MURLI MANOHAR PRASAD: Will the Hon'ble the Prime Minister be pleased to state—

(a) whether the attention of the Government has been drawn to a message from the Associated Press of India from Nainital, published in the "National Herald" dated May 22nd, to the effect that the Congress Ministry's list of political prisoners in the United Provinces was exhausted today with the release orders of 150 political prisoners lodged in the various jails of the Province;

(b) if so, have Government noted the statement made in the message in question that all the political prisoners, who were not listed as politicals, have either been released or orders have been passed for their release;

(c) will the Hon'ble the Prime Minister be pleased to make a statement as to the position regarding the release of prisoners in Bihar with special reference to (i) prisoners sentenced to long terms of imprisonment such as Mr. Suraj Narayan Singh and others at Darbhanga and (ii) prisoners who are political but have not been listed as such?

The Hon'ble Mr. SRI KRISHNA SINHA: The answer to clauses (a) and (b) is in the affirmative.

Mr. LAMBODAR MOOKHERJEE: क्या मैं पूछ सकता हूँ कि Political और Non-Political prisoners का classification पेशकार और मजिस्ट्रेट के whim पर रहता है या इसके लिए कोई नियम भी है ?

The Hon'ble Mr. SRI KRISHNA SINHA: I myself read the judgments and if I find from it that the motive was political, I release the men.

Mr. JAMUNA PRASHAD SINGH: Are the Arawal prisoners going to be released or not ?

The Hon'ble Mr. SRI KRISHNA SINHA: I have called for the papers and will look into the matter.

Mr. JAGARNATH SINGH: Are the prisoners of Karisath (train derailment case going to be released or not ?

The Hon'ble Mr. SRI KRISHNA SINHA: Their case is not before Government.

ADJOURNMENT MOTIONS.

THROWING OF BRICKBATS BY THE HINDUS OF SHEIKHPURA IN THE HOUSES OF SOME MUSLIMS.

The Hon'ble the SPEAKER : Mr. Tajamul Husain has given notice of a motion for adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the throwing of brickbats by the Hindus of Sheikhpura, district Monghyr, in the houses of some Muslims of Sheikhpura on the 22nd May, 1946, from midnight till the next morning.

Mr. TAJAMUL HUSAIN : I beg to move for leave to move for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, viz., throwing of brickbats by the Hindus of Sheikhpura, district Monghyr, in the houses of some Muslims of Sheikhpura on the 22nd May, 1946, from midnight till the next morning.

Now, Sir, I will read rule 72 of the Bihar Legislative Assembly Rules. It runs as follows :—

" A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker."

The Hon'ble the SPEAKER : Are you sure that the matter is not *sub judice* ?

Mr. TAJAMUL HUSAIN : The matter is not *sub judice*. The rule says :

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"The right to move an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following conditions, namely :—

"not more than one matter shall be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence".

Now, Sir, at the outset, I would like to inform you that this is not a censure motion on Government. I have to prove that the matter is definite and specific. Throwing of brickbats by one section of the people against the other section is surely a definite and specific matter. The matter must be urgent and be of public importance. Now, Sir, the Subdivisional Officer and the police were informed about this incident.

The Hon'ble Mr. RAMCHARITRA SINHA : I rise to a point of order. I find that it is not an adjournment motion against Government as the hon'ble member himself says, but as a matter of fact an adjournment motion is always against Government. I think that, on his own words, the adjournment motion should not be allowed.

Mr. TAJAMUL HUSAIN : I only say that this is not a censure motion against Government. It is clearly under section 73 of the Bihar Legislative Assembly Rules. The Subdivisional Officer is not taking any action in the matter and this thing is going on from the 21st of April. The life of the people is in danger. Unfortunately, Hindu-Muslim feeling is going on and the life and property of both communities have to be protected.

As regards the incident being recent, I say that it happened on the 22nd May, 1946, and went on for the whole night. The Secretary of the Muslim League left Sheikhpura and reached here only last night (23rd May, 1946).

And this is the earliest opportunity when I could have moved it therefore it is of recent occurrence. That is all I have to say so far as the technical points are concerned. If my motion is admitted, I will speak on the facts of the case.

Mr. PURUSHOTTAM CHOHAN : I want to know whether it is a motion of an adjournment motion.

The Hon'ble the SPEAKER : It is an adjournment motion as I have already told you.

Mr. PURUSHOTTAM CHOHAN : I draw your attention, Sir, that if it is an adjournment motion copies of it should be circulated to members.

Mr. TAJAMUL HUSAIN : Sir, the rule is that a copy of the adjournment motion should be given to the Secretary of the Legislature at half past ten and I have done accordingly. There is no rule to the effect that every member should be supplied with a copy of the adjournment motion. (Interruption.)

The Hon'ble the SPEAKER : Order order. I want to hear the reply of the Hon'ble the Prime Minister.

The Hon'ble Mr. SRI KRISHNA SINHA : Sir, it is again my misfortune to rise to oppose the motion. I do not know where we shall be if such adjournment motions are admitted. An adjournment motion must refer to a matter of great public importance and my friend has tried to argue that because the men who pelted the stones were Hindus and the houses at which the stones were pelted belonged to Muslims, so the matter is a matter of urgent public importance because the pelting was between two communities. Fortunately for us, the Hindus and Muslims are living side by side; they live in the same town, they live in the same lane, and if one morning Hindu and Muslim boys are found fighting together in the street perhaps according to the theory propounded by my hon'ble friend that matter will also become a matter of great public importance, because the children fighting together would not belong to the same community but to two different communities. I do not think, Sir, this matter is a matter of great public importance. I, therefore, oppose this motion because it does not refer to a matter of sufficient public importance, but I can assure the mover of this motion that I will get the matter enquired into. I tell him again that whenever I get notice of any such incident or occurrence I get every one of them enquired into, and I have asked my office to see that no incident remains unnoticed. I assure the hon'ble member that I shall get it enquired into. It is the duty of Government to see that no citizen suffers at the hands of others.

Mr. MUHAMMAD ABDUL GHANI : As has already been pointed out by the hon'ble the mover of the adjournment motion, if the Subdivisional Officer and the police did not hear grievances or the complaints of the people affected then what remedy lay in the hands of those people except to approach their representatives and through them to seek remedy in this House and he has done the right thing. I do not think that this is an individual matter. The hon'ble the mover of the motion has got sufficient proof in his possession—the letter of the applicants who came running down from that place to the Leader of the Opposition was handed over to him and with the order of the Leader of the Opposition the hon'ble mover of the adjournment motion has done his duty. I think the Leader of the House will think twice before he opposes this motion.

The Hon'ble the SPEAKER : I want to hear Mr. Jamuna Prasad Singh.

Mr. TAJAMUL HUSAIN : Sir, if you will hear me, the matter will be finished. Sir, my main object in moving the motion was to draw the attention of Government and the Hon'ble the Prime Minister and let him know that something wrong was going on in our province and he has come to know of it now. When life is in danger anything might happen and now as he has given us an assurance that he will enquire into the matter I think that at this stage I should withdraw my motion. (hearhear.)

CONDUCT OF THE SUPERINTENDENT OF POLICE, MUZAFFARPUR.

The Hon'ble the SPEAKER : There is another adjournment motion given notice of by Babu Mahesh Prasad Sinha. I read out the motion—

“The business of the Assembly do adjourn to consider the situation arising out of (a) the suspension of a Havildar by the Superintendent of