बिहार-विधान-सभा वादवृत्त।

भारत के संविधान के उपबन्ध के अनुसार एकत्र विधान सभा का कार्य विवरण।

सभा का अधिवेशन पटने के सभा सदन में वृहस्पतिवार, तिथि ५ फरवरी, १९५३ को पूर्वाह्न ११ बजे में माननीय अध्यक्ष श्री विन्ध्येश्वरी प्रसाद वर्म्मा के सभापतित्व में हुआ।

अल्प-सूचना प्रश्नोत्तर।

SHORT NOTICE QUESTION AND ANSWER.

ACCUSED ACQUITTED OF DACOITY.

2. Shri SHUKHDEO NARAIN SINGH MAHTHA : Will the Chief Minister be pleased to state—

(*a*) whether the attention of the Government has been drawn towards the news item under caption "Accused Acquitted of Dacoity" published in the issue of a local English newspaper, dated January 18, 1953, at page six;

(*b*) if the answer to clause (*a*) be in the affirmative, what are the names of the investigating and the supervising officers referred to in the case;

(*c*) what steps Government has taken or proposes to take against these officers?

Shri KRISHNA BALLABH SAHAY : (*a*) The reply is in the affirmative.

(*b*) The names of the investigating and supervising officers are—

(1) Sub-Inspector, Shri Ram Chabila Singh of Darauli Police-station, and

(2) Shri Ram Briksh Singh, Deputy Superintendent of Police, Siwan.

(*c*) General observations by the trying court on the points about procedure as well as the comments regarding the specific case are being examined so that necessary action may be taken.

श्री सुखदेव नारायण सिंह मेहता—सरकार कब तक जांच करने को सोच रही है?

श्री कृष्ण वल्लभ सहाय—आई० जी० को इंस्ट्रक्शन दे दिया है गया है लेकिन अभी जवाब नहीं आया है।

श्री सुखदेव नारायण सिंह मेहता—क्या इन अफसरों ने और भी दूसरे मुकदमों में इसी तरह बगैर अपना इंटेलिजेन्स इस्तेमाल किए हुए रिपोर्ट दाखिल की है जिसकी वजह से बहुत से लोग डकैती में फंस गये हैं?

श्री कृष्ण वल्लभ सहाय—अभी जो कागजात मेरे पास हैं इनकी बेना पर न मैं 'हां' कह सकता हूँ न 'ना'।

तारांकित प्रश्नोत्तर

STARRED QUESTIONS AND ANSWER.

STATEMENT OF SHRI GANGA PRASAD JHA, SUB-INSPECTOR OF POLICE FORCIBLY TAKEN BY THE S. D. O., BHAGALPUR.

*1. **Shri RAGHUNANDAN PRASAD KUMAR :** Will the Chief Minister be pleased to state—

(*a*) whether it is a fact that in the last week of July, 1952, Shri Ganga Prasad Jha, Sub-Inspector of Police, Nath Nagar Police-station (Bhagalpur) went to the Chamber of the S. D. O., Bhagalpur to take the Malkhana Register from him to give evidence in a Sessions case, if so, whether it is a fact that the said Sub-Inspector of Police was forcibly detained by the S. D. O. in his Chamber and was not allowed to leave his Chamber unless the Sub-Inspector of Police gave his statement on oath before the S. D. O. in his Chamber in connection with some enquiry ;

(*b*) whether it is a fact that the Sub-Inspector protested and requested the S. D. O. to allow him to go to the Sessions Court to give his evidence but he was compelled to give his statement then and there in the S. D. O.'s Chamber ;

(*c*) whether it is a fact that the S. D. O. did not record the statement of the Sub-Inspector correctly and recorded incorrect statement and this fact was brought to his notice at once by the Sub-Inspector when he was given the statement to sign ;

(*d*) whether it is a fact that when the Sub-Inspector drew the attention of the S. D. O. towards the incorrectness of the statement recorded by him the S. D. O. asked the Sub-Inspector to note down his objections on the same deposition form below the statements recorded by the S. D. O. ;

(*e*) whether it is a fact that the Sub-Inspector mentioned on the deposition form the circumstances under which he was compelled by the S. D. O. to give his statement and his objections regarding

the incorrect recording of his statement and also the fact that he (Sub-Inspector) was compelled to sign the statement though it was not made by him in the form in which it was recorded ?

Shri KRISHNA BALLABH SAHAY : (*a*) On the 23rd July, 1952 Shri Ganga Prasad Jha, Sub-Inspector of Police, Nathnagar, Bhagalpur P.-S., appeared before the S. D. O., Sadar, Bhagalpur to take the Malkhana Register for giving evidence in a Sessions Case. Shri Ganga Prasad Jha had been Court S.-I. in Bhagalpur formerly. The S. D. O. examined Shri Jha in regard to his charge that he had destroyed the exhibits in the Court Malkhana without authority and had also made interpolations in the Malkhana Register. The Sub-Inspector was not forcibly detained. He was examined by the S. D. O. in connection with the enquiry in the charge referred to above.

(*b*) The Sub-Inspector had approached the S. D. O. to make over the Malkhana Register. The S. D. O. directed the Sub-Inspector to give his statement on the charge and then take the register in the Sessions Court.

(*c*), (*d*) and (*e*) In the petition filed beore the S. D. O., the Sub-Inspector Shri Jha had alleged that the S. D. O. did not record his statement correctly. He also mentioned this fact under endorsement on the deposition form. This allegation is being enquired into in the course of departmental enquiry. The enquiry is still proceeding.

श्री रघुनन्दन प्रसाद कुमार—क्या यह बात सही है कि जब यह सवाल पूछा गया उसके बाद श्री गंगा प्रसाद झा पर प्रोसीडिंग कायम कर दी गयी है ?

श्री कृष्ण वल्लभ सहाय—अभी इन सब बातों की जांच हो रही है कि मालखाना रजिस्टर में इंटरपोलेशन किया गया है या नहीं और बगैर ट्राइंग कोर्ट के परमीशन के अफीम को उन्होंने डेस्ट्रोआय किया है या नहीं। इसकी भी जांच हो रही है कि एस० डी० ओ० ने जबरदस्ती उनका बयान लिया या नहीं और जो बयान उन्होंने एस० डी० ओ० के सामने दिया वह ठीक से रेकार्ड हुआ या नहीं। इन सब बातों की जांच हो रही है उसके बाद उचित कार्रवाई होगी।

श्री रघुनन्दन प्रसाद कुमार—मैं जानना चाहता हूँ कि यह जांच कब शुरू हुई। इस सवाल के देने के बाद या पहले ?

श्री कृष्ण वल्लभ सहाय—इसका जवाब मैं अभी नहीं दे सकता।

श्री राश बिहारी लाल—मैं यह जानना चाहता हूँ कि सब-इंस्पेक्टर पर डेस्ट्रोआय करदेने का चार्ज है या बेच देने का ?

श्री कृष्ण बल्लभ सहाय—क्या हुआ यह अभी कहना मुश्किल है। रिपोर्ट यह है कि डेस्ट्रोआय कर दिया गया और मजिस्ट्रेट का जो आर्डर था उसमें इंटरपोलेशन किया गया।

श्री सरयू प्रसाद—जांच करना किसके जिम्मे किया गया है?

श्री कृष्ण बल्लभ सहाय—कमिश्नर इसकी जांच कर रहे हैं।

श्री कृष्ण मोहन प्यारे सिंह—जांच करने की क्या अवधि रखी गई है?

श्री कृष्ण बल्लभ सहाय—यह कोई ऐसी जरूरी चीज नहीं है कि फौरन ही जांच की रिपोर्ट मांगी जाय।

श्री कृष्ण मोहन प्यारे सिंह—इसके मानी हैं कि वर्षों तक जांच चल सकती है, क्या इसके लिये कोई समय निर्धारित नहीं किया गया है?

श्री कृष्ण बल्लभ सहाय—नहीं, समय निर्धारित नहीं है।

*2. **Shri RAGHUNANDAN PRASAD KUMAR :** Will the Chief Minister be pleased to state—

(*a*) whether it was legal for the S. D. O., Bhagalpur to compel the Sub-Inspector Shri Ganga Prasad Jha mentioned in question no. 1 to give his statement in his Chamber on solemn affirmation ;

(*b*) whether it is a fact that the Sub-Inspector reported the matter at once to the Superintendent of Police, if so, whether it is a fact that the Superintendent of Police sent the same to the District Magistrate for necessary action ;

(*c*) if the answer to clause (*b*) be in the affirmative, what action has the District Magistrate taken on it ;

(*d*) whether Government consider the action of the S. D. O. illegal ; if so, whether they propose to take any Departmental action against the S. D. O. ?

Shri KRISHNA BALLABH SAHAY : (*a*) The Sub-Inspector was not compelled but simply asked to give his statement. Government are advised at present that the S. D. O. had power to order this.

(*b*) The answer is in the affirmative. The District Magistrate called for a report from the S. D. O. and held a preliminary enquiry himself. Thereafter the District Magistrate directed the Superintendent of Police to look into this matter. The enquiry is proceeding. The Commissioner has been requested to supervise the enquiry.