

## THE BIHAR LEGISLATIVE ASSEMBLY DEBATES

*Thursday, the 11th March, 1948.*

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 Thursday, the 11th March, 1948, at 11 A. M., the Hon'ble Mr. Vindhyeshwari Prasada Varma in the Chair.

### SHORT NOTICE QUESTION AND ANSWER.

ALLEGED SECRET MEETING OF THE R.S.S. ON THE 27TH FEBRUARY, 1948,  
AT DEHRI.

\*9. **Sardar HARIHAR SINGH :** Will the Hon'ble the Prime Minister be pleased to state—

(a) whether Government's attention has been drawn to an item of news published in a local English daily in their issue of Wednesday, the 3rd March 1948, in regard to the alleged secret meeting of the R. S. S. at Dehri on February 27, 1948 ;

(b) if the answer to clause (a) be in the affirmative, what steps Government have taken to stop such meetings ;

(c) the number of persons who attended the said meeting and the number of men who were arrested ?

**The Hon'ble Dr. ANUGRAH NARAYAN SINHA :** (a) Government has seen the news item. Enquiry in the local areas so far shows that the report is without foundation.

(b) Officers throughout the province are vigilant and with the public co-operation Government have every reason to hope that the secret meetings will be stopped.

(c) Does not arise.

\*In the absence of the questioner, the answer was given at the request of Mr. Jambha Prasad Singh.

in the property and separate property let by her husband dying intestate; and (b) to the widow of a Hindu governed by any school of Hindu law other than the Dayabhag or by customary law, the right to have in the joint family property the same interest as her husband had at the time of his death, provided in each case that any interest devolving on a Hindu widow shall be limited interest known as a Hindu Women's estate but that she shall have the same right of claiming as a male owner.

Sir, this is a reform which should be supported by all sections of the House, it is of the utmost importance to protect the rights of the Hindu Women. With these few words, I fully support the Bill.

The Hon'ble the Speaker :

The question is :

That the Bihar Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1948. be passed.

The Motion was adopted.

The Bihar Tenancy ( Amendment ) Bill 1948, ( Bill No 15 of 1948 )

The Hon'ble Mr. Krishna Ballabh Sahay :

Sir, I rise to introduce the Bihar Tenancy ( Amendment Bill, 1948.

The Hon'ble the Speaker :

The Bill is introduced.

The Hon'ble Mr. Krishna Ballabh Sahay :

Sir, I rise to move :

That the Bihar Tenancy ( Amendment ) Bill, 1948, be taken into consideration.

जनाब सदर, इस प्रस्ताव को हाउस के सामने रखते हुए मैं यह बता देना चाहता हूँ कि कानून में क्या क्या संशोधन करने का विचार है। पहली बात है कि Bihar Tenancy Act के दफा ४० में कलक्टर को यह अधिकार दिया गया है कि वह अपील को सुने और दफा ११२ (ए) में भी अपील सुनने का अधिकार दिया गया है। चूँकि कलक्टर के जिम्मे बहुत सा काम रहता है जिसका परिणाम यह होता है कि वह काम जल्दी से नहीं कर सकता है। जिससे जमींदारों और किसानों को परेशानी होती है। इसी कठिनाई को दूर करने के लिए पुरानी सरकार ने दफा ४० और ११२ (ए) में तर्मीम किया था। जो कानून पहली सरकार ने बनाया था वह पहली अप्रैल को खतम हो जायगा। इसलिये यह बिल आपके सामने पेश किया जा रहा है। पुरानी सरकार ने और भी संशोधन Bihar Tenancy Act १९४० में किया था। वह संशोधन यह है कि Bihar Tenancy Act में भागलपुर और मुंगेर जिले के रहनेवाली कई पिछड़ी हुई जातियों को खास अधिकार दिया गया है ताकि उनकी जमीन उनके साथ रहे। उन जातियों में खरवार जाति भी हैं। ये जातियाँ सिर्फ भागलपुर और मुंगेर में नहीं पायी जाती हैं बल्कि शाहाबाद में भी हैं। शाहाबाद के खरवारों को इसी तरह की रक्षा की जरूरत है। पुरानी सरकार ने इस आशय का कानून बनाया था। मगर चूँकि वह कानून खतम होनेवाला है इसलिये यह बिल आपके सामने पेश किया गया है। इसमें इस बात की गुंजाइश कर दी गयी है। इस बिल में यही तीन मुख्य बातें हैं जिनको मैंने आपके सामने रख दिया है।

Mr. Md. Abdul Ghani :

गोड़यती जागीर के बारे में कोई protection है या नहीं ?

The Hon'ble Mr. Krishna Ballabh Sahay :

हुजूर, यह सवाल कैसे उठता है। सारे बिहार टेनेन्सी ऐक्ट का तो संशोधन नहीं हो रहा है। खास खास बातों का संशोधन हो रहा है। मैं चाहता हूँ कि मौलवी गनी साहब उन्हीं बातों को ध्यान में रखते हो अच्छा होता।

The Hon'ble the Speaker :

The question is :

That the Bihar Tenancy (Amendment) Bill, 1948 be taken into consideration.

The motion was adopted.

The Hon'ble the Speaker :

The question is :

The House will now proceed with the Bill clause by clause.

The question is That clause 2 do stand part of the Bill.

Mr. Taranand Sinha :

Sir, I beg to move :

that sub-clause (b) of section 2 of the Bihar Tenancy (Amendment) Bill, 1948 be *omitted*.

In moving this amendment, I would like to explain the significance of sub-section (a) of that clause. That sub-section says that an appeal shall lie from the order referred to above to the Collector if such order has been passed by any other officer and to the prescribed authority appointed by the Government if orders have been passed by the Collector. If that be the case, then I do not know what would be the particular use of this sub-section which says that the Collector also may authorise somebody else of that district to hear that appeal. Our point of view is that when the order has been passed by one of the sub-ordinate officers of the Collectors in that district, I do not think there is necessity of giving this particular power also to the Collector to send again the case to one of the sub-ordinate

officers. Of course he will be empowered to hear it as the Collector. It is further seen that the Provincial Government will also prescribe an authority to hear an appeal from the Collector and when that is the case—do not think the Collector will have much work on this ground as pointed by the Hon'ble Minister and he will have quite an ample time to hear a few appeals which will come up from these cases.

The Hon'ble Mr. Krishna Ballabh Sahay :

सभापतिजी, कुमार तारानन्दजी ने जो संशोधन पेश किया है उसकी मंजूर करने से इस बिल का मतलब खतम हो जायगा। इस बिल का मतलब यह है कि अपील चाहे कलक्टर सुने या जिस किसी अफसर को प्रान्तीय सरकार खास नोटिफिकेशन के जरिये अधिकार दे, वह सुने। मेरे मित्र कुमार तारानन्द जीने शायद इन शब्दों को नहीं पढ़ा है। Or to any officer, especially empowered by the Provincial Government by notification to hear such appeal. यह अधिकार इसलिए दिया जाता है कि कलक्टर को अगर फुर्सत हो तो अपील सुनने का काम रुक न जाय। क्लॉज २ के सब-सेक्सन में यह कहा गया है कि कलक्टर अगर अपील न सुन सके तो जिस अफसर को खास अधिकार दिया गया है वह अपील को सुन सके या अगर किसी दूसरे के पास अपील हो और कलक्टर को फुर्सत हो तो वह सुन सके। अब आपको मालूम हो गया होगा कि यह अख्तियार इसलिए दिया गया है कि काम रुक न हो या देर न हो जिससे किसानों और जमींदारों, दोनों को परेशानी न हो। मैं यह समझता हूँ कि जो मसबिदा है वह बाजिब है। इसमें रहोबदल की गुंजाइश नहीं है।

Mr. Taranand Sinha :

Sir, from the speech of the Hon'ble Minister, I feel that he has not understand me correctly. What I meant was that if perchance Government do not appoint a prescribed authority for that particular district, then the

Collector should hear the appeal and I do not debate Government from appointing any such particular authority. In that case I want that the appeals should either be heard by the Collector of the district or a man appointed by the Provincial Government on this behalf to hear the particular appeal, in case the number of appeals are very large. But I do not want that the Collector should have the right to transfer or to authorise any of the officers under him to hear the appeals.

The Hon'ble Dr. Krishna Ballabh Sahay :

ऐसी बात कहाँ है । यहां तो इस तरह है ।

(any other officer so empowered)

The Hon'ble the Speaker :

अपील चाहे कलक्टर के पास दाखिल करे या जिस आदमी को प्रान्तीय सरकार ने मजाज दिया है उसके पास दाखिल करे इसमें कोई बात नहीं है । अगर फैसला कलक्टर का है तो उसकी अपील के लिए सरकार की तरफ से कोई आदमी मुकर्रर होगा । तीन तरह की बातें इसमें हुईं । कोई भी अफसर जो कलक्टर नहीं है, उसके फैसले की अपील दो जगहों में हो सकती है । इसकी अपील या तो कलक्टर के यहां हो या नहीं तो किसी दूसरे अफसर के यहां जिसको सरकार ने मजाज दिया है । तब कलक्टर को अख्तियार है कि चाहे वह अपील को खुद सुने या उस आदमी के पास भेज दे जिसको सरकार ने मजाज दिया है । कलक्टर उस अफसर के यहां से भी अपील को मंगाकर सुन सकता है और फैसला कर सकता है । यही इसका खिलासला है ।

Mr. Taranand Sinha :

In view of this I would request the House to allow me to withdraw my amendment.

The Hon'ble the Speaker :

I just wanted to say that the House should not be de-

prived of the legal assistance of the Advocate-General. I would like to draw the attention of the Hon'ble Ministers present that they should also realise the necessity of the presence of the Advocate-General in the House.

मिस्टर तारानन्द सिंह अपना amendment withdraw करना चाहते हैं।

The amendment was, by leave of the Assembly withdrawn.

The Hon'ble the Speaker :

The question is :

That clause 2 do stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

The Hon'ble the Speaker :

The question is :

That clause 3 do stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

The Hon'ble the Speaker :

The question is :

That clause 4 do stand part of the Bill.

Mr. Taranand Sinha :

I have an amendment to move on this clause, Sir, but in view of the fact that this amendment is of the same type as the previous one I do not propose to move it.

The Hon'ble the Speaker :

The question is :

That clause 4 do stand part of the Bill.

The motion was adopted.

Clause 4 was added to the Bill.

The Hon'ble the Speaker :

The question is :

That clause 5 do stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

The Hon'ble the Speaker :

The question is :

That clause 1 do stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

The Hon'ble the Speaker :

The question is :

That the Title and the Preamble added to the Bill.

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Hon'ble Mr. Krishna Ballabh Sahay :

Sir, I beg to move :

That the Bihar Tenancy (Amendment) Bill, 1948, be passed.



The Hon'ble the Speaker :

The question is :

That the Bihar Tenancy (Amendment) Bill, 1948, be passed.

The motion was adopted.

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