

[M. S. Abdul Majid]

No.	Name.	Domicile.	Remarks.
<i>Sub-Engineers.</i>			
1	Babu Jogesh Chandra Sen	...	Bengal.
2	Rai Sahib Madhu Suman Chattarji	...	Ditto.
3	Babu Hari Madhab Bhaduri	...	Ditto.
<i>Sub-Deputy Collector in charge of the Revenue Division, Orissa Canals.</i>			
1	Babu Braja Sundar Mardaraj	...	Orissa.

INCIDENT AT MELA HELD AT BARHAMPUR IN SHAHABAD DISTRICT.

214. Swami VIDYANAND *alias* BISHVA BHARAN PRASHAD: Are Government aware—

(a) that the District Magistrate went to the *mela* held last month at Barhampur in the Shahabad District personally with the Superintendent of Police followed by the sub-inspector of police, one deputy collector and one Babu Sarju Prashad Sinha, a member of the *aman sabha*, to ask the volunteers to remove their camp from the *mela* :

(b) that on their refusal to remove the camp, on the ground that they had got permission to pitch their camp from one of the co-sharers of the land, the elephant of Babu Sarju Prashad Sinha was run round the camp with a view to terrorizing the volunteers;

(c) that all their things including food-stuff were taken away from the camp by the order of the District Magistrate and the volunteers were left starving for the whole day;

(d) that the volunteers remained perfectly non-violent even after the events mentioned above;

(e) that there was great excitement among the masses and that a serious breach of peace was averted by the volunteers who succeeded in pacifying the people ;

(f) that the telegrams which had been sent by the volunteers to Mahatma Gandhi and the President of the All-India Congress Committee were withheld at Patna ;

(g) that the District Magistrate and the Superintendent of Police were accompanied by armed police ?

(h) Will the Government be pleased to state under what law the above-mentioned acts were committed by the District Magistrate and what action Government propose to take in the matter ?

215. Swami VIDYANAND *alias* BISHVA BHARAN PRASHAD : (a) Are the Government aware that a local Hindi weekly paper has published in its issue of 9th March an article headed "*Berhampur ka mela*", "*Swayam Sevakopar Atyachar*" containing some allegations about the District Magistrate of Shahabad ?

(b) If so, will the Government be pleased to state whether any, and if so, what steps have been taken to ascertain the facts regarding the said allegations ?

If no steps have been taken, will Government be pleased to state why no steps have been taken ?

Mr. E. L. L. HAMMOND : 214. (a) and (b) Some persons who called themselves non-co-operation volunteers assembled in the fair in large numbers and brought with them a *shamiana* which they intended to pitch on the plot of land near a tank in the village. This, however, was already occupied by the hut of the medical officer in charge of the *mela*, and the proprietors of the land were unwilling to allot any other site for the *shamiana*. On the night of the 22nd, however, the *shamiana* was secretly erected just east of this plot. A complaint was made to the District Officer by the landlords that this had been done against their wishes and that these persons were trespassing. Inquiries as to the correctness of this statement were made and the volunteers were told to remove the *shamiana*. This they declined to do and in the afternoon the proprietors pulled down the *shamiana* with the assistance of some of their servants. No mention is made in the reports of the use of any elephant. The District Magistrate and the Superintendent of Police were present with a small force of military police to prevent any breach of the peace and the *shamiana* was taken to the thana. As the volunteers still declined to leave the plot, they were ejected from the land. No more force was used than was necessary and no one was hurt.

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(c) The trespassers were informed that any property removed with the *shamiana* could be reclaimed by them on application to the thana.

(d) It appears probable that the display of force prevented any further disturbance of the public peace at the *mela*.

(e) The District Magistrate reported that the public in the *mela* did not appear to be taking much interest in the proceedings.

(f) Certain objectionable telegrams were withheld at Patna.

(g) It has already been stated that armed police were present to preserve the public peace.

(h) The answers already given show that the District Magistrate, the Superintendent of Police and their subordinates only took such action as was necessary to safeguard loyal citizens in the enjoyment of their undoubted rights. They were prepared to entertain any complaints of aggrieved persons. No such complaints were received. Government do not consider any further action to be necessary. They approve of the action taken by the District Magistrate to eject the trespassers.

Swami VIDYANAND *alias* BISHVA BHARAN PRASHAD : Will the Government be pleased to state whether the land in question was the property of any particular zamindar or the joint property of many proprietors ?

Mr. E. L. L. HAMMOND : My recollection of the report is that 2 or 3 of the co-sharers came to the District Magistrate and asked for his assistance.

Swami VIDYANAND *alias* BISHVA BHARAN PRASHAD : Will the Government be pleased to state whether all the proprietors approached the District Magistrate or only some of them ?

Mr. E. L. L. HAMMOND : That information I cannot give at present.

Swami VIDYANAND *alias* BISHVA BHARAN PRASHAD : Is it not a fact that the volunteers refused to remove the camp on the ground that they had permission from some of the co-proprietors ?

Mr. E. L. L. HAMMOND : That has not been stated at all.

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Babu DEVAKI PRASHAD SINHA: I want to know whose reports are mentioned in this answer, whether they are police reports, District Magistrate's reports or any other persons reports?

Mr. E. L. L. HAMMOND: There are several reports. Both the District Magistrate and the Superintendent of Police reported.

Babu DEVAKI PRASHAD SINHA: Has there been any prosecution of the trespassers for having pitched their *shamiana*?

Mr. E. L. L. HAMMOND: After the trespassers were ejected presumably the proprietors thought that no further action was necessary.

Babu DEVAKI PRASHAD SINHA: Were they prosecuted by Government?

Mr. E. L. L. HAMMOND: oN.

Babu DEVAKI PRASHAD SINHA: Did Government after the receipt of the notice of these questions ascertain from the local authorities whether the report about the use of elephants was correct or not?

Mr. E. L. L. HAMMOND: We had very full reports and Government thought that they had ample information in their possession.

Babu DEVAKI PRASHAD SINHA: Did that report contain anything contradicting the report contained in the Press about elephants being used?

Mr. E. L. L. HAMMOND: I said in my answer that there was nothing said in the report about elephants.

Babu DEVAKI PRASHAD SINHA: On what authority do Government say that elephants were not used?

Mr. E. L. L. HAMMOND: Where do Government say that elephants were not used?

Babu DEVAKI PRASHAD SINHA: The answer is that no mention is made in the report of the use of any elephants and Mr. Hammond has said that no inquiry was made.

Mr. E. L. L. HAMMOND: The hon'ble member is not answering my simple question.

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The Hon'ble the PRESIDENT : I suppose the hon'ble member has now discovered how much easier it is to put than to answer questions.

Mr. E. L. L. HAMMOND : The hon'ble member asked a question and I asked one back, which he is unable to answer.

The Hon'ble the PRESIDENT : The hon'ble member will bear me out when I say that I have felt justified in giving this Council considerable latitude in putting supplementary questions for eliciting relevant information. At the same time they must not and cannot be used for obtaining irrelevant information. I hope the hon'ble member will now ask some other question.

Babu DEVAKI PRASHAD SINHA : I only wanted to know whether Government after the receipt of notice of this question have ascertained from any other source that the information about the use of elephants was not correct.

Mr. E. L. L. HAMMOND : No, because the information we have consisted of very full reports sent by the District Magistrate, the Superintendent of Police and the Commissioner. These gave us a very full and adequate representation of what occurred, much better representation than we can get from the questions put by the hon'ble member.

Babu DEVAKI PRASHAD SINHA : In the reports there was no mention of elephants, and in the notice which was sent by the hon'ble member there was something mentioned about the use of elephants. Why did not Government take the trouble to ascertain the facts from the local authorities on this particular question which was not answered by the reports sent by the local authorities?

Mr. E. L. L. HAMMOND : The question is: Are Government aware that on their refusal to remove the camp, on the ground that they had got permission to pitch their camp from one of the co-sharers of the land, the elephant of Babu Sarju Prashad Sinha was run round the camp with a view to terrorizing the volunteers? The answer is, we had a very full report, and I may add we regard this part of the question as ridiculous.

Mr. M. YUNUS : Did the Government take the number of the proprietors of the land into consideration?

Mr. E. L. L. HAMMOND : I have already said no to that.

The Hon'ble the PRESIDENT: Mr. Hammond said more than one, but the exact number he could not give.

Mr. M. YUNUS: Can the Government roughly state the number?

Mr. E. L. L. HAMMOND: No.

Mr. M. YUNUS: How many proprietors approached the District Magistrate?

Mr. E. L. L. HAMMOND: I have already said, to my belief, there were two or three. Government did not think that this was a question of land dispute or *batwara*.

Babu SHIVA SHANKAR JHA: May I know whether the answer to question (c) is in order? I mean to say that the answer is not at all an answer to the question.

The Hon'ble the PRESIDENT: What is wrong with the answer?

Babu SHIVA SHANKAR JHA: The hon'ble member asked whether all their things including food-stuff were taken away from the camp by the order of the District Magistrate and the volunteers were left starving for the whole day. The answer should have been yes or no, but instead of that we find the trespassers were informed that any property removed with the *shamiana* could be reclaimed by them on application to the thana. This is neither admission nor denial.

The Hon'ble the PRESIDENT: The hon'ble member, who is a very experienced member of the bar, must know that it is very difficult for the witness to give a very definite answer, but I think the answer, as provided by the Government certainly covers the question, although it might not be very comprehensive. I cannot rule that this is an irrelevant answer.

Babu SHIVA SHANKAR JHA: The question seeks for answer but we do not get any answer.

The Hon'ble the PRESIDENT: If the information, which the hon'ble member seeks with regard to question (c), is not found in the answer, he is entitled to put supplementary questions and, if they are relevant, I shall allow them.

Babu SHIVA SHANKAR JHA: Were the articles of the non-co-operator volunteers including food-stuff removed along with the *shamiana* by the police?

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Mr. E. L. L. HAMMOND: I have said that the *shamiana* was taken away along with other property. There may have been food-stuffs along with the other property, I do not know, but if there were, the food-stuffs were at the thana at the disposal of the alleged hungry volunteers.

Babu DEVAKI PRASHAD SINHA: Were the properties restored to the legal owners?

The Hon'ble the PRESIDENT: The restoration rested with themselves. The answer is that they were asked to apply to the thana.

Mr. E. L. L. HAMMOND: They were told that they had only to go to the thana and they would get back the *shamiana* and anything else that was theirs. Judging from the question, if they were starving they had only to go and ask for the food, but whether they did ask or not, I do not know.

Babu DEVAKI PRASHAD SINHA: My question was whether they got back the property that was taken to the thana or not.

The Hon'ble the PRESIDENT: I understand Mr. Hammond does not know. They were asked to make an application to the thana.

Mr. M. YUNUS: Were these removed in spite of the fact that the volunteers were prepared to remove them themselves?

Mr. E. L. L. HAMMOND: Our information is to the contrary; they declined to remove them.

Mr. M. YUNUS: Does the Government consider this to be an answer to the question?

The Hon'ble the PRESIDENT: That is for me to judge. If the hon'ble member thinks that the answer is not what it ought to be, he ought to appeal to me and I will give a ruling.

Mr. M. YUNUS: The question is that the volunteers remained perfectly non-violent even after the events mentioned above. The answer is: it appears probable that the display of force prevented any further disturbance of the public peace at the *mela*. I do not see how this is an answer to the question.

The Hon'ble the PRESIDENT: What the Government mean is that they were non-violent as they were afraid of force being used.

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Mr. M. YUNUS: But that is not what the answer says. I was only submitting whether it is a fact that they remained perfectly non-violent even after the events mentioned in the previous questions.

The Hon'ble the PRESIDENT: I was only trying to interpret.

Mr. M. YUNUS: The answer does require an interpreter.

The Hon'ble the PRESIDENT: I take it that Government mean that they remained non-violent owing to the display of force.

Babu RAJIVARANJAN PRASHAD SINHA: May I know what that display of force refers to?

Mr. E. L. L. HAMMOND: It will be found in the answer to (a) and (b). The District Magistrate and the Superintendent of Police were present with a small force of military police.

Babu RAJIVARANJAN PRASHAD SINHA: I understood that the *shamiana* and other things were removed by the landlords with the assistance of their servants. Am I to understand that the military police also helped in the removal of the *shamiana*?

The Hon'ble the PRESIDENT: What I understand Government to mean is that they were present there, and their presence in force acted as a check on the other people.

Mr. M. YUNUS: Will the Government be pleased to state whether the [statement of facts contained in the question is correct?

Mr. E. L. L. HAMMOND: No, they are quite incorrect.

Mr. M. YUNUS: Will the Government be pleased to state the number of such telegrams?

Mr. E. L. L. HAMMOND: Two.

Mr. M. YUNUS: And the purport of them?

Mr. E. L. L. HAMMOND: When a telegram is considered to be objectionable, it can hardly serve a useful purpose by publishing it in this Council.

215. Mr. E. L. L. HAMMOND: (a) and (b). Government do not propose to take any further action in the matter.

Swami VIDYANAND alias BISHVA BHARAN PRASHAD: Will the Government be pleased to state whether

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they tried to ascertain the facts of the particular article in that particular paper or not ?

The Hon'ble the PRESIDENT: That is quite clear. When Government say that they do not propose to take any further action, that shows that they are aware of that article.

Babu DEVAKI PRASHAD SINHA: I find that there is no answer to question (b).

The Hon'ble the PRESIDENT: I suppose Government took (a) and (b) together and intended to say that they did not think it was a matter requiring action at their hands.

Babu DEVAKI PRASHAD SINHA: Will the Government be pleased to state by what process of reasoning they arrived at that conclusion ?

The Hon'ble the PRESIDENT: I rule this question as out of order as a 'process of reasoning' cannot be put in supplementary questions.

Babu DEVAKI PRASHAD SINHA: Did they reject the information contained in this paper as *prima facie* absurd ?

Mr. E. L. L. HAMMOND: Government are not in a position to believe all the information contained in newspapers.

DISPOSAL OF ALLOTMENTS MADE BY THE LABOUR CORPS MEN.

216. Rev. E. H. WHITLEY: (a) Are Government aware that a sum of about Rs. 11,000 of family allotments, sent by labour corps men for their families in Chota Nagpur, has been returned to the office of the Chief Auditor, Non-Military Pay, Karachi ?

(b) Will Government be pleased to state whether efforts were made to convey information to the allottees, of the moneys awaiting their call in the local treasuries ?

(c) Do Government propose to take any steps in the matter ?

Mr. E. L. L. HAMMOND: (a) and (b). Government have no information on the subject.

(c) Early steps will be taken to expedite the settlement of all final payments, if the hon'ble member will give a list of the labourers concerned and the necessary particulars.

Rev. E. H. WHITLEY: With regard to (c) Government reply that they will take early steps. My question is, do the