

# THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.

*The 15th March, 1939.*

## 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 15th March, 1939, at 11-30 A.M., the Hon'ble the Speaker Mr. Ramdayalu Sinha, in the Chair.

## UNSTARRED QUESTIONS AND ANSWERS.

### ENCOURAGEMENT OF AYURVEDA IN THE PROVINCE.

**247. Mr. SUKHLAL SINGH :** Will Government be pleased to state—

(a) whether they received a deputation of the representatives of the Bihar Provincial *Vaidya Sammelan* in the year 1938 ;

(b) if the answer to clause (a) be in the affirmative, the requests that were made by them to the Provincial Government ;

(c) the action which they have so far taken or propose to take in connection with the said requests ?

**Mr. BINODANAND JHA :** (a) The answer is in the affirmative. The deputation waited upon the Hon'ble Minister, Local Self-Government in November 1937 and not in 1938.

(b) The requests of the deputationists briefly were :

- (1) Creation of a State Faculty of Ayurvedic medicine.
- (2) Opening of an indoor hospital for treating patients according to the Ayurvedic method.
- (3) Establishment of a Central Farm for the cultivation of medicinal herbs.
- (4) Establishment of a sufficient number of Ayurvedic dispensaries by local bodies.
- (5) Appointment of eminent Vaidyas for epidemic duties, on railways, in hostels, in insurance companies, etc.
- (6) Provision for the training of compounders.
- (7) Provision for preparation of *Mritasanjivani*.

**Mr. TAJAMUL HUSAIN :** I have no objection. This means that it will be taken up after 4-30 P.M. to-morrow.

**Mr. MUHAMMAD YUNUS :** Is it admitted, Sir ?

**The Hon'ble the SPEAKER :** There is no objection so far as I am concerned, provided that merits of any matter which has come up or will be coming up for discussion and decision in any of the cases shall not be raised. So the hon'ble member has the leave of the House to move the adjournment. *(After a pause.)* Yes, he has the leave.

**Mr. TAJAMUL HUSAIN :** I have given you assurance that I will not discuss the cases.

**Mr. MUHAMMAD YUNUS :** No assurance is needed, because it is not permitted.

**The Hon'ble the SPEAKER :** Yes.

---

Statement made by the Hon'ble the Speaker, regarding the correspondence between himself and His Excellency the Governor in connection with the privileges of the House.

**The Hon'ble the SPEAKER:** Hon'ble members, some comments recently appeared in the press to show as if His Excellency the Governor wanted to interfere with the disposal of one of the matters brought out in the statement made by me in the Assembly on the 7th February 1939. I have been in correspondence with His Excellency the Governor on what formed the subject matter of comments in the press and I should like to bring the entire correspondence to the notice of the House so that any misapprehension that might have been created may be removed.

On the 8th February 1939, the following letter was received from the Secretary to Governor addressed to the Secretary to the Bihar Legislature :

" Will you please let me know for His Excellency's information what action is contemplated on Mr. Yunus' letter dated the 25th and three letters, dated the 31st January 1939, to the Deputy Secretary to the Bihar Legislature.

I directed the Secretary to send the following reply to the Secretary to the Governor which was accordingly sent :—

Mr. Yunus' letters have given rise to a question of breach of the privileges of the House as disclosed in the statement made in the Assembly by the Hon'ble the Speaker on the 7th February 1939. A copy of the statement is enclosed, as desired, for the information of His Excellency. After the statement was made the Hon'ble the Leader of the House (Hon'ble the Prime Minister) moved a motion that the matter brought out in the statement be referred to a Committee of Privileges for consideration and report, and the motion was adopted by the Assembly. The whole matter is, therefore, under the consideration of the said Committee.

I shall be thankful if you please send me, if no objection, for the information of the Hon'ble the Speaker the copies of the communications received by you or His Excellency on this subject.

Thereupon I received the following communication from His Excellency the Governor :

My dear Mr. Speaker,

Certain articles have appeared in the press regarding the question raised by Mr. Yunus in the Legislative Assembly about the seats allotted to him and to his party. Mr. Yunus sent me a copy of the letters which he had written to the Deputy Secretary of the Legislative Assembly or of some of them, for my information.

1. On receipt of these letters, I directed my Secretary to enquire from the Secretary to Bihar Legislature what action was contemplated on these letters, and he did so in his letter no. 311-G.S. of 8th February 1939.

2. The articles seem to imply that I was acting unconstitutionally in this matter and to suggest that at the request of Mr. Yunus I was trying to interfere in a matter which did not in any way concern me. I feel sure that you will accept my assurance that I have never had the least intention of interfering in any way in the matter. I recognised that, as was stated by the Deputy Secretary to the Bihar Legislature in his letter to Mr. Yunus no. 626-L.A. of 5th February 1939, the question which Mr. Yunus had raised and sought to discuss by means of an adjournment motion "related primarily to a function of the Hon'ble the Speaker and concerned a matter of procedure". It did, however, appear to me to raise the important question as to who should be regarded as holding the important post of Leader of the Opposition, and I was naturally anxious to know what decision was arrived at. I have not the least doubt that you will recognise that my request to get early information on a question of this importance was not unreasonable ; it was also in my view not in any way unconstitutional.

3. I have since received the Secretary's letter no. 785-L.A., dated the 14th February 1939, enclosing a copy of the very able and comprehensive statement which you made to the Assembly on February 7th. I am very grateful to you for sending it to me. As requested in that letter I am sending you a copy of the only letter which I have received from Mr. Yunus on the subject. This is his letter, dated the 31st January 1939, with which he enclosed a copy of the three letters which he sent to the Deputy Secretary to the Legislature on the same date. Of these letters one is reproduced at pages 11 to 14 of the printed copy of your statement ; one of the others gave notice of a short notice question and the other of an adjournment motion.

4. You will observe no doubt that Mr. Yunus merely sent me the letters for information and made no request to me to take action.

5. I am sending a copy of this letter both to Mr. Yunus and the Hon'ble Prime Minister. You are at full liberty to communicate it to members of the Legislature or to give it such publicity as you think fit.

Yours sincerely,

M. G. HALLETT.

In acknowledging this communication from His Excellency the Governor I wrote to him a letter worded as follows :—

My dear Sir Maurice,

Very thankfully I received Your Excellency's letter no. 250-G.B., dated the 15th February 1939.

Indeed I was surprised at the enquiry made by Mr. Mainwaring about the action contemplated by me on Mr. Yunus' letter, dated the 25th and three letters, dated the 31st January 1939, to my Deputy Secretary, for it appeared to be more

than a mere enquiry for information whether any change was likely in the leadership of the opposition. A declaration of the modified relative position of the parties in the Assembly and a change in the composition of the official opposition would surely have been made without a moment's delay, as soon as the change was warranted by variations in the numerical strength of the parties concerned duly brought to my notice, and if any change of the kind were made, it would have of course been made known to the Government forthwith. But as one of the letters, dated the 31st January 1939, related to a set of questions and another to a proposed adjournment motion to discuss a question which, as Your Excellency has recognised related to the matter of procedure of the House and the functions of the Speaker, an enquiry about the contemplated action on these was, I thought, neither necessary nor warranted. Further, it was evident that except the question of the leadership of the official opposition, a question of breach of the privileges of the House might arise on the contents of the letters in question sent by Mr. Yunus and as Your Excellency is aware, such a question appertains to the exclusive jurisdiction of the House. I was therefore, naturally at a loss to understand the causes and the full significance of the query. Any such matter which is within the sole province of the Assembly could not be permitted to go to the outside public, person or authority before it was dealt with by me and the House itself according to its rules and conventions of procedure. As usual, therefore, and proper in all such cases, my office kept the thing confidential. I was rather astonished myself to read comments in the local press about it. A healthy growth of best parliamentary traditions and conventions is a great desideratum and it would be a great and valued national and public asset which all concerned should zealously guard and try to foster. It was for this that I desired to know what actually moved Your Excellency to make the enquiry. I am, therefore, very thankful to you for your letter under reply together with its enclosure and have great pleasure in readily accepting Your Excellency's assurance that you never had the least intention of interfering in any way in the matter. The assurance has relieved my anxiety and set the matter at rest.

As the matter has given rise to some misapprehension, I shall, as suggested, bring the correspondence that has passed between Your Excellency and me to the notice of the Assembly, preferably on the 15th instant when the House meets next.

The last letter received from His Excellency the Governor is this:—

“My dear Mr. Speaker,

I was very glad to receive your letter no. 1023-L.A., dated the 4th March, 1939 regarding the question of privileges, and to know that you fully accept my assurance that I never had any intention of interfering in the matter. I am sorry that I did not make my reasons for the request for information clear when my Secretary's letter of the 8th February 1939 issued.

Yours sincerely,  
M. G. HALLETT.

The matter should be treated as closed in view of what His Excellency the Governor has stated that the matter primarily related to a function of the Speaker and that he never had the least intention of interfering in any way in it. I have fully accepted the assurance given by His Excellency.

**Mr. JAMUNA PRASHAD SINHA :** Sir, I am very much obliged to you for placing before the House the entire correspondence that passed between you and His Excellency the Governor. When the matter appeared in the press that Mr. Yunus wrote to His Excellency about the

matters referred to and His Excellency sent for certain statements from you, we were very much surprised as we did not know how far His Excellency was within his rights to call for such a statement. Sir, I am glad that the matter has been settled and we are very much satisfied by the assurance given by His Excellency that His Excellency had no intention to interfere in the matter. But out of this episode a very important matter has arisen and it is this that Mr. Yunus gave notice of certain questions and an adjournment motion on the 31st January, 1939, and sent the same to His Excellency the Governor. By so doing he published the question and the adjournment motion before any order was passed by you about the admissibility or otherwise of that question and the adjournment motion. This I submit is greatly irregular, it is against parliamentary practice and conventions. It has been held to be irregular here in India in all legislatures as well as in Parliament and therefore, my submission is that this matter may also be referred to the Committee of Privileges and therefore, Sir, I beg to move:

That this action of Mr. Yunus, namely, publication by him of the questions and the adjournment motion by having forwarded a copy thereof to the Secretary to the Governor, may also be referred to the Committee of Privileges, which has been constituted to consider the conduct of Mr. Yunus in connection with the question of the breach of certain privileges arising out of the statement made by the Hon'ble the Speaker on the 7th February last, for consideration.

**Mr. MUHAMMAD YUNUS :** Sir, in view of the observations which Mr. Jamuna Prashad Sinha has made that this matter, which is in his opinion an improper matter, should be referred to the Committee of Privileges, on which he is going to sit as a judge, or if it is to be sent to a Committee of which he and other persons like him are to be judges, I think apart from its illegality it will be fruitless to send the matter to the Committee, as he has already given his decision. If he thinks that this is a matter which should be referred to the Committee of Privileges, it is desirable that he should first withdraw from that Committee and he should have moved that he desired to withdraw from the committee as he held strong views on this matter. If he has already come to a decision, it is no use referring the matter to the Committee on which he is to sit as a judge.

If it is necessary to call upon me to explain, I shall be very pleased to do so. One thing more. It did surprise me when it appeared in the press. I was not aware of whatever correspondence passed between you and His Excellency the Governor or the Governor's Secretary. You will compare the dates, you will find that it appeared in the *Searchlight* before. It is therefore, obvious that either it must have leaked out on the way or from the office of the Governor or from the office of the Legislature. These three are the only sources from which this matter must have leaked out. I did not know of any correspondence before. For the first time I read it in the papers. So, I think that is a greater publication that might have passed between the Secretary of the Governor and myself. Of course, other matters such as formation of the Privilege Committee are according to the votes of the House.

**Mr. JAMUNA PRASHAD SINHA :** In reply to Mr. Yunus' statement, I submit that I am a member of the Committee of Privileges. I am also a member of this House. I have got my right as a member of the Committee of Privileges. I have also got my right as a member of this House. The point which I raised before is a very simple one. The point is whether a member can publish a question or adjournment motion before any order is passed on it. This is a very simple question. My contention is that a member is not entitled to publish the same before any order is passed about its admissibility or otherwise.

**The Hon'ble the SPEAKER :** But that question is not under discussion now. The question is whether this should be referred to the Privilege Committee or not. The merits of this matter cannot be discussed now.

**Mr. JAMUNA PRASHAD SINHA :** I am not discussing the merits, Sir. Mr. Yunus said that as a member of the Committee of Privileges, I had no right to express an opinion on it.

**Mr. MUHAMMAD YUNUS :** I never said that. I said that he should have withdrawn from the Committee if he has expressed his opinion. The question that arises is whether within the meaning of the rules when he has once expressed his opinion as a member of this House, he can continue as a member of the Privilege Committee. I think, he should withdraw from that Committee. He cannot sit on judgment when he is a Judge and the complainant both. He cannot have both the rights.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** Sir, I think my friend Mr. Yunus, has been making unnecessary distinctions. Mr. Jamuna Prashad Sinha as a member of this House has every right to bring a motion before this House that a certain matter should be referred to the Privilege Committee because by that remark Mr. Yunus has infringed the privilege of this House. When he sits in the meeting of the Privileges Committee, he sits there as a member of that Committee, there will be discussions. There will be exchange of ideas. It is just possible that Mr. Jamuna Prashad Sinha may change his opinion there. He will certainly give the benefit of his opinion to the other members of the Privilege Committee. The other members will be there with their minds open and after the motion has been discussed, it is possible that other members of the Privilege Committee may come to the opinion which Mr. Jamuna Prashad Sinha holds or Mr. Jamuna Prashad may change his opinion after he has heard the other members of the Committee. Because Mr. Jamuna Prashad Sinha is a member of that Committee, he cannot be debarred on that ground from bringing certain facts to the notice of this House which, in his opinion, amount to infringement of the privileges of this House. I think it is merely a hair-splitting argument in which Mr. Yunus has indulged. The Privilege Committee will be sitting and this matter may very easily be referred to that Committee. I am afraid Mr. Yunus can very well say that because the Leader of the House has also expressed his opinion, therefore, he also cannot sit there. I think, as a member of this House,

certainly every member has a right to say that a particular matter should be referred to the Privilege Committee. When the Privilege Committee sits, the members will discuss the matter and come to a decision. I do not think Mr. Jamuna Prashad Sinha has done anything wrong by bringing this motion before this House. I do not think the motion can be ruled out because he is a member of the Privilege Committee.

**Mr. MUHAMMAD YUNUS :** I am afraid, the whole thing seems to have been mis-conceived. The Hon'ble the Prime Ministers also says that there can be no objection as he has a right to raise this question. It has been very rightly pointed out that the matter was not under discussion on which he expressed a definite strong opinion. So far as we are concerned, we find that as a matter of practice when on a matter which is to be decided by a particular judge or a person and that person has already expressed his opinion as in this particular case, he should withdraw, if he is a self-respecting Judge. He would himself say that he would not like to take part in it. This is so far as we have been able to know the practice of judicial minded persons.

**The Hon'ble the SPEAKER :** The question is:

That this action of Mr. Yunus, namely, publication by him of the questions and the adjournment motion by having forwarded a copy thereof to the Secretary to the Governor may also be referred to the Committee of Privileges which has been constituted to consider the conduct of Mr. Yunus in connection with the question of the breach of certain privileges arising out of the statement made by the Hon'ble the Speaker on the 7th February last, for consideration.

**Mr. MUHAMMAD YUNUS :** No.

*(The motion was adopted. But at this stage Mr. Yunus said that he was against the motion and pressed for division.)*

**The Hon'ble the SPEAKER :** All right. I will give you another chance.

**Mr. SAIYID MOHIUDDIN AHMAD :** The position of the hon'ble members who are on the Committee is so awkward. Are they to remain sitting or are they free to enter one or the other lobby with others?

**The Hon'ble the SPEAKER :** That is not for the Chair to say.

**Mr. RAMCHARITRA SINGH :** Are we to divide? Only one individual has challenged.

**The Hon'ble the SPEAKER :** I prefer to allow it.

The question is:

That this action of Mr. Yunus, namely, publication by him of the questions and the adjournment motion by having forwarded a copy thereof to the Secretary to the Governor may also be referred to the Committee of Privileges, which has been constituted to consider the conduct of Mr. Yunus in connection with the question of the breach of certain privilege arising out of the statement made by the Hon'ble the Speaker on the 7th February last, for consideration.

The Assembly then divided as follows:

AYES—67.

The Hon'ble Mr. Shri Krishna Sinha.

Mr. Krishna Ballabh Sahay.

„ Jagat Narayan Lal.

„ Sarangdhar Sinha.

„ Binodanand Jha.

„ Shivanandan Prasad Mandal.

„ Jagjivan Ram.

Srimati Kamakhya Devi.

Mr. Vindhyeshvari Prasad Varma.

„ Jamuna Karjee.

„ Abdul Bari.

„ Birendra Bahadur Sinha.

„ Harikishore Prashad.

„ Harihar Sinha.

„ Prabhunath Sinha.

„ Hargobind Misra.

Pandit Gupteshwar Panday.

Mr. Budhan Rai Verma.

„ Indra Dewan Saran Singh.

„ Shyam Nandan Sinha.

Pandit Seel Bhadra Yajee.

Mr. Dip Narayan Sinha.

„ Ramcharitra Singh.

„ Harivans Sahay.

„ Vishwanath Singh.

Thakur Ramnandan Sinha.

Mr. Ramashis Thakur.

„ Biresb Dutta Sinha.

„ Dwarkanath Tiwari.

„ Shiveshvar Parsad Narayan Sinha Sharma.

„ Rameshvar Prasad Sinha.

„ Gorakh Prashad.

„ Ganesh Prashad.

„ Ram Basawan Rabidas.

Mr. Balgobind Bhagat.

„ Shivanandan Ram.

„ Jamuna Prashad Sinha.

„ Rajeshvar Prashad Narayan Sinha.

„ Chetnath Jha.

„ Rajendra Narayan Chaudhuri.

„ Suryanandan Thakur.

„ Brahmadeo Narayan Singh.

Pandit Mewa Lal Jha.

Mr. Ramcharan Sinha.

„ Upendra Mohan Das Gupta.

„ G. S. Dalmia.

„ Sukhlal Singh.

„ Deoki Nandan Prashad.

„ Kishori Lal Kandu.

„ Dheer Narayan Chand.

„ Bhagban Chandra Das.

„ Hopna Santal.

„ Charan Murmu.

„ Ram Bhagat.

Hafiz Zafar Hasan.

Mr. Ambika Charan Mallik.

„ Ram Prashad.

„ Jugal Kishore Narayan Sinha.

„ Brijnandan Sahi.

„ Keshvar Ram.

„ Ram Baras Das.

„ Purna Chandra Mitra.

„ Khetra Nath Sen Gupta.

„ Jitu Ram.

„ Chandreshvar Prashad Narayan Sinha.

Pandit Gobindpati Tiwari.

Mr. Natha Ram.



NOES—I.

Mr. Muhammad Yunus.

The motion was adopted.

**Mr. MUHAMMAD YUNUS:** Now, in view of certain matters that we have observed and you may have observed also, I beg to move:

That a committee of privilege consisting of—

1. Mr. Ramcharitra Singh,
2. Mr. Jamuna Karjee,
3. Mr. Shyamnandan Sinha,
4. Mr. Muhammad Tahir,
5. Lady Anise Imam,
6. Mr. Safiqul Haqq, and
7. the mover,

be appointed to consider the question of the breach of privileges by publication of the correspondence between His Excellency the Governor's Secretary and the Secretary of the Legislature.

**Mr. KRISHNA BALLABH SAHAY:** I do not think this motion will be admissible. Once the House has considered and arrived at a decision another decision on the same subject cannot be taken.

**Mr. MUHAMMAD YUNUS:** This is a different matter altogether. This has arisen by publication in the press.

**Mr. KRISHNA BALLABH SAHAY:** But the subject matter seems to be the same.

**The Hon'ble the SPEAKER:** Let me have the wording of your motion.

*(Mr. Muhammad Yunus made over a copy of the motion.)*

**The Hon'ble the SPEAKER :** Mr Yunus' motion is :

That a Committee consisting of—

1. Mr. Ramcharitra Singh,
2. Pandit Sheel Bhadra Yajee,
3. Mr. Shyamnandan Sinha,
4. Mr. Jamuna Karjee,
5. Mr. Muhammad Shafiqul Haqq,
6. Mr. Muhammad Tahir,
7. Mr. P. S. Keelan,
8. Mr. B. W. Haigh,
9. Mr. E. G. Munns,
10. Mr. Muhammad Abdul Majeed, and
11. Mr. Muhammad Yunus.

be appointed to consider the question of publication in the press of the correspondence that passed between the Secretary to His Excellency the Governor and the Secretary to the Legislature and as to what action should be taken on the same.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** What is that fact for which a Committee is sought to be appointed ?

**Mr. MUHAMMAD YUNUS :** The fact of publication.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** But what is that publication ?

**Mr. MUHAMMAD YUNUS :** That the Governor's Secretary has made such and such enquiry from the Hon'ble the Speaker.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** What is that enquiry ?

**Mr. MUHAMMAD YUNUS :** The paper is there. I take it that the Hon'ble the Prime Minister has read it in the *Searchlight*

**Mr. BINODANAND JHA :** But there are other papers also besides the *Searchlight* ?

**Mr. MUHAMMAD YUNUS :** I would refer you to the statement which you made here about the press and about the publication and it is referred to in His Excellency's letter to the Hon'ble the Speaker.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** Mr. Yunus wants the House to agree to his proposal and he has always been speaking of the fact published. But before the House comes to a decision, the House is entitled to know what that 'that' is. What is the thing referred to which according to Mr. Yunus amounts to a breach of privilege. He says " my friend, the Prime Minister, must have read it in the papers " but here Mr. Yunus brings forward before the House a motion and wants a certain verdict but before Mr. Yunus expects a verdict on the motion, he must enlighten the House as to what is that 'thing' which he thinks amounts to a breach of privilege of this House.

**Mr. MUHAMMAD YUNUS :** I think, Sir, it will be admitted that I had no previous knowledge as to what statement you were going to make in this House. After you read it then I came to know about it. You have referred in your own statement and His Excellency has referred in the letter which he has sent to you. If you send for the papers of that date which you have yourself referred in your statement today, I would submit that the House will be enlightened. I have not got in my possession the paper because I did not know that this statement will be made today.

**The Hon'ble the SPEAKER :** I understand the office has not got a copy of the paper.

**Mr. MUHAMMAD YUNUS :** They don't get such papers ? This is very surprising. Most of the papers are subscribed and laid on the table. I am also surprised to learn that they are not preserved. We see every day the *Searchlight* on the table.

**The Hon'ble the SPEAKER :** The Deputy Secretary informs me that the paper is purchased. It is not available just now. Which date does the hon'ble member mean ?

**Mr. MUHAMMAD YUNUS :** The date on which you made the statement, Sir. I would like to have copies of the previous correspondence to know what exactly are the allegations against me.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** Sir, I want to make myself clear. I do not want the hon'ble member to bring certain paper and read extracts from it. My friend wants to bring certain facts to the notice of the House, because in his opinion those facts amount to a breach of privilege of the House, he need not read extracts from papers. He need not quote certain lines from a paper to make his position clear in the House. He need only tell the House what has happened which he thinks amounts to a breach of the privilege of the House ? Before he expects the House to consider his motion, he must tell the House that such and such thing has appeared in the press which he thinks has resulted in a breach of privilege of the House.

**Mr. MUHAMMAD YUNUS :** My resolution is to enquire as to how the letter that came from the Secretary to His Excellency the Governor to the Secretary to the Legislature, before it was known to any body, was published in the press. How that letter went into the hands of the press—whether from the Department of the Bihar Legislature or from some body else—we are entitled to know.

**The Hon'ble the SPEAKER :** Has that letter been published ?

**Mr. MUHAMMAD YUNUS :** Yes, Sir. If you will find out the date on which the letter was received from the Secretary to His Excellency the Governor, you will find that the very next day it was published in the *Searchlight*.

**Mr. RAMCHARITRA SINGH :** Sir, the question is that before we appoint a Committee, we must know for what purpose the Committee is to be appointed. The hon'ble member says that certain correspondence appeared in the Press. It is quite possible that the Press might have published certain correspondence for creating sensation. The House is not to appoint a Committee to enquire into such matters. Unless there is some substance in the statements which are placed before the House—that such thing has happened and that it is something for which the House

should at once appoint a Committee to examine—what can we do? The hon'ble member must place the facts before the House and then the House will see whether they can appoint a Committee or not. In this view of the matter, Sir, I would request the House not to accept such a proposition.

**Mr. MUHAMMAD YUNUS :** Sir, the fact before us is that no sooner a particular correspondence arrives in the office of this Assembly, it sees light of the day and the press publishes it. Is it not a matter which necessitates an enquiry, Sir? Would you like your office to let out any correspondence which passes between you and any other person to be published without your permission or without your knowledge. Exception is taken that if any member has sent in any question, not only he should not publish it in the press but he should not even talk about it to his friends or write a letter to anybody else that he has sent such and such questions. This is a matter which we need not discuss here, but certainly, I may say that exception is taken to such actions on the part of the members. But the question is that no sooner the correspondence comes to your office, it sees the light of the day and is published in the press the next day. I do not know whether it has leaked out from the office of the Bihar Legislature or from the office of His Excellency the Governor, but I think these are the only two offices from which that information could have leaked out. I personally do not think that we control the office of His Excellency the Governor, but so far as our own office is concerned, we can control it and enquire into the matter. If after enquiry it is found out that our office is not at fault, certainly it is creditable, but the whole question is whether it is permissible that this information ought to be permitted by our own office to go to the Press.

**Mr. BINODANAND JHA :** Sir, the last sentence of Mr. Yunus' proposal, I think, defeats his purpose in referring the matter to the Privilege Committee. His allegation is that certain correspondence between the Hon'ble the Speaker and His Excellency the Governor was published in the Press and his further allegation is that the publication was made just on the day following the day on which the correspondence was made and in order to satisfy the House and in order to substantiate the charge, he has got to establish that the correspondence was published only on the day following that on which it was received in the office of the Hon'ble the Speaker. This is the first thing. I, therefore, put a straight question to the hon'ble member, whether he had the article of the paper in his possession in order to prove this definite allegation that this correspondence was published just the following day on which it was received in the Assembly office. In the absence of that proof, it is not possible for the House to accept the statement with certainty. Secondly, accepting for arguments sake that the correspondence was published on the day following the day on which it was received in the office of the Bihar Legislature, and accepting also his contention that there might be lapses made by the Assembly office either in abetting the publication or in failing to safeguard the confidential character of the correspondence, I submit, whether the matter that is raised is a proper one to be considered

as a breach of the privilege of the House Mr. Yunus' contention, although it may be very important from public point of view, cannot become worthy of being referring to a Committee of Privilege. So far as the question of privileges is concerned, there is no rule in the Assembly Manual Book, because the question of privileges is associated with the very existence of the House and as such it precedes all other business for which the House is summoned and, therefore, there is no rule to guide or to regulate the course of debate in the House on the receipt of motion for referring the matter to the Privilege Committee. Mr. Yunus' contention may be very important; the House might want to enquire into the leakage of the correspondence and the House might assess the guilt on the Assembly office or on any other office of the Department of Government in this matter, but I submit that this is not the reason for referring the matter to the Committee of Privilege; because it is not established beyond doubt that the publication of the nature complained of is a breach of privileges of the House. We have referred certain things in connection with the privileges of the House to a Committee for enquiry and all those things appertain to the conduct of a particular member of this House. But whether the publication of the correspondence of the type which Mr. Yunus alleges is a breach of the privileges of the House, I am doubtful. Mr. Yunus can seek the verdict of the House only on a regular motion which is given notice of under the rules of the house. His present motion is not admissible. I submit Sir, that however important the subject matter may be, it is beyond the jurisdiction of the House on a motion of privileges.

Mr. Yunus would be free to give a notice of a special motion to enquire into the matter. He would be free to raise this question by an appropriate cut in the demands that are put before the House, but I submit that it will be sheer waste of time of the House and it will be against the spirit and letter of the provisions which are to govern the financial business of the Assembly if such motions are allowed to be discussed simply because one hon'ble member wants to have it discussed on the floor of the House and that too on a day on which only financial business should have precedence. I oppose the motion firstly because he has not given notice of it, secondly, he has not acquainted the House with the date on which the publication was made and thirdly because it was not known if the publication of such correspondence construed a breach of privileges of the House.

**Mr. MUHAMMAD SHAFI:** Sir, I do not want to speak in a spirit of partisanship, but certainly people should be cautious to see what is being done in this House so that we may not be a laughing stock to the world. The question is that a certain correspondence passed between the offices of the Hon'ble the Speaker and the Secretary to the Governor. As far as we know without the permission of the Hon'ble the Speaker the correspondence saw the light of the day in a particular paper. The question is whether Government, the Hon'ble the Speaker or whether the members sitting on that side or on this side of the House think it proper that such correspondence should have been sent to the press without the permission of the Hon'ble the Speaker, particularly when that matter

related to the proceedings of a matter which was discussed in this House and which this House was pleased to refer to a Committee of Privileges. I think hon'ble members will agree with me that in this House they ought to be zealous to see, whoever may be the guilty man, that this sort of thing does not happen, especially in respect of a matter which concerns this House and the Hon'ble the Speaker. Therefore, I thought that from the side of Government there will be anxiety rather to see that this matter is properly and thoroughly discussed by the hon'ble members of this House. It was really a matter of surprise for me to see that instead of getting the whole matter thrashed out by the members of this House, attempts are being made that a thorough enquiry should not be made in respect of such matters which concern the hon'ble members of the House and the Hon'ble the Speaker.

**Mr. SAIYID MOHIUDDIN AHMAD:** On a point of information, Sir. No one has disputes the fact that there has been a leakage of the correspondence and it is common ground that the leakage was reprehensible. The solitary question, which the House has to determine is whether the leakage occurred in the office of the Hon'ble the Speaker or in the office of the Governor.

**The Hon'ble the SPEAKER:** Or other persons who may be knowing it.

**Mr. SAIYID MOHIUDDIN AHMAD:** Let us assume that this leakage occurred in the office of the Hon'ble the Speaker.....

*(Interruptions by Mr. Muhammad Shafi.)*

I want to understand the position; I am not going to make a speech. Assuming that this secret leaked out from the office of the Secretary....

**The Hon'ble the SPEAKER:** From the office of the Speaker.

**Mr. SAIYID MOHIUDDIN AHMAD:** If it got a broad from the office of the Secretary to the Governor, we cannot obviously take him to task. But assuming that the leakage occurred in the office of the Hon'ble the Speaker, then who is the proper authority to institute an enquiry in the first instance? It is obviously the Hon'ble the Speaker himself. He must be requested to find out whether it was in his office that the leakage occurred and if he finds that somebody in his office gave away the secret, he would undoubtedly punish him. If he does not, then we would consider the question as to what action should be taken against the offender. No question of appointing a committee therefore arises at this stage.

**Mr. MUHAMMAD SHAFI:** Sir, if you consider that it is a matter of great importance, then the question is as Mr. Mohiuddin has said whether the leakage was from the office of the Hon'ble the Speaker and whether he is not the proper person to look into the matter. I submit that it is a matter in which the Hon'ble the Speaker in one way or the other is involved.

**The Hon'ble the SPEAKER:** Order, order. The hon'ble member is not entitled to cast any reflection on the Chair. It is completely out of order.

**Mr. MUHAMMAD SHAFI:** I beg your pardon, Sir. It is a matter which is very delicate and would require to be delicately handled by him. Therefore, it would be helping him if we ask the House that as the matter is very delicate and at the same time very important, it should be gone into by the hon'ble members of this House. I thought that the hon'ble mover of this motion is rather helping the Hon'ble the Speaker in his difficult task. My submission would be that perhaps the House will be serving a great purpose by accepting the motion and not throwing it out as unfortunately it may mean or it may be wrongly understood by persons involved in this affair that such matters are not seriously dealt with by hon'ble members of this House. They may misunderstand it and therefore it should be the anxiety of the hon'ble members to help the Hon'ble the Speaker in this matter. I think if the enquiry is directed and centralised only on the point whether the leakage was from the office of the Hon'ble the Speaker, there will be no difficulty in finding out the real truth in one way or the other. If there has been no leakage, certainly the matter will be disposed of, but if there has been a leakage, then this House will be doing a thing which would be desirable at any cost. Unfortunately now-a-days matters go to the press when they ought not to have gone there. Therefore, I submit that we ought to be rather zealous to see that a resolution or a motion of this nature should be accepted by the hon'ble members of this House and there should be no opposition from the side of Government.

**The Hon'ble Mr. SHRI KRISHNA SINHA:** Sir, I was anxious to know from Mr. Yunus the facts because of which he wanted to bring forward this motion. Now I have heard Mr. Yunus. If I have rightly understood him, I think he wants a committee to enquire into the leakage of certain correspondence between you and the Governor's office. Now, Sir, a motion can be brought before this House only according to the procedure laid down in these Legislative Assembly Rules. These rules contemplate three sorts of motions. The first is an adjournment motion which can be brought up any moment. Another is a motion to remove the Hon'ble the Speaker from his exalted office. Then there is the third class of general motions for which a particular procedure has been laid down. A member who wishes to move a motion of this class has to give notice in writing to the Secretary a few days before the date on which the motion can be taken up.

The Speaker may, with the consent of the Minister in charge of the department concerned, allow a resolution to be taken up at a shorter notice.

Then there is a fourth kind of motion and that is a motion regarding the appointment of a committee of privileges to consider certain actions which amount to a breach of the privileges of the House. The procedure regarding that is governed by conventions which are followed all over

the world and this procedure is set forth in May's Parliamentary Practice. Now, Sir, before we accept the motion put forward by Mr. Yunus, we shall have to decide under which category this motion falls. The privileges of the House are very sacred and therefore legislatures all over the world take particular care to see that their privileges are not interfered with. The maintenance of the dignity of the Chair is one of those privileges which every legislature in the world holds dear. There are other privileges of the members of the House which also have to be safeguarded.

Now I do not think the matter covered by the motion which my friend Mr. Yunus has brought forward amounts to a breach of the privileges of this House. There was certain correspondence which passed between your Secretary and the Governor's office and there was leakage of that correspondence. It is something which requires looking into and I hope you who have got the office under you, will certainly make every effort to see if there has been leakage from your office. But, Sir, I do not think it can be contended that the publication of a news that there has been a correspondence, amounts to a breach of the privileges of this House. If not, then certainly we shall have to see under what rule this motion comes. I do not minimise the gravity of the matter. But, Sir, a motion not relating to the breach of the privileges of the House but relating to something else must come under one of the rules which govern the bringing forward of such motions before the House. It is not an adjournment motion, it is not a motion to remove the Hon'ble the Speaker from his office and therefore this motion can come only under rule 100 of the Legislative Assembly Rules and according to that rule a notice must be given a few days in advance. Certainly, this rule laying down a period of notice can be waived by you with the consent of the Minister in charge of the department to which that resolution relates. So, Sir, my friend Mr. Yunus' motion is not in order. He cannot bring forward this resolution at this hour. He has simply drafted a resolution and put it before you: we had no notice of the resolution, the procedure laid down for such resolutions has not been complied with and I do not think Mr. Yunus can bring forward this motion in this way. If he wants to bring forward this motion he has to follow the rules and when it comes, then we shall see what is to be done. But I think this motion is completely out of order.

**Mr. MUHAMMAD YUNUS:** I will only submit one word that it is not necessary for us to quibble into these questions as to whether it is to be treated as an adjournment motion.....

**Mr. BINODANAND JHA:** Sir, under the rules after the Leader of the House has spoken the question should be put.

**The Hon'ble the SPEAKER:** I think this is his last reply.

**Mr. MUHAMMAD YUNUS:** Mine will not be the last till the Hon'ble the Leader of the House has replied. I think as a mover of the motion I have a right to reply.



**The Hon'ble Mr. SHRI KRISHNA SINHA:** I never replied. I wanted certain information from my friend Mr. Yunus.

**Mr. MUHAMMAD YUNUS:** If that is so, then there is no second speech about which objection has been taken.

**The Hon'ble the SPEAKER:** Mr. Yunus may proceed.

**Mr. MUHAMMAD YUNUS:** Sir, I was saying that it is not necessary to quibble into those questions as to whether it is a motion on the breach of the privileges of this House or it is an adjournment motion. The Hon'ble the Prime Minister has himself stated that it could be taken up if you are pleased to waive the time limit provided the Minister in charge of the department concerned agrees. I take him at his words. If he thinks that he had not had sufficient time, let him say that it may be taken up tomorrow or day after tomorrow. The responsibility is joint and when the Hon'ble the Prime Minister speaks, he speaks for all the Ministers.

**The Hon'ble Mr. SHRI KRISHNA SINHA:** Am I entitled to a reply, Sir? My friend has said that I am quibbling. For any legislature consisting of more than hundred members, rules are the essence of the thing. If any member can spring up from his seat any moment and can bring forward any motion, there will be no end of such motions. For properly conducting the deliberations of such Assemblies, observance of rules is necessary and certain rules have been laid down for conducting the procedure and debates in this Assembly. These embody the wisdom of those people who were entrusted with the work of laying down such rules. If a certain motion does not come under those rules then I object it cannot be said that I am quibbling. I simply want to stop Mr. Yunus from going off the track. If once these rules are departed from, we cannot conduct the proceedings of this House in an orderly manner. On the day fixed for the discussion of budget motion, it is only a motion regarding the breach of the privileges of the House, which can have precedence over every other motion, which can be brought in. A resolution which did not concern the breach of the privileges of the House, could not be discussed today which was set apart for the discussion of budget motions. I therefore say, Sir, that it is not a question only of a motion brought without any notice. This motion should not have been allowed to be discussed today.

**Mr. MUHAMMAD YUNUS:** You have already ruled that the rules are intended to facilitate the business of the House.

**The Hon'ble Mr. SHRI KRISHNA SINHA:** And so they can be amended at any time.

**The Hon'ble the SPEAKER:** I have also to say something in this matter but I shall do so after knowing the sense of the House with respect

to this motion, that a Committee consisting of the names which I have already read out be appointed to consider the question of publication in the press of the correspondence.

**The Hon'ble Mr. SHRI KRISHNA SINHA:** May I know whether this is in order?

**The Hon'ble the SPEAKER:** I want to know the sense of the House first.

**Mr. MUHAMMAD YUNUS:** My submission is whether it would be in order to know the sense of the House.

**The Hon'ble the SPEAKER:** The Chair is entitled to have the assistance of the House and the Chair has been assisted already by hon'ble members who have had their say; and for obvious reasons in the peculiar circumstances of the case, I should prefer just to state my views after I have taken the sense of the House. I do not want to impose my views on the members.

**Mr. RAMCHARITRA SINGH:** Is it that the Chair wants to know whether the motion is in order or not? If it is decided by the Chair whether the motion is in order or not, we shall be in a position to know whether amendments can be moved or not.

**Mr. SAIYID MOHIUDDIN AHMAD:** Under the rules, perhaps, it is necessary that before a member is proposed to work upon a Committee, his consent must be taken. So, I want to know whether the consent of the members was taken before the motion was moved.

**The Hon'ble the SPEAKER:** That is for Mr. Yunus to say.

**Mr. MUHAMMAD YUNUS:** One point has been raised. Let that be decided first. Unless that point is disposed of, it is open to one to withdraw or move amendments when they come for discussion. There was no time for consent being taken. I presume they would consent. Those who do not consent can very well go out.

**The Hon'ble the SPEAKER:** Yes, I wanted to have the view of the House on the merits of the matter but it appears that hon'ble members think that I should give the ruling whether it is in order or not. Is not this the sense of the House?

**Mr. A. M. HAYMAN:** I shall have my say later, Sir.

**The Hon'ble the SPEAKER:** As has been contended by Mr. Ahmad, the possible leakage might have been from one of the three sources, namely, the office of the Governor, the office of the Assembly or other persons who might be knowing the thing. As he contended,

so far as the office of the Governor or other persons—outsiders, press correspondents or others—are concerned, this House has got no jurisdiction. Then we have to deal only with the thing confining our attention to the possible question whether the leakage took place from the Assembly office, and I think that has been the point of Mr. Yunus and Mr. Shafi. Therefore, I think, it is a very serious matter which ought to be properly enquired into.

**Mr. MUHAMMAD YUNUS:** The other persons may have come to know from the two sources only.

**The Hon'ble Mr. SHRI KRISHNA SINHA:** There may be a third party also.

**Mr. MUHAMMAD YUNUS:** The publication was made before any information about it was received by anybody else.

**The Hon'ble the SPEAKER:** There are so many possibilities. We are not concerned with them. We need not go into them. The point here is whether the question of the conduct of the Assembly office in this matter, if it was involved at all, should as proposed, be enquired into. I for one, on the merit, will say at once that the matter is so grave and so important that it has to be enquired into forthwith. As a matter of fact, as I stated in my letter to His Excellency the Governor when I read the comments in the press, I was most astonished how possibly the thing could have got out, and, therefore, I at once enquired into the matter so far as my office was concerned and satisfied myself after enquiring about the letter in question—and it was the case of only one letter—I satisfied myself that there had been no leakage from my office. I shall be very very grateful to Mr. Yunus, Mr. Shafi and other hon'ble members if they bring to my notice any information they possess about it. I shall make a very careful investigation in the matter, may be, with the help of the hon'ble members who will supply the information. I shall welcome it most.

*(Several members wanted to speak at this stage.)*

The hon'ble members will have chances to speak to their hearts' content after I have spoken. If any hon'ble member has got in his possession any information that my office or any person connected with my office was responsible for the leakage of this information, I shall very gratefully take him into my fullest confidence and shall investigate into the matter with his help—active help and co-operation.

But there is another aspect of the matter. Now, matters of privilege which are ever to come up before the Legislature have to be viewed from certain fixed stand-points, and have to refer to certain persons.

Now, certainly if a member commits any breach of privilege or if any outsider commits any breach of privilege, there is another procedure

to be adopted. If it is a newspaper or any news-agency, the House may take such steps against it as may be permissible for it. Similarly, in the case of a member. But here if the charges are found to be correct, it is the case of the office. Now, the office need not be dealt with by the House itself direct. The House has placed one person in charge of the office by virtue of the position that it has given to that individual, namely the presiding officer of the Assembly, and, therefore, if there is any dereliction on the part of the office, that officer is in duty bound—and it is his sacred duty—to look most carefully into the matter; and so far as I am concerned, personally, I consider the thing very very important. If it is proved that my office is responsible, I shall take the strongest steps to have the man really at fault removed after giving him proper chance of explanation.

It is a very important matter but as Mr. Ahmad contended it is not for the members to investigate into it. If the Assembly desire to investigate, it is the inherent right of the members to appoint a Committee to investigate into the matter and report for their action. But here in this case there is a person appointed by the Assembly to look into such matters and they have given him perhaps the final word on the subject, so far as the administration of the office is concerned. Now, from the remark of one hon'ble member, it might possibly be inferred that the intention was to implicate the presiding officer also in the sense that some hon'ble members may think that it was done by the Speaker or with his consense or connivance.

**Mr. ABDUL JALIL :** We do not doubt anything at all against the Hon'ble the Speaker.

**The Hon'ble the SPEAKER :** Thank you.

If, however, there be any such doubt, it will not be permissible to discuss that here directly or indirectly. If the conduct of the presiding officer be questioned, of course there is a remedy for it. A straight motion for censure may be brought and if and when there is an occasion for it, I for one shall be right glad to welcome it. But so long as you do not send away the person who has been entrusted with the work of the administration of the office as its administrative head, I think you have to do the enquiry through him and if you propose to do anything else, it is an indirect reflection on the position of the man whom you have put in charge of the work.

It was only in this view of the matter that I asked the hon'ble member Mr. Shafi not to proceed with his remark in that line. Therefore, viewing the matter in this light, there is no doubt that this motion is out of order.

**Mr. MUHAMMAD YUNUS :** Have I said even a word about the office ?

**The Hon'ble the SPEAKER :** Your speech was about the office in general terms but if you say you did not make the slightest suggestion

about the head of the office, there is nothing to be said. It means then that you agree with me that the conduct of the Chair is not open to discussion on this motion and thus it is clearly out of order.

I again emphasise that if any hon'ble member be in possession of any information that my office or any person in the office has been connected with this matter of leakage, I shall be very glad to have the information fully investigated with his co-operation and help.

---

### Assent to Bills.

**The Hon'ble the SPEAKER :** The Deputy Secretary will now make an announcement.

**Deputy Secretary of the Assembly :** Sir, His Excellency the Governor has, under section 75 of the Government of India Act, 1935, been pleased to assent in His Majesty's name to the following Bills which were passed by both Chambers of the Bihar Legislature during the current session :—

1. The Bihar General Clauses (Amendment) Bill, 1938 ;
2. The Cess (Bihar Amendment) Bill, 1939 ;
3. The Bihar Agricultural Income-tax (Amendment) Bill, 1939 ;
4. The Bihar (Bihar and Orissa Public Safety) Repealing Bill 1939 ; and
5. The Bihar (Bihar and Orissa Mica) Repealing Bill, 1939.

---

### Time-limit for discussion on cut-motions.

**The Hon'ble the SPEAKER :** I may inform the hon'ble members that the total time available for the discussion of all the cut motions may normally be about forty hours, but there are exceptional circumstances which do snatch away much time as is the experience of to-day. Therefore, we have got to take it (time available) at something less. Now, there have been given notices of 814 cut motions so far as the hon'ble members have seen. Now, if the time available be evenly distributed over all the motions then it will mean about 2 minutes and a half to a motion. The hon'ble members will at once see that it would be an absurdity to think of discussing a cut motion in anything like 2 to 3 minutes. On the very face of the thing all the cut motions cannot possibly be discussed. Therefore, as I said on previous occasions also, I would again request the hon'ble members to put their heads together as also the hon'ble leaders of the parties, and choose the cut motions which they consider most important to be discussed and take up only those. Of course, it is for the hon'ble members and parties and groups to act up to it if they so like,

[Interval for lunch.]