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खंड ६ संख्या १

बिहार विधान-सभा वादवृत्त

सरकारी रिपोर्ट

(भाग २—कार्यवाही—प्रश्नोत्तर रहित)

सोमवार, तिथि १४ सितम्बर १९५९

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बिहार विधान-सभा वादवृत्त ।

शुक्रवार, तिथि २५ सितम्बर १९५९ ।

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

सभा का अधिवेशन पटने के सभा सदन में शुक्रवार, तिथि २५ सितम्बर, १९५९ को पूर्वाह्न ११ बजे अध्यक्ष श्री विन्ध्येश्वरी प्रसाद वर्म्मा के सभापतित्व में हुआ ।

स्थगन प्रस्ताव :

Adjournment motion:

सत्याग्रहियों पर लाठी चार्ज ।

LATHI CHARGE ON THE SATYAGRAHIS

अध्यक्ष—तीन ऐडजौर्नमेंट मोशन हैं । तीनों का विषय एक ही है । समय और जगह का अन्तर हो सकता है । श्री प्रभु नारायण राय हमें बतलायें कि यह किस तरह ऐडमिसिबुल है ।

*श्री प्रभु नारायण राय—अध्यक्ष महोदय, सवाल यह है कि दरभंगा के जिलाधीश के आफिस के सामने महंगाई बढ़ोत्तरी के सत्याग्रहियों पर पुलिस ने लाठी चार्ज की और उन्हें बहुत पीटा है । ६ आदमी वहीं पर बेहोश हो गये चूंकि उन्हें काफी गहरी चोट लगी थी इसलिये यह सवाल उठता है कि सरकार क्यों नहीं इस चीज को देखती है और सुनती है । कितने लोग गिरफ्तार हुए हैं और कितने लोगों की अस्पताल में मलहम-पट्टी की गयी है । इस तरह की चीज रोज-रोज हो रही है लेकिन सरकार चुप्पी साधे हुए है ।

अध्यक्ष—जिनकी गिरफ्तारी हुई है उनके खिलाफ कोई मुकदमा भी चलाया गया है ।

श्री केदार पांडेय—जी हाँ । कई सेक्शन्स के अन्तर्गत मुकदमा चलाया गया है और ये सब मामले इस वक्त सब-जुडिस हैं इसलिये कोई ऐडजौर्नमेंट मोशन नहीं लिया जा सकता है ।

*Shri **HARINATH MISHRA** : Sir, I rise on a point of order. I would invite your attention to rule 101 of the Assembly Rules which runs thus :—

"Subject to sub-rule (3) of rule 178 and sub-rule (3) of rule 182 leave to make such motion must be asked for after questions, if any, and before the List of Business for the day is entered upon—

If we proceed to the subsequent rule, we find that there is nothing in the rules to prevent the hon'ble member from reading out the text of the adjournment motion. If the text is read out and then reply is given on behalf of Government or if the hon'ble member says something it would be intelligible to the House, for otherwise we feel often that we are in the air and we don't understand what the discussion is about. So for today and for future, in fairness to the House, the notice be read out either by Government or by the hon'ble member giving notice of the motion.

SPEAKER : All business in this House has to be regulated by the Speaker so that the member may get sufficient time in the House for discussion. Sometimes I take recourse to short-cut method when I ask the member concerned to give me a brief summary, so that it may be helpful in my taking a decision as to whether the motion is in order.

Shri FAZLUR RAHMAN : When a matter is before the House it is property of the House and the members are entitled to know it.

SPEAKER : Until a motion is admitted, it is not the property of the House.

Shri FAZLUR RAHMAN : Sir, when the House is seized of the matter it is certainly the property of the House.

SPEAKER : No, only when a motion is admitted it becomes the property of the House.

Shri HARINATH MISHRA : Then how could the member ask for leave to move the motion.

SPEAKER : He has not asked for leave: he has asked for my consent. If the House is of opinion that such matters should not come before the House, I am prepared to follow the decision of the House and I would satisfy the House by not bringing such

matters before the House , and my consent will have to be given by me outside the House.

Shri ABDUL GAFOOR : It would be in our interest if you do this, Sir, for we do not follow the proceedings.

Shri HARINATH MISHRA : Sir, when you ask the member to make a statement, if he reads out the text of the motion what is there to prevent him ?

SPEAKER : But he did not read it.

Shri HARINATH MISHRA : Therefore, I tender my advice, through you, Sir, to the hon'ble member to read out the text.

SPEAKER : Shri Mishra has not carefully read the rules. The first point is that the motion must be in order. If it is not in order, why should it come before the House. The Speaker has to satisfy himself whether the motion is in order, and for this purpose I have asked the hon'ble member to briefly state the facts. I don't admit your point of order.

Shri HARINATH MISHRA : I should like to make my submission, Sir.....

SPEAKER : I have already given my ruling on your point of order, and so there is now nothing for you to say on this point.

Shri RAMCHARITRA SINHA : As the Rules of Business stand there is no bar for the Speaker to allow the member to read out the motion, but I do agree with you, Sir, that unless a motion is moved it cannot be the property of the House.

SPEAKER : I am glad, Shri Ramcharitra Sinha agrees with my view on this point.

Shri RAMESHWAR PRASAD MAHTHA : Mr. Speaker, Sir. I am to say.....

SPEAKER : I have disallowed all the adjournment motions. If you have to say anything about the adjournment motion I will not allow you to do so.

Shri RAMESHWAR PRASAD MAHTHA : Sir, I would like to make one submission that such things always come before the House and you take a decision this way or that way but what Mr. Mishra has submitted is that members should know the content of the adjournment motion of which notice has been given by any member. If such practice is allowed and the content of the adjournment motion is not disclosed the members would not be in a position to know subject-matter of the adjournment motion. So in all fairness the content of the adjournment motion may be disclosed so that members would be able to know the exact position.

SPEAKER : It so happened that there were some satyagrahis on certain place, some went to hospital, some were arrested and the matter is now *sub judice*. On this point I disallowed the adjournment motion.

*श्री मनीराम सिंह—अध्यक्ष महोदय, अध्यक्ष महोदय.....

अध्यक्ष—(आसन पर खड़े होकर) नियम यह है कि माननीय सदस्यों को खड़ा होना चाहिये, केवल खड़ा होना है, पुकारना नहीं है । यह नियम के विरुद्ध है ।

श्री मनीराम सिंह—अध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि....

अध्यक्ष—आपका यह केस कचहरी में है ।

श्री मनीराम सिंह—जी नहीं । सभी केस कचहरी में नहीं है, कुछ कचहरी में है और कुछ नहीं है । इसके अलावे हमलोगों की ओर से कचहरी में कोई केस नहीं किया गया है ।

अध्यक्ष—यह भी इसी तरह का है इसलिये इस में डिसएलाऊ करता हूँ ।

श्री मनीराम सिंह—अध्यक्ष महोदय, भागलपुर जिले के विषय में .....

अध्यक्ष—शान्ति, शान्ति ।

श्री मनीराम सिंह—यह सबजुडिस नहीं है । एक भी गिरफ्तारी नहीं हुई है, लाठी उन पर चली है लेकिन ५० में से एक भी गिरफ्तार नहीं है।

अध्यक्ष—तीनों ऐडजौर्नमेंट मोशन को मैंने नामंजूर कर दिया । श्री कार्यानन्द शर्मा जो आपके नेता हैं उन्होंने एक वक्तव्य देते हुए कहा था कि चूंकि स्पीकर उनके मोशन को नहीं मानते हैं इसलिये सभा छोड़ कर हमलोग जाते हैं । अगर वही रास्ता आप अपनाना चाहते हैं तो आपकी इच्छा, आप वही कर सकते हैं ।

श्री मनीराम सिंह—भागलपुर का केस दूसरे केसों से भिन्न है ।

अध्यक्ष—(आसन पर खड़े होकर) आप क्या कर रहे हैं । शान्ति, शान्ति । आप बैठ जायें ।

श्री मनीराम सिंह—एस० डी० ओ० के बंगले पर परमीशन लेकर सत्याग्रहियों ने सत्याग्रह किया और शांतिपूर्ण ढंग से लेकिन पुलिस के दस्ते ने उन्हें लाठी से पीटा और चार-पांच सत्याग्रहियों की हालत बहुत खराब है । इसलिये सरकार से मेरा निवेदन है कि इस कार्य-स्थगन के प्रस्ताव को स्वीकृत किया जाय क्योंकि एक भी गिरफ्तारी नहीं हुई है ।

अध्यक्ष—आप बैठ जायं । मैंने डिसएलाऊ कर दिया है ।

विधान परिषद् से प्राप्त संदेश ।

Message received from the Legislative Council.

SECRETARY : Sir, that the Bihar Legislative Council at its meeting held on the 23rd September, 1959 agreed without any amendment to the Bihar Shops and Establishments (Amendment) Bill, 1959, which was passed by the Bihar Legislative Assembly at its meeting held on the 21st September, 1959.

*श्री कार्यानन्द शर्मा—अध्यक्ष महोदय, आखिर फैसला क्या हुआ यह हम लोगों को नहीं बताया गया ।

अध्यक्ष—सभी कार्यःस्थगन प्रस्ताव नामंजूर किये गये ।

श्री कार्यानन्द शर्मा—लेकिन यह केस सबजुडिस नहीं है ।

अध्यक्ष—सरकार को इसकी जानकारी है कि यह विषय सबजुडिस है ।

श्री कार्यानन्द शर्मा—कल यदि कोई भागलपुर में केस हुआ है तो मैं मानने को तैयार हूँ । सरकार पूरी जवाबदेही के साथ कहे कि कोई केस भागलपुर में हुआ है या नहीं ?

श्री केदार पांडेय—मैं कहता हूँ कि ये तीनों केस सबजुडिस हैं । भागलपुर वाला केस भी सबजुडिस है ।

श्री कार्यानन्द शर्मा—लेकिन मैं कहता हूँ कि कोई केस भागलपुर में नहीं हुआ है ।

Shri RAMCHARITRA SINHA : Mr. Speaker, Sir, I would like to know one thing. The Deputy Minister has informed the House that it is *sub judice*. Will he further inform the House the particular section under which the case has been filed ?

Shri KEDAR PANDEY : A case under section 147/355 I.P.C. has been instituted.

श्री कार्यानन्द शर्मा—केस नं० और तारीख बतावें कि कल केस हुआ है या नहीं ?

अध्यक्ष—केस सबजुडिस है इसलिये मैं इसको नामंजूर करता हूँ ।

(अन्तराल)