

# बिहार विधान-सभा वादवृत्त

मंगलवार, तिथि २७ अक्टूबर १९५९।

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

सभा का अधिवेशन पट्टे के सभा-सदन में मंगलवार, तिथि २७ अक्टूबर १९५९ को पूर्वाह्न ११ बजे अध्यक्ष श्री विन्ध्येश्वरी प्रसाद वर्मा की सभापतित्व में हुआ।

स्थगन प्रस्ताव

## Adjournment motion.

अध्यक्ष—हमारे सामने दो कार्य-स्थगन प्रस्ताव हैं और दोनों को मैंने देख लिया है और दोनों को मैं सम्मति नहीं दे सकता हूँ।

विधायी कार्य : सरकारी विधेयक :

## Legislative business : official bills.

बिहार मेंटेनेन्स ऑफ पब्लिक ऑर्डर (अमैडमेंट) बिल, १९५९ (१९५९ की बिल सं० १७)।

THE BIHAR MAINTENANCE OF PUBLIC ORDER (AMENDMENT) BILL, 1959 (L.A. BILL NO. 17 OF 1959).

\*Shri RAM JANAM OJHA : Sir, in connection with this Bill I would like to invite your attention to rule 117 of the Assembly Rules. It reads :

- “(1) Any member may ask for any papers or returns connected with any Bill before the Assembly.
- (2) The Speaker shall determine, either at the time or at the meeting of the Assembly next following whether the papers or returns asked for can be given.”

In so far as this Bill is concerned from the statement of objects and reasons, it appears that this Bill has been necessitated because of the communal tension and also because of the activities of anti-social elements. This Act has been enforced for the last so many years and during the last two days we have found that only such instances have been cited as were not related to anti-social elements. Now I would request that Government may kindly give us a list of such cases.

SPEAKER : You may ask for the papers and then the Speaker will decide whether you can be given permission to ask for such papers.

ठाकुर गिरिजानन्दन सिंह—अगर वे बी० पी० सी० सी० के वाइस-प्रेसिडेंट की हैसियत से चाहते हैं और उनका स्टेटमेंट होता है, तो वह एक्सपंज क्यों होगा?

अध्यक्ष—एक मोशन पेश करते हैं, और हम इस पर हाउस की राय ले लेते हैं।

(सदन में हल्ला-गुल्ला।)

(अध्यक्ष अपने आसन पर खड़े हो गये)—शान्ति, शान्ति।

**Shri RAMCHARITRA SINHA :** This would be creating a very bad precedent. Such questions cannot be put to the House. You should give the ruling. I think the vote of the House should not be taken on the matter of expunction from the proceedings. Right or wrong you are to give the ruling.

**SPEAKER :** You are an experienced legislator and an Ex-Minister. There are two ways in which the proceedings can be expunged, either I order that the proceedings be expunged or I take sense of the House.

श्री चन्द्रशेखर सिंह—अध्यक्ष महोदय, मैं इस पर एक राय देना चाहता हूँ कि आपके

चेयर पर आने के कबल यह डिस्कशन हो रहा था और प्वायंट ऑफ आर्डर रोज किया गया। मैं आपसे निवेदन करूँगा कि जितना भी डिस्कशन इसपर हो रहा था उसको आप पहले पढ़ लीजिये, इसके बाद आप अपना डिसिशन दीजिये। इस समय पूरी बात आपके सामने नहीं है और मैं समझता हूँ कि इसके बाद जो फैसला होगा वह ठीक होगा।

**SPEAKER :** I will read the proceedings tonight and give my ruling tomorrow.

ठाकुर गिरिजानन्दन सिंह—अध्यक्ष महोदय, मेरी बात अभी खत्म भी नहीं हुई।

प्वायंट ऑफ आर्डर में सारा समय चला गया। अब मुझे कल बोलने दिया जाय।

बिहार प्राइवेट इरिगेशन वर्क्स (अमंडमेंट) बिल, १९५६ (१९५६ की बिल सं० ६)।

THE BIHAR PRIVATE IRRIGATION WORKS (AMENDMENT) BILL, 1959  
[L. A. BILL NO. 6 OF 1959.]

अध्यक्ष - कल मैंने प्राइवेट इरिगेशन वर्क्स, १९५६ को स्थगित कर दिया था और

उस पर स्वीकृति का प्रस्ताव पेश भी हो चुका है। अगर कोई माननीय सदस्य बोलना चाहें तो वे बोल सकते हैं।

**Shri RAM CHARITRA SINHA :** Mr. Speaker, Sir, today I find myself in a very difficult position. Had it not been my sacred duty to take part in the debate I would not have taken part in it. I thought that the Deputy Minister, who is in charge of the

Bill, has carefully read it and I hoped that I would get more time to read it and discuss it. He brought the Bill and wants it to be passed. Now Sir, in the original Act, i.e., the Private Irrigation Act of 1922 it is said in the Preamble that whereas it is expedient to provide for the construction, repair, extension or alteration of certain kinds of irrigation work and to secure their maintenance and to regulate the supply or distribution of water by means of such works and to facilitate and regulate their construction, extension and alteration. This Preamble is very important. This Act was meant to compel the landlords to keep the channels of irrigation in good condition so that the raiyats might not have any difficulty in the cultivation of paddy lands. This was the idea of the Act. Now Sir, when the Bhauli system was changed into Nagadi and rents were to be paid in cash to the "Maliks", Zamindars found that it was not in their interest to keep all these channels in good condition. The raiyats when they found that they have no more now Bhowli system and they are to pay rent in cash, should have taken care of these channels and maintained them all and taken advantage of their position. But Sir, this was not done by them. In South Bihar all irrigation works began to suffer and production of paddy generally diminished. When Congress came into power in 1946 they examined this and moved to improve these irrigation works and for that they had to spend money over it from the Government treasury. The cost was to be realised from the Zamindars. This was the position and taking into consideration these things and knowing the condition of the raiyat too Government started this work of minor irrigation under the Private Irrigation Act, as its provisions authorise Government to construct them, and repair these irrigation works. They were to be kept in good condition to help the raiyats to grow more crops, because it was called Grow More Food Project. From 1948 they started these works. Something about one crore of rupees was generally provided for minor irrigation work and the demand for such work was made by the Irrigation Department and the money was spent by the Hon'ble Minister of Revenue who is unfortunately not here in the House.

Government started this policy and it is continuing. Government policy was to realise from the beneficiaries only 50%, and then there was also a policy that where there was a specified percentage of Adivasis, nothing shall be realised from them. But, Sir, I am surprised to find that while in the Statement of Objects and Reasons of this Bill, Government have said that they were bringing this measure to exempt the Adivasis from payment of this 50% there is not the word "Adivasis" in the Bill itself. The words used in the bill are "certain" classes of people who will be exempted from this payment.

Sir, in this connection I may narrate to you my experience. When I was the Minister I/C. of the Irrigation Department, some people came to me that certain minor irrigation works should be executed by Government. I was shocked to hear from a District Magistrate, when I talked to him on the subject, that he was to execute only such schemes which had the approval of the President of the District Congress Committee. Sir, I was very much shocked to hear this. A party in power ceases to be a party only, for a Government is for all and not for one party, and this sort of things should not occur.

I have another experience to narrate, Sir. Some *Bundhs* were being executed in the Begusarai subdivision, i.e., Gupta and Patori *Bundhs*. Some people took into their heads that some *Bundhs* should be constructed on the river side against our *Bundh*, which was a dangerous proposal, but they did not care what would happen if the *Bundhs* breached. Colossal money was wasted in this way and such things occurred at more than one place, and the situation became so dangerous that I had to instruct the then Additional District Magistrate not to take up any work of minor irrigation in Begusarai subdivision.

Another instance I have to narrate is that once someone approached me and requested for a contract be given to him. When I talked to the District Magistrate he informed me that he had instructions to give contracts to persons recommended by the President of the District Congress Committee.

**Shri MITHILESHWAR PD. SINGH :** These things were in your time.

**SPEAKER :** Order, Order. When I postponed this debate yesterday, I didn't think you would take so much time. I have an official engagement at 4.30 p. m. so you may please finish before that time.

**Shri RAMCHARITRA SINHA :** Yes, Sir, I have also got an engagement.

One of the provisions of this Act is that it will cover schemes costing Rs. 5,000, 10,000 or 15,000. There was such a serious back door pressure on the score of execution of minor irrigation schemes that the District Officers were thoroughly demoralised and particular schemes had to be broken up into smaller schemes to suit the wishes of the people concerned.

Now Sir, I come to this Bill. The first amendment to clause 2 is to the effect that "irrigation purposes" should be removed and "agricultural purposes" should be substituted. We have to remember that this is an Irrigation Act and "agricultural purposes" is a very wide thing. You completely change the whole complexion of the Bill. Another difficulty is that particularly in South Bihar

people grow rice and they want water for irrigation. By making it an agricultural Act you are changing the whole thing and making it complicated and the very fundamental thing will be finished.

**SPEAKER** : Can not the name be changed and the defect remedied?

**Shri RAMCHARITRA SINHA** : They have already adopted the name as well; how, I can not understand. The second thing they say is that from 1948-49 to 1950-51 whatever works have been done should be subject to the power of Government to exempt any class of persons from the operation of the Bill. I do not see the necessity for that. Even in this Act there is provision that the Collector may prepare a list of the names of the people who are benefited together with the cost, and a notice may issue in this respect. But Government has got this power to issue circular to Collector that he may exempt any person in his discretion. According to this Act Government can realise the amounts. The whole thing looks so ridiculous. Those who are occupying the Treasury Benches should have seen through the draft more minutely and found out what was necessary and what would be the import of this Act.

Then they propose to amend Section 32A of the Act. They say that for the words "five thousand" substitute the words "ten thousand" and for the words "ten thousand" substitute the words "twenty-five thousand" and for the words "twenty-five thousand" make it "one lakh". This is a minor irrigation thing.

१९४८ से १९५० तक जो रुपया खर्च हुआ उसके बारे में उस साइड से और इस साइड से बराबर कहा गया —

that most of the money had been wasted; that most of the money had gone into the pockets of other persons. Unfortunately it will be very difficult for Government.....

**SPEAKER** : Do you mean to take more time? I have no more time at my disposal. I can give you only two minutes if you like to finish. If you want to take more time, we can only sit after four to morrow then.

**Shri RAMCHARITRA SINHA** : Sir, I have no objection to sit beyond four to morrow because I would take some time yet. Besides we are committed to finish the Public Order Bill by four tomorrow.

**SPEAKER** : Then we adjourn till 11 o'clock tomorrow.

The House then adjourned till 11 A. M. on Wednesday, the 28th October, 1956.

पटना:

दिनांक २७ अक्टूबर, १९५६।

इनामचुर, रहमान  
सचिव,

बिहार विधानसभा।

दैनिक निबन्ध ।

(मंगलवार, तिथि २७ अक्टूबर, १९५९।)

पृष्ठ ।

दो स्थगन प्रस्ताव अध्यक्ष महोदय द्वारा अस्वीकृत किये गये ।

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विचाराधीन विधेयक—

बिहार मेंटेनेन्स ऑफ पब्लिक ऑर्डर (अमेंडमेंट) बिल, १९५९ पर बाद-विवाद जारी रहा ।	१—२९
प्रधर समिति द्वारा यथा प्रतिवेदित प्राइवेट इरिगेशन वर्क्स (अमेंडमेंट) बिल, १९५९ पर बाद-विवाद जारी रहा ।	२९—३२

DAILY DIGEST.

[Tuesday, the 27th October 1959.]

PAGES.

The Speaker disallowed two Adjournment motions :	1
<b>Bills under Consideration—</b>	
Further discussion on the motion to consider the Bihar Maintenance of Public Order (Amendment) Bill, 1959 (Contd.).	1—29
Further discussion on the motion to consider the Private Irrigation Works (Amendment) Bill, 1959 as reported by the Select Committee (Contd.).	29—32

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बिहार विधान-सभा प्रक्रिया तथा कार्य संचालन नियमावली के नियम २०२ तथा २०४ के अनुसरण में बिहार विधान-सभा सचिवालय द्वारा प्रकाशित एवं सचिवालय मुद्रणालय, बिहार, पटना द्वारा मुद्रित ।

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बि०स०मु० (एल० ए०) ४२६—मोनो—८९६—६-११-१९६०—टी०डी०एस०