

MIZORAM LEGISLATIVE ASSEMBLY.

ASSEMBLY SUMMARY

Monday, the 23<sup>rd</sup> September, 1974.

11:00 A.M.

1. Starred Questions:

Starred Questions Nos. 57, 58, 59, 60, 61, 62 and 63 with supplementaries thereto were orally answered during the Question Hour. After the Speaker took the sense of the House, the Starred Questions from Nos. 64 to 73 listed for the day with Supplementaries thereto were taken up and answered after the expiry of the Question Hour.

2. Unstarred Questions:

Replies to Unstarred Question No. 4 were laid on the Table of the House.

3. Report of the Business Advisory Committee:

The Speaker reported that the Business Advisory Committee in its meeting held on 21.9.74 rediscussed the provisional Calendar for the remaining meeting of the current Session, and its decision to adjourn the House on Monday, the 2<sup>nd</sup> September, 1974, after the Question hour was over, till 11:00 on Monday, the 30<sup>th</sup> September, 1974 as there was likelihood of the Current Session but might reach a bit later.

The remaining business including consideration and passing of the two pending Government bills would be taken up on Monday, the 30<sup>th</sup>

September, 1974, and Tuesday the 1<sup>st</sup> October, 1974 and if the new Legislative measures are forthcoming in the meantime then the Question of continuing for a further period may be considered.

4. Speaker's Ruling on motion of Privilege:

The Speaker gave his ruling on motion of privilege submitted by Pu R.Zoliana, on 17<sup>th</sup> September, 1974 as follows:-

The Assembly Secretariat has issued instruction to the Government authorities concerned the necessity of informing the Speaker when any Members of Legislative are arrested etc, under Rule 164 of the Rule of Procedure of Mizoram Legislative Assembly. But there was no specific instruction given that arrested made in connection with Civil cases would also be informed.

I have enquired into the matter concerning the arrest of Pu C.Lalruata (Member) and I found under Section 87 of Cr, P.C. and not under Section 174 of I.P.C. witness brought up under arrested on due process of law when the arrest was under Section 87 of Cr. P.C.

Since the instruction given by the Assembly Secretariat had not clarified about the made on Civil or Criminal process, there could be controversy whether the arrest need to be inform to the Speaker or not. On this consideration it was ruled that the Magistrate of Aizawl could not be charged as committing breach of privilege of the House.

However, the Hon'ble Speaker further explained that when a member is arrested on the criminal charge and if it is necessary to inform the Speaker of the arrest, the arrest made on Civil Process, which even be filmy ground, it would be of more necessary for the authorities ordering the arrest to inform the Speaker. This is also a practice followed in case of Members of Parliament and others State Legislature in India.

As such, clear and further instructions would be given from the Assembly Secretariat on this matter so that all arrested or any kind of restraints of Members of our Legislature, irrespective of whether on criminal or Civil Cases, would be informed to the Speaker.

I therefore closed the matter.

5. Adjournment:

The House was adjourned at 14:00 hours still 11:00 A.M. on Monday, the 30<sup>th</sup> September, 1974.

Sd/- N.C.Handique,  
Secretary,  
Mizoram Legislative Assembly.

