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THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

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ELEVENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940



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THE
Legislative Assembly.
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1940

(6th February to 5th March, 1940)

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1940



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Deputy President:

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Mr. N. S. ... M.L.A.

The Hon. Member for... M.L.A.

Mr. A. ... M.L.A.

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Legislative Assembly

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THE
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Official Report

Volume III, 1940

(27th March to 6th April, 1940)

ELEVENTH SESSION
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CORRIGENDA.

In the Legislative Assembly Debates, Budget Session, 1940,—

(1) Vol. I, No. 3, dated the 8th February, 1940, page 166, in the subject-heading to starred question No. 33, *for* "Measures" *read* "Measure";

(2) Vol. I, No. 7, dated the 15th February, 1940, page 429, in the subject-heading to unstarred question No. 23, *for* "Bed Coaches" *read* "Bed Couches";

(3) Vol. I, No. 12, dated the 26th February, 1940, page 666, line 5 of the *Statement*, *for* "(including A.D.G.S.P.)" *read* "(including A.D.O.S.P.)";

(4) Vol. I, No. 16, dated the 1st March, 1940, page 890, line 17, *for* "scurities" *read* "securities";

(5) Vol. II, No. 3, dated the 11th March, 1940,—

(i) page 1119, line 7, *for* "ventilate" *read* "ventilate";

(ii) page 1140, line 2 from the bottom, *for* "from the housetops no earthly power would" *read* "from the housetops. No earthly power would";

(6) Vol. II, No. 4, dated the 12th March, 1940,—

(i) page 1182, in the subject-heading to unstarred question No. 75, *for* "North Western" *read* "East Indian";

(ii) page 1183, line 22, *for* "wire-spread" *read* "widespread";

(7) Vol. II, No. 9, dated the 19th March, 1940,—

(i) page 1514, line 2 from the bottom, *for* "sleected" *read* "selected";

(ii) page 1528, line 2 from the bottom, *for* "wiewpoint" *read* "viewpoint";

(8) Vol. II, No. 11, dated the 21st March, 1940, page 1722, lines 15 and 16, *for* "challaned case under Defence of India Act magistrate considers" *read* "challaned a case under the Defence of India Act the magistrate considers";

(9) Vol. II, No. 12, dated the 26th March, 1940, page 1742, line 21, *for* "I perhaps started" *read* "it perhaps started";

(10) Vol. III, No. 1, dated the 27th March, 1940, page 1819, line 16, *for* "nowdays" *read* "nowadays";

(11) Vol. III, No. 2, dated the 28th March, 1940,—

(i) page 1890, line 3 from the bottom, *for* "defence" *read* "deference";

(ii) page 1898, line 19 from the bottom, *for* "far" *read* "for";

(12) Vol. III, No. 3, dated the 29th March, 1940, page 1925, in paragraph 6, line 2, *for* "in their entirety" *read* "in their entirety".

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— by Mr. Chairman (Mr. M. S. Ancy)—
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As the Honourable the Mover of the
cut motion relating to the grievances
of Muslims has included other minori-
ties also, it is perfectly in order to
refer to the grievances of other minori-
ties. 713.

—, by Mr. President (The Honourable
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Amending Bill(s)—

An Honourable Member should not dis-
cuss any other provision of the main
Act than the one sought to be amend-
ed in the Bill; and he should stick to
the amendment and not revive the
discussions already taken place on
the main Act. 2054, 2055.

Bill(s)—

At the consideration stage, Honourable
Members need not go into details.
When the Bill is considered clause by
clause and when a particular clause
is reached, Honourable Members
can speak on it. Details can be
discussed when amendments are
under consideration. 2209, 2210.

When consecutive clauses, to which
no amendments have been proposed,
are put together to the House by the
Chair, it is open to any Honourable
Member to discuss or oppose any of
the clauses. 447.

When two motions by way of amend-
ment to a Bill are put down on the
paper, so that on one motion the
principle of the Bill can be discussed,
while, on the other, it cannot be
discussed, the better course is not to
allow simultaneous discussion of
both the motions. 998.

RULING(S)—*contd.*

— by Mr. President (The Honourable Sir Abdur Rahim)—*contd.*

Defence of India (Amendment) Bill—

In order to strengthen the argument that the power sought to be extended was likely to be abused in the provinces, it might be possible to have to refer to individual cases of abuse, but a discussion of a number of such individual cases was out of order, especially when there was no Provincial Government representative to reply on the other side. 2060-61.

Since the Bill sought to extend the power that was given under the principal Act to certain other action which the Government thought of bringing under the mischief of the Act, an Honourable Member was not out of order in giving his reasons as to why the extension should not be sanctioned. 2053.

Drugs Bill—

The Honourable Member (Syed Ghulam Bhik Nairang) is really not in order in discussing the closure. The closure motion has to be accepted by the Chair and the Chair does not accept any closure that is moved unless it is fully satisfied that there has been a sufficient debate. And once it is accepted, it is not open to any one to discuss it. 2250.

Excess Profits Tax Bill—

An amendment substituting a different date from the one in clause 8 of the Bill having been moved and when during the discussion it was disclosed that there was general agreement in the House that another date other than that embodied in the amendment moved would be acceptable, the change making no difference in substance it was held that a fresh amendment embodying that another date could be moved without notice.

Indian Finance Bill—

An Honourable Member can only discuss under the — the policy and the administration or any action of the Government of India in any manner he chooses; but he cannot discuss any action of any other Government nor any policy of any political party outside the Government. 1890-91.

RULING(S)—*contd.*

— by Mr. President (The Honourable Sir Abdur Rahim)—*contd.*

Indian Finance Bill—*contd.*

Honourable Members cannot go into matters with which the Government of India are not concerned. 1750.

Miscellaneous—

An Honourable Member cannot discuss a Provincial Government. 817.

As the Provincial Governments are not represented in the House, an Honourable Member should not criticise them. 2058-59.

Honourable Members cannot revive a discussion recently closed. 1882.

Long extracts should not be read. 1881, 1886.

Select Committee(s), Report(s) of—

When the Legislative Assembly appoints a Select Committee, it directs the Committee to report its conclusions to the House itself, and it has been always understood that the proceedings of such a Committee are entirely confidential, so that what transpired during the deliberations of the Committee cannot be discussed even on the floor of the House. The press and the public are not admitted to the meetings of a Select Committee, and it has never been doubted that it is a breach of privilege to publish the Committee's report before it has been presented to the House. The privilege of the House covers the entire proceedings of a Select Committee and it is equally a breach of that privilege whether the proceedings or the report of a Select Committee is published *verbatim* or in detail or only a summary or selected portions of its proceedings or its report is published before it is presented to the House. It is not permissible to a Member of the Select Committee or to any one who has access to its proceedings to communicate directly or indirectly to the press any information regarding its proceedings including its report or any conclusion supposed to have been arrived at finally or tentatively before the report is presented to the House. It is equally expected of the Press to co-operate with the

RULING(S)—concl'd.

— by Mr. President (The Honourable Sir Abdur Rahim)—concl'd.

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Code of Criminal Procedure (Amendment) Bill—(Amendment of Section 386)—

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