

2nd September 1926

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOLUME VIII

*(17th August to 2nd September 1926)*

FIFTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY,  
1926



# Legislative Assembly.

## *The President :*

THE HONOURABLE MR. V. J. PATEL.

## *Deputy President :*

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

## *Panel of Chairmen :*

MR. K. C. NEOGY, M.L.A.  
SIR DARCY LINDSAY, M.L.A.  
LALA LAJPAT RAI, M.L.A., AND  
MR. ABDUL HAYE, M.L.A.

## *Secretary :*

MR. L. GRAHAM, C.I.E., M.L.A.

## *Assistants of the Secretary :*

MR. W. T. M. WRIGHT, C.I.E., I.C.S.  
MR. S. C. GUPTA, BAR-AT-LAW.  
MR. K. G. HARPER, I.C.S.

## *Marshal :*

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

## *Committee on Public Petitions :*

DIWAN BAHADUR T. RANGACHARIAR, M.L.A., *Chairman.*  
DIWAN BAHADUR M. RAMACHANDRA RAO, M.L.A.  
COLONEL J. D. CRAWFORD, M.L.A.  
MR. JAMNADAS M. MEHTA, M.L.A.  
MR. ABDUL HAYE, M.L.A.

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# LEGISLATIVE ASSEMBLY.

Thursday, 2nd September, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## PRIVATE NOTICE QUESTION AND ANSWER.

### LEVY OF A PROFIT TAX BY THE AHMEDABAD DISTRICT LOCAL BOARD FROM SPINNING AND WEAVING MILLS.

**Mr. Kasturbhai Lalbhai :** With your permission, Sir, I will put the question of which I have given private notice. (a) Has the attention of the Government of India been drawn to the Associated Press messages of the 11th instant from Ahmedabad wherein the Local Board proposes to levy a quarter of an anna profit tax from spinning and weaving mills ?

(b) If so, will the Government be pleased to state whether it is within the competency of any other body or Local Government to levy a tax on the profits ?

**Mr. J. W. Bhore :** (a) and (b). The Government of India have seen references in the Press to the matter but have no official information. They entertain strong objections to the imposition by local bodies of anything in the nature of an income-tax and propose to ask for particulars from the Local Government.

**Mr. K. Ahmed :** Are the Government aware that from Government Departments from time to time important and private information leaks out and correspondence from Simla and elsewhere is published in Bombay ?

**Mr. President :** Order, order. The House is always glad to hear the Honourable Member but not at question time.

**Mr. K. Ahmed :** This is a supplementary question ! Is not that a fact, Sir ?

**The Honourable Sir Basil Blackett :** I should like notice of that question.

## THE INDIAN BAR COUNCILS BILL.

**The Honourable Sir Alexander Muddiman** (Home Member) : Sir, I move that the amendment made by the Council of State in the Bill to provide for the constitution of Bar Councils in British India and for other purposes, be taken into consideration.

Sir, I regret very much to have had to detain Honourable gentlemen from their homes for the purpose of considering this small measure, but my Honourable Colleague, the Law Member, when he came to examine more in detail the Bill as it had been passed discovered that there was a slight error in the drafting. The amendment made by the Council of State is an addition of a sub-clause to clause 14. Now clause 14 lays

[Sir Alexander Muddiman.]

down the right of an advocate to practise. The Bar Committee, as the House knows, recommended the dual system—that is, a system by which one class of practitioners act as attorneys and another class plead as barristers. Clause 14, I am advised, does not give effect to the reservation contemplated by the Report in the case of Calcutta and Bombay. I am told, and I have reason to believe I am correctly told, that clause 14, if it was allowed to stand as it is now in the Bill, will have the effect of destroying that system. That it was not the intention of the Bar Committee to do that is apparent from paragraph 26 of their Report in which they say :

“ It follows from this division of opinion between us that we do not recommend any change in this respect of the existing system in India. It would only be possible to make such a recommendation, involving as it would the uprooting of long-established arrangements on the original sides of the Presidency High Courts ”,

—I take it they mean Calcutta and Bombay because it is not the system in Madras—

“ if we, as a Committee, were strongly of opinion that the present system is a bad one. As it is, we are all agreed that where in India a compulsory dual system is now in existence that system should be allowed to continue. It is on the basis of this conclusion that we shall proceed to discuss the distinctions between advocates and vakils on the original sides of the High Courts at Calcutta, Bombay and Madras.”

It was the intention of the Government to give effect to that recommendation of the Bar Committee, and it was certainly not their intention to defeat that recommendation by a side-wind due to the way in which the clause was drafted. It was unfortunate the Select Committee did not notice this, and it is unfortunate that I should have to come back to the House for the purpose of making that amendment, but my reason is the very valid one I have now explained to the House.

**Sir Sivaswamy Aiyer** (Madras : Nominated Non-Official) : Sir, I do not wish to oppose the motion, but I wish to offer some remarks for the consideration of the Government with reference to this amendment which has been introduced in the Council of State. I fully appreciate the reasons which led the Honourable the Law Member to introduce this amendment in the Council of State. As clause 14 originally stood there would have been no provision for the maintenance of the dual agency which it was the object of the Government to preserve, at any rate for some time to come, in the High Courts of Calcutta and Bombay. It is for the purpose of remedying this omission that I understand the Honourable the Law Member introduced the amendment in the Council of State. But it seems to me that the amendment as introduced in the Council of State is not apt—I was going to say clumsy,—that it is wrongly placed in clause 14, also that it is a little too wide. The amendment now carried in the Council of State is that :

“ Nothing in this section shall be deemed to limit or in any way affect the power of the High Court of Judicature at Fort William in Bengal or of the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of their original jurisdiction.”

As the amendment stands it would be quite open to the High Court to say that barrister advocates only should be entitled to practise and plead and not vakil advocates. Whether they will do so or not is another matter. I am not suggesting that the High Court will or may do it, but I have an objection to any language which is wider than the

actual requirements of the case. The amendment therefore ought to have been made in narrower terms and it ought to have been introduced not in clause 14 but in clause 9. Clause 14 itself confers upon an advocate the right to practise, subject to the provisions of sub-clause (4) of clause 9, in the High Court of which he is an advocate. Clause 9 is therefore the proper clause under which this amendment should have found a place. It might have been made with much greater parsimony of language in sub-clause (4) of clause 9 by the use of some such words as these. After the words which empower the High Court to prescribe the qualifications to be possessed by persons applying to practise in the High Courts in the exercise of their original jurisdiction, the addition of the words " and the conditions under which advocates shall be entitled to practise and plead " would be quite sufficient to attain the object which the Honourable the Law Member has in view. I am disposed to think that his object could have been attained in a much neater and simpler form and in an appropriate place in clause 9 (4). But I am not going to move any amendment at this stage of the Bill, for if we succeed in throwing out this amendment it will have to be referred back to the Council of State which has been already adjourned and the Bill will therefore lapse under Rule 36 (c). I am not making these remarks in any hostile spirit or with a view to prevent the passing of the Bill. My object is simply to invite the attention of the Government to this drafting defect and ask them to consider this matter along with the other matters which they have promised to take into their consideration at an early date after consulting the High Courts of Bombay and Calcutta. They have reserved certain matters which found a place in the Bill as brought before this House for the consideration of the two High Courts. I only hope that the Honourable the Law Member, who was a party to the unanimous Report of the Bar Committee, and the Honourable the Home Member, who was also a party to these clauses as they originally stood in this Bill, will lose no time in consulting the High Courts and in seeing that as far as possible the clauses which originally stood in the Bill and have now been withdrawn and reserved for further consideration are reintroduced in some form which would be acceptable to all parties.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : Sir, while I approve of the insertion of this clause in order to make clear what was really intended by us I have to point out that the Bar Committee's recommendations were that this compulsory system of dual agency may be continued for some time till the Bar Councils were constituted and the Bar Councils and the High Courts could devise other arrangements. That is why we recommended in the Bar Committee recommendations that for a period of seven years transitory rules should be made which should be capable of being revised by the Bar Council and the High Court, and that is why I sought to introduce that amendment in the Bill and the Government promised to consider the question and bring up the matter later on—not that it should be a permanent feature of the practice of the two High Courts. The Bar Committee's recommendation was that the Bar Councils and the High Courts should have an opportunity of re-examining the question at the end of seven years ; and that being so I hope the Honourable the Law Member—although he took a different view on the merits of the dual system—as a member of the Government will be loyal to the recommendations to

[Diwan Bahadur T. Rangachariar.]

which he was a party. I leave it at that and I do hope that Government will bestow their very earnest consideration on this question because, once you create any more vested interests, you will be creating more difficulty. This system is bound to go. The rest of the country has not got it ; only two High Courts still retain it as anomalies ; that is a matter which I trust will be carefully considered by the Government.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Sir, I do not know but in the Council of State there was an amendment that the life of this Bill should not be more than two years. The Bar Committee suggested that it should be seven years as Diwan Bahadur Rangachariar says. I join hands with Sir Sivaswamy Aiyer, Sir, that a Bill of this description should not take effect so soon as this ; but rule 36 (3) of the Indian Legislative Rules will not allow the Honourable the Home Member and the Law Member to get it rectified in this Session as the Council of State is not sitting any more this Session and therefore, unfortunately, the Bill has to be expedited and passed now. Sir, I join with Sir Sivaswamy Aiyer further that in adding this sub-clause to clause 14 of the Bill authorising the High Court of Judicature at Fort William in Bengal and the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and act in those High Courts in the exercise of their original jurisdiction—I desire to make it clear what this Bill will now propose to apply to practitioners. By adding this sub-clause as amended in the Council of State it will be left to the above two High Courts only to make rules determining the persons who will be entitled to plead and to act on the original side of those High Courts. But as far as the practice of advocates including the barrister advocates is concerned they will be entitled to act and plead in the appellate side of the High Courts in appeals (except original side appeals), revision cases, both civil and criminal, and also in other courts below the High Court, without affecting their powers in any way as stated in clause 14 and that is what I understand from Mr. Wright who drafted this Bill. Therefore, Sir, it clears the meaning of the word “ practise ” as it is stated there in clause 14 that an advocate shall be entitled as of right to practise, that is to say, he will be able to act and to plead. I take it that it is so, and let it be so clear once for all. I join issue with my Honourable friend Sir Sivaswamy Aiyer that this clause 14, as it is stated, is vague and indefinite and is not clear. I have made it very clear in my speech so that none of the practitioners both in the High Court of Bengal as well as at Bombay and in the other Courts below the High Courts may be at all doubtful and that there may not be any difficulty at all in any courts on the subject—pleaders claiming that a barrister cannot appear without instructions from them, and barristers claiming otherwise. I think this clause was drafted by Mr. Wright of my Honourable friend the Law Member’s Department and I understand from him that it was his intention. The vakils and pleaders will have the same right because they are also advocates. By this Bar Council Bill you either uplift the status of pleaders and vakils and unite them with us or you degrade our status and place us on their level. You cannot have a middle course. Therefore, Sir, I for one want to ask this question clearly and if the Honourable Law Member has not got any answer I take it for granted that it is so. In the alternative I object to this Bill being passed this Session so hurriedly.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I do not know whether the House will desire to hear me after the very illuminating speech of my Honourable friend, Mr. Ahmed, who had pre-eminence of me on the present occasion. Sir, I find that in this particular instance the instinct of the draftsman was a surer guide to this House than the combined wisdom of the Honourable the Home Member and the Honourable the Law Member. For, in the Bill as drafted there was a loophole for argument that the dual system had been abolished altogether in Calcutta and Bombay. It is a system which, as the Honourable the Home Member and the Honourable the Law Member very well know, is the result of an historical accident so far as these two cities are concerned. It is an anachronism at the present moment, and it is being discredited even in the land of its origin. I daresay the Honourable the Law Member knows, the history of the movement for fusion of the two functions of barrister and solicitor, which has been gaining in volume in England year after year. I daresay he knows that Lord Haldane, twice Lord Chancellor of England, and Sir Edward Clark, once Solicitor General, have been strong advocates of the abolition of the dual system in England ; and the latest *ex-Lord* Chancellor, to join hands with them has been Lord Birkenhead who has written a very strong article, I think in the January issue of the Law Journal, advocating the fusion of the functions of barrister and solicitor and urging the legal authorities in England to take up this question very seriously. Sir, this amendment seeks to give a prolonged lease of life to this anachronism. It seeks to perpetuate the peculiar system that obtains only in the city of Bombay, and, in a part—mind you, a part only—of the city of Calcutta, and quite a different system prevails throughout the rest of British India. It is a system which does not perhaps find any parallel in the civilized world except England. It is a system which has been deliberately avoided in the Colonies and in the Dominions as also in the United States of America.

Sir, I am reminded that the Government in their Statement of Objects and Reasons appended to this Bill stand committed to the complete unification of the different branches of the legal profession, and this Bill is merely an earnest of what is to follow. I hope, therefore, that the time is not very far when Government will bring forward another amending Bill to do away with the dual system which is now being sought to be maintained by this amendment. I very much hope that although this reform was brought about unwittingly in the original Bill, it will be deliberately undertaken by Government in the near future, and I also sincerely hope and pray that the presence of the *ex-Advocate* General of Bengal in the Cabinet of the Government of India will not prove a source of weakness to Government in the matter of carrying out this much needed reform.

**Mr. President** : The question is :

“ That the amendment made by the Council of State in the Bill to provide for the constitution of Bar Councils in British India and for other purposes, be taken into consideration.”

The motion was adopted.

**The Honourable Sir Alexander Muddiman** : Sir, I move that this House do consent to the amendment made by the Council of State. I have listened to what my Honourable friend Sir Sivaswamy Aiyer has said, and it will receive my attention. I do not know that my Honourable friend Diwan Bahadur Rangachariar is quite accurate in his account of the Bar

[Sir Alexander Muddiman.]

Committee's Report. As to Mr. Neogy, I have no doubt that for him time will bring in "his revenges".

**Mr. President :** The question is :

"That the following amendment made by the Council of State be adopted :

The following sub-clause be added to clause 14 of the Bill, namely :

'(3) Nothing in this section shall be deemed to limit or in any way affect the power of the High Court of Judicature at Fort William in Bengal or of the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of its original jurisdiction.'

The motion was adopted.

### VALEDICTORY SPEECHES TO MR. PRESIDENT.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : Sir, now that we are about to part and the Second Assembly is going to come to an end ushering in a Third Assembly, it is but right, Sir, that I should say a few words in acknowledgment of the able way in which you have presided over the deliberations of this House. (Applause.) It is a sorry feature, Sir, that on this side of the House my non-official friends are conspicuous by their absence. None the less, Sir, I can assure you that the way in which you have discharged the duties of your high office has earned approbation and appreciation at our hands. Sir, at the time you were chosen to the Chair, I happened to compete with you. If I may say so, luck and chance favoured your election. Sir, whatever apprehensions there might have been on account of your political views, you have, by your strict impartiality, fairness, ability, tact and courage shown that the first elected Indian President of the Indian Legislature has proved a success. For the short time you allowed me to occupy the Chair, I found it a very onerous task, oftentimes subject to suspicion of partiality to this or that individual. Sir, it is a very very difficult task to fill that Chair, and it was rendered more difficult by the distinguished way in which your predecessor discharged his duties. Human beings are not perfect. There are imperfections in every individual, but here we have to consider the position as a whole, and, Sir, I have no hesitation in saying that both on the non-official side as well as on the official side there has been full appreciation of the way in which you have discharged the duties of your high office. I hope you will come back to this House and try your chance again, and I wish you success in your endeavours. I may not be here to compete with you.

Sir, it is also my pleasant duty to acknowledge the uniform courtesy, ability, promptitude and the regularity and punctuality with which the Legislative Department of the Government of India have served this House. I have been connected with this House for six years. At the close of the first Assembly, I wrote demi-officially to the then Secretary, I think he also happens to be the Secretary of the Legislative Department now, acknowledging personally my indebtedness to that Department for the way in which they have discharged their duties. Sir, all of us must have been struck with the punctuality and regularity with which at short notice agenda have been prepared and placed before us. The courtesy shown by the members of the Legislative Department has been uniform from the head

of the Department to the lowest official in that Department, and I have to acknowledge personally the treatment I have received at their hands. I am sure the experience of other Members also is the same.

Sir, we part, and I hope many of us will come back here, and I hope the country's affairs will progress and progress on right lines. Although the Government of India show some reluctance to yield to popular demands, I hope pressure will be brought to bear upon them not by walking out but by walking in and making them feel more and more uncomfortable.

Sir, I congratulate you on the able way in which you have discharged the duties of your high office.

**Sir P. S. Sivaswamy Aiyer** (Madras : Nominated Non-Official) : Sir, I wish to associate myself wholeheartedly with the tribute which has been paid to your services to this House by my Honourable friend the Deputy President. Sir, as pointed out by my Honourable friend, when you were chosen to fill the high office which you now hold, there were not wanting some who entertained some misgivings due to the fact that you had been a strong party man throughout your political life and that you had not been in the habit of repressing your feelings. But whatever misgivings might have been entertained, they were all soon dispelled. You came into the office with a very high conception of the duties of the Chair, and notwithstanding the fact that you had the disadvantage of succeeding a person with great parliamentary experience like Sir Frederick Whyte, who had filled the Chair with distinction, you soon demonstrated that the great experiment which was to be tried of appointing a non-official Indian to the Chair was a success. Sir, you have filled the office with great dignity, firmness and tact. Though the Chair is only a few feet above the floor, there is a great difference in the atmosphere which surrounds the Chair and the atmosphere of the floor of the House. You have maintained a gravity unperturbed by the most provoking sallies of jocularity, and whatever squalls and scenes there might have been on the floor of the House you have always held your head aloft, above these squalls and angry scenes, and I hardly remember any occasion, except perhaps one which everybody has now forgotten, when a momentary gust of feeling reached the Chair. That incident we have all forgotten and we have all learned to admire the way in which you have so worthily sustained the mantle which fell on you from Sir Frederick Whyte's shoulders. We have found you always helpful and obliging, always ready to give advice to the non-official Members. As to the help you have been able to give the official Members, testimony will be more appropriately forthcoming from the official Benches. I can only speak for my non-official friends and I am sure they will all join with me in acknowledging the great help you have given us throughout your tenure of office during the life of this Assembly.

Sir, this experiment of appointing a non-official Indian to the Chair of this House was and is one of great significance. It has shown conclusively that the requisite capacity for filling the office of Speaker is not wanting among our countrymen. Sir, it has also other lessons which may be taken note of by the official Benches, that investiture with responsibility develops a high sense of responsibility, a lesson which is not without far-reaching implications. I hope, Sir, that the electorates also, particularly your electorate, will rise to the standard of parliamentary traditions and that they will elect you without any contest. Whatever may be the vicissitudes of fortune at the election of the other Members, I hope that you will

[Sir Sivaswamy Aiyer.]

be untouched by those chances. Let me also express the hope that, when you are returned to the next Assembly without a contest, there will be no competition as forecasted by my friend on the right but that you will be elected to this office without any opposition. Let me hope that the House will rise to a due sense of the importance of maintaining parliamentary traditions. Sir, I am sure you will cherish the expression of the genuine regard which this Second Assembly has entertained for you, and I have no doubt that the Third Assembly, if it is fortunate enough to secure your services as President, will acquire the same regard.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-Official): Sir, please allow me to associate myself with the remarks of my friend Sir Sivaswamy Aiyer about your work in the Assembly. It is on behalf of a small group in this House, called the Muslim Parliamentary Party, that I offer you my sincere congratulations on the most successful manner in which you have discharged your responsible duties. This group, though claiming to be all good, composed entirely of Parliamentarians, has a few Members who are more often out of order than in order and I trust that their appreciation of your patience in dealing with them will not be taken for partiality.

Sir, you have carried out your responsible and delicate duties admirably. You have shown strict impartiality with your natural force of character and I am not sure if any other Indian Member of this House could have done so, to the more general satisfaction of the House. Your eye has not failed to catch the most suitable speaker on each subject and when you had more than one speaker on a subject your choice always fell on the one who could speak to the best advantage of the debate. Whenever you found a debate going out of bounds or assuming an unbecoming communal aspect, you either at once diverted the channel or tactfully closed the subject on constitutional grounds. In short, your tactful handling of the deliberations of this House is beyond praise. You were the first Indian to hold charge of this important position in the Imperial Legislature and you have acquitted yourself most creditably. You have got the certificates of the previous distinguished speakers—I should call them certificates in my layman's language—and more I believe, will be speaking on the subject later on; but it is as well that you should know the feelings of one who is the representative of an unostentatious party in this House, and of a constitutionally backward community or province. The Honourable Mr. Patel, President of the Assembly, appears to be quite a different man from Mr. Patel of the Swaraj Party time (Laughter)—and I was surprised to see the enormous change in the old man. It shows that even a lion is capable of being controlled by his own sense of justice and equity, when placed in a responsible position! I wish many others could be as just and impartial as Mr. Patel of old has been ever since he has occupied the presidential Chair. Sir, if you can manage a stormy House like ours, composed of conflicting elements, I am sure that you can command an army of irregulars on a battlefield, should an occasion arise. You will not find it more difficult to control a rash soldier than to control the Whip of our Party, Mr. K. Ahmed. (Laughter.) I wish you a sure and speedy return to the House after the elections and once more very sincerely congratulate you on the way in which you have performed your onerous duties.

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): Sir, my group wish to associate themselves with the remarks

which have fallen from the previous speakers in paying their tribute to you as President of this Assembly. Sir, at the time the future appointment for the Chair and the settlement of the emoluments was debated on the floor of this House, our group took a very strong line in helping to make that position one of such dignity as would attract the best men of the country and we hoped when we had them there that they would have a desire to retain that position.

Sir, we realised that in following a man of the gifts, capability and charm of Sir Frederick Whyte your own difficulties when you first occupied the Chair would and must be heavy. We recognise, Sir, that you have faced them both manfully and well. We recognise also that you have fully responded to the gravity of the office although we know, Sir, that on the floor of this House you enjoyed a joke as well as any of us. We particularly admire the way in which once elected to the Chair, you have been able to drop your own politics and we are here to pay our tribute to the invariably courteous and considerate manner in which you have treated both our group and all others in the House. You have endeavoured to meet us in every way. We recognise your fairness throughout the term of your occupation of the Chair, and I wish now, Sir, to go one step further and particularly emphasise the remarks which fell from my friend Sir Sivaswamy Aiyer. We shall be very pleased indeed if your re-election for your constituency is not contested. We value the English tradition very highly by which the constituency of the Speaker is not a contested seat. It is not in our opinion for any Party in the country to say who shall or who shall not occupy the Chair of this House. Therefore we hope that no Party will contest your seat and prevent your return to this House where you will then stand for election by the votes of this House who alone should say whether you should occupy the Chair or not. Sir, we emphasise that point very particularly and I am glad that it came from Sir Sivaswamy Aiyer to start with.

**Mr. K. Ahmed :** Will you vote for him next year ? Are you sure ?

**Sir Walter Willson :** I would like to join also, before I sit down, in paying our tribute to the Legislative Department of the Government of India. We fully recognise all the assistance which they have given us.

In conclusion, Sir, I hope that other Members who have spoken with some doubt as to their return will also come back to this House and that we shall in the next Parliament make that further progress which I am convinced we have steadily made all the time whilst I have been a Member of this House.

**Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam: Non-Muhamadan Rural) :** Sir, on behalf of my Party and on behalf of myself I add our tribute of admiration for the successful manner in which you have conducted yourself as President. When you were installed in the Chair statements were made in several quarters that they would be disappointed, and if there were any doubts in their mind, they have been dispelled by your successful carrying out of your duties. As my friend Mr. Rangachariar pointed out, perfection is not given to man. You may have committed mistakes here and there. But, Sir, taken on the whole you have proved that an Indian is quite capable of holding

[Mr. B. Venkatapatiraju.]

any position which is in the gift of the Crown or man. But you have proved another thing also. You have been a fiery gladiator on the floor of this House and you have fought hard against the Government.. Sometimes you have made irresponsible speeches that even your supporters find it difficult to support. But since you have occupied a responsible position, you have proved yourself quite capable of carrying on your duties, unconcerned with your previous political predilections. That shows that Indians are capable of occupying any place if only the opportunity is given to them. I may state, Sir, that my friends on all sides wish you an early return and an uncontested return. On behalf of my Party and myself I may state that if the occasion arises, if our support is needed, we will give you our unstinted support to place you again in the same place. I will add one more word. We wish you happiness always and long life and a speedy return so that you may perform the duties which you have carried on in the fear of God and without fear of man. We hope you will carry on your duties in the same manner for the good of the country, for the good of the name of India, and to show that an Indian is capable of occupying any post and carrying on his duties to the satisfaction of all concerned.

**Mr. N. M. Dumasia** (Bombay City : Non-Muhammadan Urban) : Mr. President, after the graceful tribute that has been paid to you by the previous speakers, very little remains for me to add to that well-deserved testimony of our admiration for you. Sir, I have seen your work in the Bombay Corporation and having been satisfied with the ability, independence and dignity with which you discharged the onerous duties of the office of its President you found in me a supporter and though I was in a different camp and politically did not see eye to eye with you, I supported your elevation to the Chair on the ground of fitness and fitness alone. Sir, by the way in which you have filled that office you have vindicated the fitness of Indians to fill any high office of responsibility and trust. But, Sir, there is a great significance in your elevation to this office. It is this, that by co-operation with Government and with the different parties, we can achieve our goal. There is another significance in your elevation to this office. It is that the Reforms are not as worthless as they have been sought to be made out. Sir, you have set a great example of co-operation and you have shown what we can achieve by co-operation and constructive work and I hope when the next Assembly meets the example you have set will not be lost upon the Members of extreme parties, and I am sure that if we work hand in hand and co-operate in working the Reforms for what they are, we shall not be surprised if the Statutory Commission comes out in 1927 instead of in 1929. With these remarks, Sir, I heartily join in the tribute that has been paid to you. But, Sir, let me say one word, that your own work is a great tribute to you, and greatly redounds to your credit as the first Indian President of the Assembly.

**Mr. J. Baptista** (Bombay Central Division : Non-Muhammadan Rural) : I have been here only for a short time but I venture to associate myself with the speakers that have preceded me in congratulating you upon the satisfactory discharge of the duties that devolved upon you. I understand, Sir, that Mr. Patel, the stormy petrel of the Swaraj Party, is quite a different person from Mr. Patel, the President

of this Assembly, but that only establishes the proposition that Indians possess a full sense of responsibility in the discharge of the office which they may be called upon to fill. Now, Sir, I hope and pray that the electors in the constituency and this House will establish the convention that obtains in England and in the House of Commons and see you filling that office once again. I am particularly gratified to find that the satisfactory discharge of the duties by you establishes the proposition that a good President of the Corporation of Bombay makes an excellent President of the Legislative Assembly.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, I claim to speak on behalf of the most numerous section, and perhaps not the least troublesome section, of the non-official Members of this House, I mean the back benchers, who are most of them conspicuous by their absence to-day. I endorse every word that has been said by the previous speakers in appreciation of your services. I am one of the very few Members present here to-day who had the honour of sitting in this House ever since its inauguration. I had the privilege of studying parliamentary procedure under the guidance of Sir Frederick Whyte, and I have no hesitation in saying that in you we have found a very worthy successor to the first President of the Legislative Assembly. I wish you God speed.

**Maulvi Muhammad Yakub** (Rohilkhund and Kumaon Divisions: Muhammadan Rural): Allow me also to join in offering my quota of tribute to you for the satisfactory manner in which you have discharged the duties of your high office. Sir, the elections are now coming on and this is the last day of the life of this Assembly. Some of us may come, while others may not come, but I can assure you that those who may have the honour of being returned to this Assembly as well as those who may not come back, will all be thankful to you and remain grateful for the courtesy and the kindness with which you have treated us in and out of the House. It is beyond my ability to pass any remarks upon your rulings. Honourable Members of this House who have been here for the last six years and have learned the parliamentary procedure under the guidance of Sir Frederick Whyte, have already paid the tribute to you which you justly deserve and I also join in what they said, namely, that your rulings have always given satisfaction to both the wings of this House. I join with the Honourable Members who have just expressed their wishes that you will return to this House without any contest, and hope you will again occupy this honourable seat in the House. Before I conclude I should be failing in my duty if I did not say a few words about the Honourable the Home Member and other Members of the Cabinet. I think I am voicing the feelings of this House when I say that, in spite of the differences of opinion which we may have had with the Honourable official Members of this House, and in spite of the heated and contested debates in the House, we have invariably received courtesy and kindness at the hands of the official Members of this House for which we are very thankful to them. I also join my Honourable friend Sir Sivaswamy Aiyer in paying my tribute to the Legislative Department for the way in which they have discharged their duties. I thank you again especially for the courtesy and consideration you have shown in this House to the back benchers in giving them opportunities to speak and finally I congratulate you on the success which you have achieved. Sir, we are parting here to-day under not very

[Maulvi Muhammad Yakub.]

happy circumstances. The atmosphere of the country is beset with dark clouds of communal dissensions, but we hope, that the effect of yesterday's debate and the effect of the very sympathetic and genial speech of His Excellency the Viceroy will help a great deal in clearing the atmosphere, and I hope and pray that next year, when the new Assembly sits, the horizon will be quite clear and bright and the new Assembly will come into being in an atmosphere of union and cordiality between the two great communities of this country and they will, in more favourable surroundings, start the work of leading India to the road to Swaraj for which we are all trying. With these words, after congratulating you again, I resume my seat.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I heartily join with my colleagues in offering you our cordial congratulations on, and in expressing our appreciation of, the manner in which you have discharged the duties of the very responsible office to which you were elected by the votes of this House. I do not wish to take up time by repeating what has been said, and I feel that I cannot improve upon what has been said in the excellent manner in which it has been said, except to express the hope that you will be returned unopposed to this Assembly and that it will be your proud privilege to serve the motherland again in the responsible position, the duties of which you have discharged with such distinguished ability and dignity.

**The Honourable Sir Alexander Muddiman** (Home Member) : The duty that has fallen to my lot is a pleasing change from the duty that I frequently have to undertake. It is frequently the case that I have to address the House to endeavour to persuade it to unanimity when, if I may say so, its natural impulse is to disagreement ; but I will say this that when the House is in a mood for agreement, it agrees very heartily and I think the speeches that have fallen from the various and numerous leaders to-day establishes that fact very clearly. It would be entirely inappropriate for me not to join in the congratulations to you, Sir, on the manner in which you have discharged your duties. I very respectfully lay my bunch of roses on your desk in addition to the other bouquets that have fallen to your lot. You know, Sir, that I have also been a President in my time and I have no doubt you have found, as I have found, that the cares and responsibilities of that office are sometimes very great. I do not think that you would support the opinion that the presidential Chair is always a bed of roses. Therefore, Sir, the credit for filling that Chair in a becoming manner is all the greater. I am sure it will always be a satisfaction to you to remember that you were the first President elected by the Assembly to preside over it and that your term of office, though it may have been comparatively brief, has not been uneventful. Indeed I think the constitutional historians will refer to it as a landmark in the history of this Assembly. (Applause.) I trust, Sir, that there are many active years of public life before you, and I therefore do not propose to dwell, as I otherwise would, on the fact that we have known one another for many years in various capacities, and I trust that you will not think, if I do not dilate on the personal aspect of the case, that I do not appreciate it. On my own behalf and on behalf of those who sit behind me I offer you my thanks and their thanks for the very considerate and courteous

way in which you have maintained those relations between the Chair and the Leader of the House which alone can contribute to the proper disposal of public business. Sir, I do not know whether it would be right for the Leader of the House to express any views on the elections, but I will leave you to guess what those views are in respect of one of them. I can only say that as this is the last meeting of this Assembly which I have had the honour to lead for some time I should like to thank the Members generally for the very courteous and kindly way in which they have conducted their business with me. We must differ no doubt, but at any rate let us differ without bitterness or bad feeling. (Applause.)

**Mr. President :** Brother Members and comrades of the Indian Legislative Assembly, I confess I do not know how to thank you sufficiently for the generous treatment I have received throughout the period of my office, from all sections and from every Member of this House, and, more particularly, for the flattering speeches which I have just heard. I am, indeed, grateful to you for your unfailing co-operation with the Chair during that period. I am also grateful for your ready and cheerful acceptance of my rulings from time to time though they might have been distasteful to some of you on occasions. I am particularly grateful to you for one other matter to which I should like to refer on this occasion. As you must have noticed, I have always been very jealous of the privileges of this House, such as they are under the present constitution, and, more so, of the authority, dignity and the honour of this Chair. I am glad to acknowledge that you have on all occasions given your full support to me in my endeavours to guard those privileges, and to maintain that authority, that dignity and that honour. (Applause.) If at any time I have given offence to any Member, or Members (*Honourable Members*: "No, no.") or any section of the House, it was unwittingly, it was inadvertently, and I ask their pardon most sincerely to whomsoever it may have happened. If on any occasion I have deviated from that calm, which must characterise all the utterances of the occupant of this Chair, I wish every Member of the House to believe me when I say that I was not consciously actuated by any personal or political feeling, but in everything I have said or done, I have tried to consult the advantage and the general interest of this House and the country. (Applause.)

When in your collective wisdom you called me to this exalted Chair, I took it with a solemn determination within myself that I should be absolutely impartial in everything. I soon realised that for an elected President it was not enough to be merely impartial, but it was more essential for him to inspire in every Member of the House a feeling that he would be impartial. I found that the only and the best way to inspire that feeling in you was that I should lay aside, so long as I occupied this Chair, all that was personal, all that was of party, all that savoured of political predilection, and to subordinate everything to the great interests of the House as a whole. I desire to assure you that I have ever endeavoured to work on these lines to the best of my capacity, in spite of my political surroundings and political associations for a number of years before I took the Chair. It is not for me to say how far I have been successful in those endeavours. As some of you are already aware, one of the objects—I will not say the only object—which induced me to accept this office was to demonstrate to the

[Mr. President.]

British Government that public men in India, if they have been in some quarters described as irresponsible and destructive critics of the existing system of administration, are so because they have not been entrusted with responsibility ; and the only way to fit the people of this country for responsible government is to entrust them with the working of such a government. How far I have been able to achieve that object, and how far it will further the cause of this country are matters on which I do not feel competent to express any opinion.

Before I conclude, you will permit me to acknowledge with thankfulness the valuable assistance and advice I have constantly received from the two officers of this House, I mean Mr. Graham and Mr. Gupta. Not that I had no occasion to differ from them, but the most admirable quality with which I was particularly struck was that, once I passed my orders on any matter, in spite of their opinion to the contrary they accepted my decision and loyally supported me throughout. (Applause.) It was simply a pleasure to work with them.

I have now done. Before I adjourn the House, may I request you to do me the honour of shaking hands with me, and for that purpose may I invite you, Sir Alexander Muddiman, as the Leader of the House, to lead the way.

(The Members then shook hands with Mr. President.)

The Assembly then adjourned *sine die*.

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