

1st February 1937

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume I, 1937

(25th January to 19th February, 1937)

**FIFTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1937**



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1937**

M89LAD

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

SIR MUHAMMAD YAKUB, KT., M.L.A.

MR. S. SATYAMURTI, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

SIR COWASJI JEHangIR, BART., K.C.I.E., O.B.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

SIR LESLIE HUDSON, KT., M.L.A.

SARDAR SANT SINGH, M.L.A.

MR. M. GHILASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

CONTENTS.

VOLUME I.—25th January to 19th February, 1937.

	PAGES.		PAGES.
MONDAY, 25TH JANUARY, 1937,—		MONDAY, 25TH JANUARY, 1937,—<i>contd.</i>	
Members Sworn	1	The Land Customs (Amendment) Bill—Introduced	184
Questions and Answers	2—117	The Code of Civil Procedure (Second Amendment) Bill (Insertion of new section 44-A)—Recommitted to Select Committee	184—85
Unstarred Questions and Answers	117—25	The Arbitration (Protocol and Convention) Bill—Referred to Select Committee	185
Statements laid on the Table	125—57	The Indian Lac Cess (Second Amendment) Bill—Passed	185—86
Deaths of Maulvi Badi-uz-Zaman and U Ba Si	157—58	The Hindu Women's Rights to Property Bill—Presentation of the Report of the Select Committee	186
Motion for Adjournment <i>re</i> Official interference in elections at Moradabad—Ruled out of order	158—59	TUESDAY, 26TH JANUARY, 1937,—	
Report of the Government Delegates at the twentieth session of the International Labour Conference, laid on the table	159—81	Questions and Answers	187—226
Panel of chairmen	182	Unstarred Questions and Answers	226—31
The Durgah Khawaja Saheb Bill	182	The Insurance Bill—Introduced	232
Loyal congratulations to His Majesty King George VI, Emperor of India, upon His accession and an assurance of devotion to His Royal Person	182	Resolution <i>re</i> —	
Motion <i>re</i> Election of the Standing Committee for the Department of Commerce—Adopted	182—83	Draft Convention of the International Labour Conference <i>re</i> maintenance of rights under invalidity, old-age and widows' and orphans' Insurance—Adopted	232—33
The Repealing and Amending Bill—Withdrawn	183	Draft Convention of the International Labour Conference <i>re</i> annual holidays with pay—Adopted	233—49
The Indian Boilers (Amendment) Bill—Introduced	183		
The Indian Electricity (Amendment) Bill—Introduced	183		

	PAGES.		PAGES.
WEDNESDAY, 27TH JANUARY, 1937,—		MONDAY, 1st FEBRUARY, 1937,—<i>contd.</i>	
Statements laid on the table	251—52	The Contempt of Courts (Amendment) Bill—Introduced	340
Demands for Supplementary Grants	252—64	The Indian Income-tax (Amendment) Bill—Introduced	340
THURSDAY, 28TH JANUARY, 1937,—		Amendment of Indian Legislative Rules—Referred to a Committee	341—87
Short Notice Question and Answer	265—68	The Land Customs (Amendment) Bill—Passed	387—92
The Arya Marriage Validation Bill—Postponed	268—70	The Indian Boilers (Amendment) Bill—Referred to Select Committee	392—94
The Hindu Marriage Validity Bill—Discussion on the motion to refer to Select Committee not concluded	270—320	The Indian Electricity (Amendment) Bill—Referred to Select Committee	394—96
FRIDAY, 29TH JANUARY, 1937,—		TUESDAY, 2ND FEBRUARY, 1937,—	
Short Notice Question and Answer	321	Members Sworn	397
Governor General's assent to Bills	321—22	Questions and Answers	397—402
The Code of Civil Procedure (Second Amendment) Bill—Presentation of the report of the Select Committee	322	The Insurance Bill—Referred to Select Committee	402—16
The Arbitration (Protocol and Convention) Bill—Presentation of the report of the Select Committee	322	The Indian Railways (Amendment) Bill—Referred to Select Committee	416—28
Resolution <i>re</i> interference from Public Servants in the ensuing Elections—Adopted, as amended	322—23	WEDNESDAY, 3RD FEBRUARY, 1937,—	
Statement of Business	323—25	Questions and Answers	429—39
MONDAY, 1ST FEBRUARY, 1937,—		Demands for Supplementary Grants in respect of Railways	437—66
Member Sworn	327	THURSDAY, 4TH FEBRUARY, 1937,—	
Message from H. E. The Governor General	327	Members Sworn	467
Questions and Answers	327—37	Amendment of Indian Legislative Rules—Presentation of the Report of the Assembly Committee	467
Statements laid on the Table	337—38	The Hindu Marriage Validity Bill—Motion to refer to Select Committee, negatived	467—85
Election of the Standing Committee for the Department of Education, Health and Lands	338—40		

	PAGES.
THURSDAY, 4TH FEBRUARY, 1937,—<i>contd.</i>	
The Hindu Women's Rights to Property Bill—Passed	485—515
The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 30, 34, 34A and 35)—Discussion on the motion to refer to Select Committee not concluded	515—20
Appendix "A"	521—28
FRIDAY, 5TH FEBRUARY, 1937,—	
Questions and Answers	529—33
Statements laid on the table	533—46
Message from H. E. the Governor General	547
Statement of Business	547—48
MONDAY, 8TH FEBRUARY, 1937,—	
Member Sworn	549
Questions and Answers	549—50
The Indian Naval Armament (Amendment) Bill—Introduced	550
Amendment of the Indian Legislative rules	551—607
TUESDAY, 9TH FEBRUARY, 1937,—	
Members Sworn	609
Questions and Answers	609—12
The Indian Boilers (Amendment) Bill—Presentation of the Report of the Select Committee	612
The Indian Electricity (Amendment) Bill—Presentation of the Report of the Select Committee	612
Amendment of the Indian Legislative Rules	612—16
The Indian Income-tax (Amendment) Bill—Passed as Amended	617—38
The Contempt of Courts (Amendment) Bill—Passed	638—41

	PAGES.
TUESDAY, 9TH FEBRUARY, 1937,—<i>contd.</i>	
The Code of Civil Procedure (Second Amendment) Bill—Insertion of new section 44A—Passed as amended	641—47
The Arbitration (Protocol and Convention) Bill—Passed	647—60
The Code of Civil Procedure (Third Amendment) Bill—Amendment of section 60—Passed as amended	650—58
WEDNESDAY, 10TH FEBRUARY, 1937,—	
Member Sworn	659
Message from H. E. the Governor General	659
Election of Members to the Standing Committee on Emigration	659—60
The Repealing and Amending Bill—Introduced	660
The Workmen's Compensation (Amendment) Bill—Introduced	660
Resolution re creation of a separate Road Fund for the purposes of Road Development—Adopted as amended	660—714
The Manœuvres Field Firing and Artillery Practice Bill—Referred to Select Committee	714—15
THURSDAY, 11TH FEBRUARY, 1937,—	
The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 30, 34, 34A and 35)—Motion to refer to Select Committee, negatived	717—56
The Indian Arms (Amendment) Bill—Discussion on the motion to refer to Select Committee [not concluded	757—66

	PAGES.		PAGES.
FRIDAY, 12TH FEBRUARY, 1937,—		FRIDAY, 19TH FEBRUARY, 1937,—	
Questions and Answers	767—72	Questions and Answers	879—88
Statements laid on the Table	772—74	Unstarred Questions and Answers	886—91
Message from H. E. the Governor General	774	Notification referred to in the Resolution re Emigration to Burma	891
Statement of Business	774—75	Statement of Business	891
Resolution re Revision of Pension Rules for Inferior Services—Withdrawn	775—87	The Indian Limitation (Amendment) Bill—Introduced	891
TUESDAY, 16TH FEBRUARY, 1937,—		The Indian Tea Cess (Amendment) Bill—Introduced	891—92
Member Sworn	789	The Indian Army (Amendment) Bill—Introduced	892
Questions and Answers	789—801	The Agricultural Produce (Grading and Marking) Bill—Passed as amended	892—97
Unstarred Questions and Answers	801—03	The Indian Boilers (Amendment) Bill—Passed as amended	898—99
Message from H. E. the Governor General	803	The Indian Electricity (Amendment) Bill—Passed as amended	899—900
Presentation of the Railway Budget for 1937-38	804—12	The Indian Naval Armament (Amendment) Bill—Passed	900—02
Committee on Petitions	812—13	The Workmen's Compensation (Amendment) Bill—Passed	902—03
Election of the Standing Committee for the Department of Industries and Labour	813—14	Resolution re Emigration to Burma—Adopted	903—04
The Agricultural Produce (Grading and Marking) Bill—Introduced	814		
THURSDAY, 18TH FEBRUARY, 1937,—			
Statements laid on the Table	815—16		
The Railway Budget—General Discussion	816—78		

LEGISLATIVE ASSEMBLY.

Monday, 1st February, 1937.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Arthur deCoetlogan Williams, M.L.A. (Government of India: Nominated Official).

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

RAILWAY BUDGET DATES.

Mr. President (The Honourable Sir Abdur Rahim): I have received a Message from His Excellency the Governor General regarding the Budget dates. The Message is as follows:

"For the purposes of sub-section (1) of section 67-A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the following days in supersession of those already fixed in my order dated the 17th December, 1936, for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:

Tuesday, the 16th February, 1937

... Presentation in the Legislative Assembly.

Friday, the 19th February, 1937 ...

General discussion in the Legislative Assembly.

Tuesday, the 23rd February, 1937

Wednesday, the 24th February, 1937

Thursday, the 25th February, 1937

Friday, the 26th February, 1937 ...

*... } Voting on Demands for
... } Grants in the Legislative
... } Assembly.*

(Sd.) LINLITHGOW,
Viceroy and Governor General."

NEW DELHI;

The 30th January, 1937.

QUESTIONS AND ANSWERS.

CIVIL SUIT FILED BY MR. J. CAROLL, FORMERLY A ROMAN CATHOLIC MILITARY CHAPLAIN IN THE ARCHDIOCESE OF AGRA, FOR THE RECOVERY OF HIS SALARY.

324. ***Mr. M. Asaf Ali:** (a) Are Government aware that Mr. J. Carroll, formerly a Roman Catholic Military Chaplain in the Archdiocese of Agra.

filed a civil suit in the Court of the Sub-Judge, Dehra Dun (suit No. 274 of 1935) for the recovery of what he deemed to be his due, in respect of half of his sanctioned salary against the Archbishop of Agra?

(b) Is it a fact that the Archbishop of Agra in the above mentioned suit pleaded that the plaintiff, Mr. J. Carroll, was not entitled to more than half his salary as he was under a Vow of Poverty?

Mr. G. R. F. Tottenham: (a) and (b). The Government have no information.

RELEASE OF THE EX-MAHARAJA OF NABHA.

325. ***Mr. Lalchand Navalrai** (on behalf of Sardar Mangal Singh): Will Government please state whether they have considered or are prepared to consider the question of the release of the ex-Maharaja of Nabha at the time of Coronation Darbar in London or in India?

Sir Aubrey Metcalfe: No, Sir.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there have been any conditions on which his release can be obtained? Has he been detained under any conditions which he has to perform before he is released?

Sir Aubrey Metcalfe: That is not a subject which I am prepared to discuss on the floor of this House.

GRIEVANCES OF THE PEOPLE OF THE DELHI PROVINCE.

326. ***Mr. M. Asaf Ali:** Will Government be pleased to state what practical results have followed in respect of the various answers Government have given to the questions I have put during the last two years regarding grievances of the people of the Delhi Province with particular reference to:

- (a) the preferential claims of the people of Delhi in the various Government Departments of the Province, especially the Police, the Judiciary, the Revenue Department, the Irrigation Department and the Public Works Department; and
- (b) the building of new and suitable courts in a central place?

The Honourable Sir Henry Craik: (a) The Honourable Member probably has in mind his questions Nos. 103, 105 and 106 asked in February 1935. In view of the replies given by me to these questions no further action was called for or taken.

(b) The construction of a new building for the courts is under consideration.

GRIEVANCES OF THE PEOPLE OF THE DELHI PROVINCE.

327. ***Mr. M. Asaf Ali:** Will Government be pleased to state what practical results have followed in respect of the various answers Government have given to the questions I have put during the last two years

regarding grievances of the people of the Delhi Province with particular reference to:

- (a) the schemes of relieving the congestion of the old town, and improving the civil amenities, *i.e.*, drainage, water-supply, macadamised roads, etc., of estates owned by Government;
- (b) relief of the rural population of Delhi Province from professional tax, tax on wells and remission of land revenue; and
- (c) educational facilities for students in the educational institutions and medical and engineering colleges of other provinces?

Sir Girdja Shankar Bajpai: (a) As the Honourable Member is aware, Government are considering the formation of an Improvement Trust for Delhi, which could deal with the matters referred to by the Honourable Member.

(b) Enquiries have been made and a reply will be furnished to the House in due course.

(c) There is no bar to Delhi students joining the engineering colleges in other provinces except the Poona College of Engineering to which only students residing in the Bombay Presidency are admitted. As regards medical collegiate education, the Government of India are still in correspondence with the Local Governments on the subject.

GRIEVANCES OF THE PEOPLE OF THE DELHI PROVINCE.

328. ***Mr. M. Asaf Ali:** Will Government be pleased to state what practical results have followed in respect of the various answers Government have given to the questions I have put during the last two years regarding grievances of the people of the Delhi Province with particular reference to the supply of cheap electricity to both ordinary and power consumers?

Sir Girdja Shankar Bajpai: The whole problem of the supply of electricity in Delhi is being investigated by an expert committee.

PRODUCTION OF ELECTRICITY AT THE KALYAN POWER HOUSE.

329. ***Dr. Ziauddin Ahmad:** (a) What is the cost of producing electricity per unit at the Kalyan Power House, after allowing interest charges, depreciation and working expenses?

(b) Is the present installation capable of producing more electricity without substantial increase in the capital? If so, how many units per hour?

(c) Is it a fact that the Great Indian Peninsula Railway or the Bombay, Baroda and Central India Railway purchase electricity from Town Supply Companies for consumption in Bombay and suburbs? If so, how much?

(d) Is it not a fact that the contract of the Bombay Town Supply Company will soon expire?

(e) Are Government, in the interest of tax-payers, prepared to give notice that the Bombay, Baroda and Central India and Great Indian Peninsula Railways will purchase electricity from the Kalyan Power House to the extent of available supply?

The Honourable Sir Muhammad Zafrullah Khan: (a) Slightly over half an anna per unit on the present output.

(b) Yes, but some extra plant would be required before the installation could supply the whole of the requirements for the Great Indian Peninsula and Bombay, Baroda and Central India Railways.

(c) The Great Indian Peninsula Railway purchase the greater part of their electricity from the Tata group of hydro-electric companies and the Bombay, Baroda and Central India Railway all their requirements. About 70 million units for Great Indian Peninsula and 30 million for Bombay, Baroda and Central India.

(d) The contracts with this group of companies can be terminated on 3rd February, 1940, for the Great Indian Peninsula and on the 31st December, 1942, for the Bombay, Baroda and Central India.

(e) Government have already given notice of termination of the contracts for the Great Indian Peninsula Railway. Nearly three years will elapse before decision has to be made as to the future supply of electricity to the Bombay, Baroda and Central India Railway. Before that date, the Bombay, Baroda and Central India Railway Company will, no doubt, submit proposals.

Government have under consideration a scheme for supplying all the electric power required for the Great Indian Peninsula Railway from the Kalyan Power House.

Dr. Ziauddin Ahmad: May I know whether Government are utilising the Kalyan Power Station in full, and whether the maximum quantity of electricity that the plant could produce is now being produced and utilised?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I will have to require notice of that question.

Dr. Ziauddin Ahmad: The next point I would like to ask is—at what price do the Great Indian Peninsula and Bombay, Baroda and Central India Railways purchase electricity from the Tata group of companies?

The Honourable Sir Muhammad Zafrullah Khan: I would also have to require notice of that question.

Dr. Ziauddin Ahmad: Have Government prepared a profit and loss account of the Kalyan Power Station?

The Honourable Sir Muhammad Zafrullah Khan: I imagine so—like every other business concern.

Dr. Ziauddin Ahmad: Is it a paying concern?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not say; I will have to find out, if the Honourable Member will put down a question.

Dr. Ziauddin Ahmad: Government have got a power station at Kalyan, and it should be utilised in full and it should be made a paying concern. Will the Honourable Member look into the point and inquire?

The Honourable Sir Muhammad Zafrullah Khan: I imagine the answer would be in both cases yes, but, in order to give a specific reply, I must find out about it if the Honourable Member will put down a question to that effect.

STEPS TO BE TAKEN IN CASE PROTECTED INDUSTRIES MAKE A PROFIT ABOVE THE AMOUNT CONTEMPLATED BY THE TARIFF BOARD.

380. ***Dr. Ziauddin Ahmad:** (a) In case of protected industries making a profit above the amount contemplated by the Tariff Board, do Government propose to take one of the following steps in the interests of tax-payers or consumers:

- (i) to diminish quantum of protection;
- (ii) to levy higher excise duty;
- (iii) to levy super higher tax of 10 annas in a rupee on the profit in excess of the amount contemplated by the Tariff Board; and
- (iv) to keep the excess profit in reserve for the period of depression?

(b) Which of the above methods do Government propose to enforce in case of Steel and Iron Companies?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The action that can be taken during the currency of a period of protection in regard to a protective duty that has become excessive for the purpose of securing the protection intended is prescribed in section 4 of the Indian Tariff Act, 1934. It is however not necessarily justifiable to take such action merely because the calculation on which the duty was based has proved erroneous in regard to one particular factor.

Dr. Ziauddin Ahmad: In view of the fact that the Steel and Iron companies are paying very high rate of dividends, much more than what the Tariff Board recommended, and, in view of the fact that they are not creating a reserve, will it not be taxing the tax-payers too much if, after seven years, these Iron and Steel companies come back again on the plea of being a national industry and asking for protection while they have been squandering the money that they have been collecting?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is an argument into which I cannot enter.

Dr. Ziauddin Ahmad: Will Government look into the matter?

The Honourable Sir Muhammad Zafrullah Khan: Government will certainly look into the matter. They are constantly reviewing the position.

Dr. Ziauddin Ahmad: Will Government lay a statement of the position on the table?

The Honourable Sir Muhammad Zafrullah Khan: When the occasion arises.

Dr. Ziauddin Ahmad: Does it not amount to forcing the consumers by civilised robbery or dacoity to pay large sums for the products in order that the companies might make huge profits and pay large dividends to the shareholders? The Steel Company afterwards will come again and put forward the plea that, in the interest of the national industry, protection must continue while as a matter of fact, they have been misusing their protection and paying large dividends?

The Honourable Sir Muhammad Zafrullah Khan: Is that not somewhat hypothetical?

Babu Baijnath Bajoria: When does the protection expire?

The Honourable Sir Muhammad Zafrullah Khan: After four years.

Dr. Ziauddin Ahmad: Will it again be renewed?

The Honourable Sir Muhammad Zafrullah Khan: Who can say? There is to be an enquiry in between.

INCOME FROM LICENCES AND DUTY ON RADIO SETS, ETC.

331. ***Mr. M. Asaf Ali:** (i) Will Government state:

- (a) the total amount of customs receipts on receiving radio sets for the years 1933-34, 1934-35, 1935-36 and 1936-37; and
- (b) the total receipts on licences for the same period?

(ii) How many new stations have been opened, and where? If no new stations have been opened, why not?

(iii) Is there a permanent cadre for the D. I. R.? If not, do Government propose to attract to and retain in the service Indians, who are best qualified to hold various posts?

There is a misprint in part (iii) of the question. "D.I.R." should read "A.I.R."

The Honourable Sir Frank Noyce: (i) (a) and (b). A statement giving the required information is laid on the table of the House.

(ii) No new broadcasting station has been opened recently. As the Honourable Member is aware, a scheme for the development of broadcasting in India was approved by the Standing Finance Committee only last September and the provision of suitable buildings and sites, as well as the process of ordering and obtaining the new apparatus required, for the new stations in that scheme must take time. Orders have recently been placed for the transmitting apparatus.

(iii) The reply to the first part is in the negative and the second part in the affirmative.

Statement showing the Revenue from Customs Duty on Wireless Reception Instruments and Apparatus and License Fees during the period 1933-34 to 1936-37.

Year.	Customs duty.	License fees.
	Rs.	Rs.
1933-34	4,09,000	1,09,000
1934-35	7,83,000	1,66,000
1935-36	10,81,000	2,56,680
1936-37	8,83,000	2,30,700
Upto December 1936.		

DEVELOPMENT OF THE INDIAN MERCANTILE SHIPPING.

832. ***Mr. M. Asaf Ali** (on behalf of Prof. N. G. Ranga): Will Government be pleased to state:

- if they have perused the paper by Prof. Naidu of Chidambaram University, read at the Indian Economic Conference, about the future of the Indian Mercantile Shipping;
- whether they propose to take special measures to develop the Indian enterprise in this direction; and
- if so, by what means?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have not seen the paper referred to, but they have seen extracts from the paper which appeared in the press.

(b) and (c). It is not clear what "special measures" are particularly intended, but the action which has been and is being taken to encourage the development of the Indian mercantile marine was detailed in my reply to a supplementary question asked by Mr. Satyanurti on the 5th February, 1936, with reference to his starred question No. 75, to which the attention of the Honourable Member is invited.

STRIKE ON THE BENGAL NAGPUR RAILWAY.

833. ***Mr. M. Asaf Ali** (on behalf of Prof. N. G. Ranga): Will Government be pleased to state what action has been taken by them to stop the strike on the Bengal Nagpur Railway or bring about a settlement between the Railway Authorities and the strikers? If no action was taken, why not?

The Honourable Sir Frank Moyce: The attention of the Honourable Member is invited to the reply I gave to his starred question No. 292.

TRAVELLING OF EXECUTIVE COUNCILLORS OF THE GOVERNMENT OF INDIA IN AEROPLANES.

334. *Mr. Sri Prakasa: (a) Is it a fact that Executive Councillors of the Government of India sometimes travel by aeroplanes? Are these aeroplanes specially chartered for them or do they travel as ordinary passengers in regular service aeroplanes?

(b) What is the cost of an aeroplane journey per mile for an Executive Councillor?

(c) Who decides whether a journey is to be performed by an aeroplane or by railway?

(d) Are Government prepared to prohibit the Executive Councillors from travelling by aeroplanes?

The Honourable Sir Henry Craik: (a) Yes, either as passengers in a regular air service machine or in an air taxi hired for the occasion or in Government aeroplane.

(b) The approximate cost is as follows:

(i) For regular air mail service machines— $3\frac{1}{2}$ annas for long journeys and 6 annas for short journeys.

(ii) For air taxis (depending on the type of machine used)—from 12 annas to Rs. 1-4-0.

(iii) For Government aeroplanes—Re. 1.

(c) The Honourable Member himself.

(d) The answer is in the negative.

FOREIGN EXPERTS EMPLOYED BY GOVERNMENT.

335. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

(a) the number of experts from European countries employed by them and by the Local Governments at the suggestion of the Government of India during the years from 1930 to 1936, to investigate problems in India connected with various aspects of administration;

(b) the expenditure incurred in connection with part (a) above; and

(c) the cases in respect of (a), in regard to which the initiative for the employment of experts proceeded from the Government or other bodies in the United Kingdom?

The Honourable Sir Henry Craik: (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 16th September last to Mr. T. S. Avinashilingam's starred question No. 413 about foreign experts and also to question No. 234 asked by Dr. Ziauddin Ahmad on the 25th January and the reply given thereto. The information relating to the cost of the experts employed, asked for by Dr. Ziauddin Ahmad, is being collected and will be placed on the table in due course. I am afraid that the collection of information going as far back as 1930 would mean an expenditure of labour which would hardly be justified.

EXPENDITURE INCURRED IN THE MAINTENANCE OF THE VICEREGAL LODGE,
NEW DELHI AND SIMLA.

336. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

- (a) the annual expenditure incurred in the maintenance of the Viceregal Lodge, New Delhi and Simla, separately; and
- (b) similar expenditure incurred in respect of the residences of the Governors General of the Dominions of Canada, Australia, New Zealand and South Africa?

The Honourable Sir Frank Noyce: (a) A statement showing the cost of maintenance of the Viceroy's House, New Delhi, and Viceregal Lodge, Simla, during the last three years is laid on the table.

(b) The Government of India have no information.

Statement showing the cost of Maintenance (including Municipal Taxes) of the Viceroy's House, New Delhi and Viceregal Lodge, Simla, during the last three years.

	1933-34.	1934-35.	1935-36.
	Rs.	Rs.	Rs.
The Viceroy's House, New Delhi	1,52,398	1,51,420	1,58,855
Viceregal Lodge, Simla	49,476	50,358	53,198

RESIGNATION OF SIR OSBORNE SMITH FROM THE GOVERNORSHIP OF THE RESERVE
BANK OF INDIA.

387. *Mr. Kuladhar Chaliha: Will Government be pleased to state whether they have explained to the public, who have invested five crores of rupees in the Reserve Bank of India, the reason or reasons actuating the resignation of Sir Osborne Smith, the Governor of the Bank? If not, why not?

The Honourable Sir James Grigg: I would refer the Honourable Member to the answer I gave on the 25th of January, 1937, to Mr. Mohan Lal Suklena's starred question No. 65.

NON-GRANT OF INCREMENTS TO CERTAIN CLERKS IN THE OFFICE OF THE
CONTROLLER OF TELEGRAPHS STORES, ALIPORE, CALCUTTA, ON
CONFIRMATION.

388. *Mr. Anni Chandra Datta (on behalf of Dr. P. N. Banerjee): (a) Is it a fact that there are some clerks in the office of the Controller of Telegraph Stores, Alipore, Calcutta, who were retained as a temporary measure for a period ranging from about six to ten years without annual increase in emoluments, and was it only on the 1st April, 1935, that they were confirmed, without their pay being fixed on a scale according to their proportionate service period? If so, why?

(b) Is it a fact that it was proposed to confirm these clerks on a scale of Rs. 50—6—110—5—160, on the basis of which their pay was fixed at Rs. 50 only per month, which is the initial stage of the said scale (in accordance with the spirit of Fundamental Rule 39) and that on this basis the names of these clerks were actually shewn in the said scale in the gradation list prepared by Mr. P. N. Mitra, C.I.E., on the 9th May, 1930, in view of their higher academic qualifications and the secretarial nature of work they were and are still performing?

(c) Is it a fact that although the identical temporary posts held by them were made permanent, these clerks were not confirmed with effect from the respective dates of their entry into the Department in the upper division scale, *vis.*, 50—6—110—5—160, but were confirmed in a lower division scale, *vis.*, 40—3—100, without due regard being paid to their length of service even in this scale?

(d) Was there a rule in the Posts and Telegraphs Department that the graduates would get four advance increments and the under-graduates two, on confirmation?

(e) Was the rule withdrawn long after these graduates and under-graduates as referred to above entered the Department? If so, what is the justification for depriving such employees of this concessional benefit of pay?

(f) Will the Honourable Member in charge of the Department of Industries and Labour refer to his answer to unstarred question No. 142, asked by Sardar Sant Singh, M.L.A., on the 8th October, 1936, and state why these graduates and under-graduates should be deprived of this concessional pay?

(g) Are Government aware of the amount of loss sustained by these clerks due to the excessive delay in confirming them?

(h) Will Government be pleased to state why their case was not decided earlier and why they were not retained on a time scale of pay while on continuous temporary service?

(i) Will Government be pleased to state whether these clerks are not entitled to get increments in accordance with their length of service, when they were subsequently confirmed in the identical posts held by them?

(j) Did these clerks submit individual petitions to His Excellency the Governor General of India in Council in January, 1936?

(k) If so, will the Honourable Member in charge of the Department of Industries and Labour kindly state whether he has gone through them and let this House know what Government propose to do with them?

The Honourable Sir Frank Noyce: (a), (d), (e), (f) and (h). The attention of the Honourable Member is invited to parts (a), (d) and (e) of the reply given by the Honourable Mr. D. G. Mitchell, on the 18th September, 1935, to his starred question No. 464.

(b) No. In this connection, the attention of the Honourable Member is invited to part (c) of the reply given by the Honourable Mr. D. G. Mitchell, on the 18th September, 1935, to his starred question No. 464. Government are not aware of any gradation list prepared by Mr. P. N. Mitra.

(c) The fact is not as stated by the Honourable Member. Of the clerks referred to, some were made permanent in the scale of Rs. 50—6—110—5—160, some in the scale of Rs. 40—3—100 and some in the scale of Rs. 45—2—65—3—95 according to the dates of their entry in service before or on and after 16th July 1931. As the temporary posts on fixed pay which these men held were never in any particular cadre or class the question of fixation of their pay according to the length of their service in a time-scale one to which they were brought on their permanency or to any other higher scale does not arise.

(g) and (i). The questions do not arise in view of the reply to parts (a) and (c).

(j) and (k). Some of the clerks have submitted petitions to the Governor General in Council and these are under consideration at present.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 126 and 127 asked by Sardar Sant Singh on the 25th January, 1937.

UNIVERSITY TRAINING CORPS TRAINING CAMP HELD AT SHAHDARA NEAR LAHORE.

126. (b) A minor explosion did occur. It was caused by some unknown person placing a small amount of explosive mixture in the lid of a water container. No cadet was injured nor was any other damage caused. The incident was regarded as a practical joke.

(c) Does not arise.

ALLEGATIONS AGAINST MR. C. J. HAMMIL, STATION SUPERINTENDENT, NORTH WESTERN RAILWAY.

127. "Government are informed as follows :

(a) Mr. Hammil has been Station Superintendent, Lahore, for about 11½ years.

(b) No.

(c) It is not always possible to take action on newspaper criticism which is frequently incorrect and inspired.

(d) The reply to the first part of the question is in the negative. The second part does not arise.

(e) No.

(f) The reply to the first part of the question is in the negative. The second part does not arise.

Information promised in reply to part (d) of starred question No. 157 asked by Mr. Mohan Lal Saksena on the 25th January, 1937.

EDUCATION OF THE CHILDREN OF ANGLO-INDIAN AND INDIAN EMPLOYEES OF RAILWAYS.

Government are informed as follows :

(d) Of class I Railways, excepting Nizam's State and Jodhpur, the Assam Bengal and Rohilkund and Kumaon Railways do not maintain any schools for Anglo-Indians;

on the Eastern Bengal, East Indian, Great Indian Peninsula, North Western, Bombay, Baroda and Central India, Bengal and North Western and Bengal Nagpur Railways Indian students are admitted to the Railway Schools maintained for Anglo-Indian children; on the Madras and Southern Mahratta and South Indian Railways, Indian students are admitted provided there are no other educational facilities for Indian children available at that station. The numbers of Indian children that can be admitted are regulated by the Educational Code of the Provinces in which the schools are located.

Information promised in reply to starred questions Nos. 158 and 214 asked by Mr. Lalchand Navalrai on the 25th January, 1937.

SUFFERINGS OF INDIANS OWING TO DEVASTATION CAUSED BY THE RECENT FLOODS IN THE PHILIPPINE ISLANDS.

158. (a) There has been no loss of life and no serious damage to property. Consequently no assistance was called for.

(b) There are about 630 British Indians in all living in the Philippine Islands.

REDUCTION OF PAY OF CERTAIN EMPLOYEES OF THE ELECTRICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

214. (a), (b) and (d). Certain erroneous payments were found to have been made in favour of daily rated employees of the Electrical Branch and these cases were regularised. In view, however, of the provision of paragraph 77 of the Railway Accounts Code Volume I,—copies of the relevant paragraph have been placed in the Library of the House—these recoveries were not made in respect of amounts drawn before the 1st January, 1935.

(c) Yes. Cases of mistry wiremen, such as Gurdit Singh, did not present any special features necessitating reduction or recovery of pay.

(e) Original rates of pay allowed on appointment to sanctioned posts have not been revised. Rates of pay were only revised in cases of erroneous increments and promotions which the officers concerned were not authorised to make.

(f) In view of the reply to parts (a), (b), (d) and (e) above, Fundamental Rule 15 is not applicable to these cases.

(g) As stated in reply to parts (a), (b) and (d) above, the re-rating had effect from the 1st January, 1935, only.

(h) In view of the reply to previous parts of the question, this does not arise.

Information promised in reply to part (c) of Mr. Sri Prakasa's starred question No. 299 on the 26th January, 1937.

REPORT SUBMITTED BY RAIZADA HANS RAJ AND SIR MUHAMMAD YAMIN KHAN ON THEIR VISIT TO THE ANDAMANS.

(c) Rs. 1,632.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians overseas—Emigration' and 'Haj Pilgrimage' dealt with in the Department of Education, Health and Lands."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians overseas—Emigration' and 'Haj Pilgrimage dealt with in the Department of Education, Health and Lands.'"

Mr. N. M. Joshi (Nominated Non-Official): Sir, may I ask the Honourable Member what work this Committee did during the last year? How many times did it meet and which important questions the Committee considered during the year? May I also suggest to the Government that when Resolutions of this nature are introduced in the Legislature, they should give the Legislature a report of the work of the Committees? The Legislature is asked to elect Members to a Committee. The Committee as a whole is a Committee of the Legislature. It is, therefore, due to the Legislature that some report of the work of the Committee should be presented in some form. I shall be content if the Member in charge makes a speech and tells us what the Committee did. Sir, I feel that it is due to the House that some report should be given about the work done by these Committees.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I take this opportunity to draw the attention of the Honourable Member in charge of this Department to one or two difficulties under which the pilgrims to Hedjaz are suffering.

Sir Girja Shankar Bajpai: Sir, this Committee definitely excludes from the purview of its consideration matters relating to the Hedjaz for which there is a separate Committee.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must have overlooked it.

Dr. Ziauddin Ahmad: This question also no doubt relates to that particular Department. I may not get any other opportunity to discuss this question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the motion before the House.

Dr. Ziauddin Ahmad: Will it come later?

Sir Girja Shankar Bajpai: The Committee relating to the Hedjaz Pilgrimage is elected every year. My Honourable friend will have an opportunity of making his points when I make the motion to elect a Committee for that purpose.

Dr. Ziauddin Ahmad: Then, I will not take this occasion to deal with that.

Sir Girja Shankar Bajpai: Sir, my Honourable friend, Mr. Joshi, wanted information on two points, the first is as to the number of times this Committee has met and the second the work it has done. The Committee has not met since last year and it has done no work since

[Sir Girja Shankar Bajpai.]

last year, the explanation being that the more important matters with which my Department deals are looked after by the Committee on Indians Overseas and the Committee on Hedjaz Pilgrimage; but there is always the possibility that some question relating to the other matters dealt with by my Department may arise, and we, therefore, feel it desirable to have the help of a Committee of this House for the consideration of these problems.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage' dealt with in the Department of Education, Health and Lands."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that the election of Members for the Standing Committee for the Department of Education, Health and Lands will be conducted in accordance with the principle of proportional representation by means of the single transferable vote. The dates for receiving nominations and for holding election, if necessary, for the Committee will be announced later.

THE CONTEMPT OF COURTS (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill to amend the Contempt of Courts Act, 1926, for a certain purpose.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to amend the Contempt of Courts Act, 1926, for a certain purpose."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

AMENDMENT OF INDIAN LEGISLATIVE RULES

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That the following draft amendments to the Indian Legislative Rules be taken into consideration, namely:

"That in rule 8 of the said rules:

(a) in sub-rule (1) the following shall be inserted at the beginning, namely:

'subject to the provisions of sub-rule (3) to (6).'; and

(b) after sub-rule (2) the following sub-rules shall be added, namely:

(3) Not more than three questions asked by the same member shall be placed on the list of questions for oral answer on any one day.

(4) No question shall be placed on the list of questions for answer unless:

(a) at least five clear days' notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed; or

(b) the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs.

(5) The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments of the Government as the President may, from time to time, provide, and on each such day, unless the President with the consent of the Member of the Government to whose department the question relates otherwise directs, only questions relating to the department or departments for which time on that day has been allotted, and questions addressed to non-official members, shall be placed on the list of questions for answer.

(6) If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof."

Sir, I should like to inform this House that in 1933 a similar question was taken up by this House. What happened was that a non-official Member, Mr. S. C. Mitra, wanted Standing Order 17 to be changed, and his suggestion was that the number of questions to be orally answered should be limited to four. As Honourable Members are aware, there is a definite procedure laid down in connection with any change or amendment of a Standing Order. That was followed, and the matter was taken up by a Committee. Then, what happened before the Committee was that they felt that if the Members of the House will take care in selecting questions which will probably require supplementary questions to be put, then the inconvenience which has been felt will disappear; and they advised that for the moment the matter might be dropped. And that was done. That was in December, 1933. After December, 1933, it has to be seen whether the expectation on which the advice to drop the matter was based has been realised or whether matters have gone from bad to worse. Now, Sir, I will give you some facts which will enable you and this House to understand what has been happening. Taking the last Simla Session, one Member occupied the whole of the question time on the 1st September, barring three questions. On the 4th September, the whole time was occupied by one Member, barring one question.

An Honourable Member: The same Member?

The Honourable Sir Nripendra Sircar: I am not sure. On the 7th, 8th and 10th September, on each of these three days a single Member occupied the whole time. In the Simla Session, one single Member put 395 starred questions, while three other Members were at a reasonable distance from him, because they put between 100 and 160 questions each. If the situation in 1933 induced Mr. Mitra to move in the direction in which we are doing today, I submit the position today has not certainly improved but has deteriorated.

Sardar Sant Singh (West Punjab: Sikh): *Today* it has improved.

The Honourable Sir Nripendra Sircar: My Honourable friend, Sardar Sant Singh, is improving the situation as an Independent Nationalist Congress Member.

Then, Sir, I do not quote the language used for the proposed changes, but the two really important questions are,—and I do not suggest they are not important,—whether questions should be limited in number at all, or rather the oral replies. If the answer is in the affirmative, what is a reasonable limit, *i.e.*, should it be 8 or 6 or 25? What is a reasonable number? The second important matter is the question of not carrying over unanswered questions of the day—whether we are going to continue the practice which is followed in the House or whether it would be an improvement to follow the practice of Parliament and to have lists for the day. Those are the two really important questions so far as the House is concerned.

There is another question which is important, and extremely important not so much from the point of view of the Honourable Members of this House as of the office: that is to say, we have got to consider whether the working of the changed rules, assuming they are changed, will create any practical difficulties in their working so far as the office and so far as the President are concerned. That is a matter to which we have paid as much attention as was humanly possible, and we are grateful to Mr. Rafi for giving as much time as we wanted for discussing this matter from the office point of view. The discussions were between Mr. Rafi and the officials of the Legislative Department. This matter has been brought up before the House, because if I may remind the House—it is possible most of you remember it—my predecessor, Sir Brojendra Mitter, assured the House that in connection with any important change in the Legislative Rules the opinion of the House will be consulted. As part of the explanation of the pledge, he made it perfectly clear that under the present constitution the responsibility for these rules is on the Governor General in Council and that it was not right that this responsibility should be shared by that body with anybody else. But in coming to a conclusion as to what should or should not be done and what changes are desirable, an assurance was given that the opinion of this House will be consulted. We are following the same practice which we have done in cases where similar circumstances have arisen. It is not a case of changing the Standing Orders, for which the procedure has been laid down in our rules. If I may remind the House, when it was necessary or thought advisable to have the opinion of this House on the report of the Joint Parliamentary Committee, and I think the position was the same then—

a motion was moved in exactly the same language, namely, that the matter be taken into consideration, and thereupon amendments are moved by different Members of the House. Those amendments are discussed, and such amendments as were carried were taken to represent the opinion of the House on those matters. So we have not departed from the usual practice which we have been following all along in such circumstances, and that is the reason why I have moved this motion. The real object is to get the opinion of this House on the changes which are suggested. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the following draft amendments to the Indian Legislative Rules be taken into consideration, namely:

"That in rule 8 of the said rules:

(a) in sub-rule (1) the following shall be inserted at the beginning, namely:

'subject to the provisions of sub-rule (3) to (6),' ; and

(b) after sub-rule (2) the following sub-rules shall be added, namely:

'(3) Not more than three questions asked by the same member shall be placed on the list of questions for oral answer on any one day.

(4) No question shall be placed on the list of questions for answer unless:

(a) at least five clear days' notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed; or

(b) the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs.

(5) The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments of the Government as the President may, from time to time, provide, and on each such day, unless the President with the consent of the Member of the Government to whose department the question relates otherwise directs, only questions relating to the department or departments for which time on that day has been allotted, and questions addressed to non-official members, shall be placed on the list of questions for answer..

(6) If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof."

Mr. M. Asaf Ali (Delhi: General): Mr. President, I rise to move:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

My reason for making this motion is very simple. I have carefully listened to the speech of the Honourable the Law Member, and it appears to me that the object of the Government in submitting this question for the consideration of the House is to consult the opinion of the House. But in the House today I find not more than about 10 elected Members out of a total of 105"

Mr. F. E. James (Madras: European): Why?

Another Honourable Member: Whose fault?

Mr. M. Asaf Ali: I would not like to enter into that question at this stage, and if the House wants me to explain to them the reasons for the absence of a majority of elected Members, I shall very gladly do so. I

[Mr. M. Asaf Ali.]

take it that the assurance which the Government gave to the House in 1933, or whichever year it was, that they would always obtain the opinion of the House in regard even to matters which may be the exclusive responsibility of the Governor General in Council or the Governor General, was a genuine assurance and not merely a fraudulent assurance. If it was genuine, then the Government ought to have waited until the House was really a representative House as far as the elected Members were concerned: they ought to have waited until a sufficient number of elected Members were present in the House before submitting this particular question to the consideration of the House with a view to eliciting the opinion of the House; or they might have made out a case of some sort of urgency. I beg you, Sir, to consider whether the Government have made out any case of urgency. During this Session, so far as we know, there are not more than about 500 questions, all told. Some have already been answered; there may be notice given of a few more questions which have not yet been transferred to the list of questions to be answered from day to day. Whatever may have happened in the past, it cannot be contended for a moment that today the Government have any justification for proposing the amendments which they do. Apart from any other considerations, I submit for the consideration of this House one or two grounds which totally negative the assertion made by the Honourable the Leader of the House. After the 31st of March, a very large number of questions which have so far been asked in the House will automatically go by the board . . .

The Honourable Sir Henry Craik (Home Member): Why?

Mr. M. Asaf Ali: Well, the Honourable the Home Member asks me why? Because most of the work which is now entrusted to him today will have passed out of his hands and will go to the provinces . . .

Sir Leslie Hudson (Bombay: European): What about the Railway Board?

Mr. M. Asaf Ali: Not only that, Sir. I also urge another ground. Today I believe we are governed by the Government of India Act, 1935 . . .

Mr. President (The Honourable Sir Abdur Rahim): Is that so?

Mr. M. Asaf Ali: Today we are governed by the Government of India Act, 1935 . . .

Several Honourable Members: No, no.

Mr. M. Asaf Ali: Yes, I beg to submit we are to the extent to which the question of these rules is concerned . . .

Several Honourable Members: No, no.

Mr. M. Asaf Ali: It is only under section 817 that the Government can come in . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's point?

Mr. M. Asaf Ali: My point is, it is under the transitional provisions that this Government is being carried on . . .

The Honourable Sir Henry Craik: No, no.

Mr. M. Asaf Ali: Except to the extent of Schedule IX

Mr. President (The Honourable Sir Abdur Rahim): That is from the 1st of April, and not now.

Several Honourable Members: Yes, that is so.

Mr. M. Asaf Ali: I think Honourable Members will have every opportunity of contesting this proposition when they are called upon to speak. In the meantime, I want them to allow me to speak and make my point. Section 317 of the Government of India Act, 1935, says:

"The provisions of the Government of India Act set out, with amendments consequential on the provisions of this Act, in the Ninth Schedule to this Act (being certain of the provisions of that Act relating to the Governor General, the Commander-in-Chief, the Governor General's Executive Council and the Indian Legislature and provisions supplemental to those provisions) shall, subject to those amendments, continue to have effect notwithstanding the repeal of that Act by this Act."

It is laid down in Schedule IX that the Governor General may make rules under section 67 for the business of the Assembly, and this is the provision:

"Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules."

Then, Sir, we see that no authority is mentioned in this particular section. We have, therefore, to refer to another section under which

Mr. President (The Honourable Sir Abdur Rahim): But is the Act in force?

Mr. M. Asaf Ali: This is in force now.

The Honourable Sir Nripendra Sircar: No, no.

Mr. M. Asaf Ali: Is it denied by the Honourable the Law Member that he proposes to make these rules or the Governor General proposes to make these rules under any other section but those I am quoting now?

The Honourable Sir Nripendra Sircar: Yes.

Mr. M. Asaf Ali: Will he kindly tell me if there is any other provision?

The Honourable Sir Nripendra Sircar: Under the existing law.

Mr. M. Asaf Ali: This is the existing law which I am quoting, and if the Honourable the Law Member does not know even that much, I think very little of the legal ability of the Honourable Member

Mr. N. M. Joshi (Nominated Non-Official): May I rise to a point of order, Sir. Is this discussion really necessary for deciding the adjournment motion?

Mr. President (The Honourable Sir Abdur Rahim): Under the Act of 1935, this motion will not be competent, is that the point of the Honourable Mr. Asaf Ali?

Mr. M. Asaf Ali: My point is that even under the law which is applicable today

Mr. President (The Honourable Sir Abdur Rahim): Which is the law applicable today? Is it the Act of 1935?

Mr. M. Asaf Ali: This is the old law which has been retained under the present Act.

Mr. President (The Honourable Sir Abdur Rahim): By the present Act, do you mean the Act of 1935? It does not become the present Act until the 1st of April, 1937.

Mr. M. Asaf Ali: We shall cut that out.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean the Act of 1919?

Mr. M. Asaf Ali: Even there the responsibility of the Government is defined under section 129A. It says this:

"Where any matter required to be prescribed or regulated by rules under this Act
and then you come to sub-section (3)

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member's motion is that the debate be adjourned. Now, he is arguing on the merits,

Mr. M. Asaf Ali: No, Sir, I am not.

Mr. President (The Honourable Sir Abdur Rahim): That it is *ultra vires* and that this proposed rule is without authority.

Mr. M. Asaf Ali: That is not my point. My point is slightly different. I am suggesting that, even under these rules, they will have to be laid before the two Houses of Parliament, and they will have to hang about there for a whole month, and, therefore, there is no urgency. Even if they are made, they cannot be made applicable to this Session

The Honourable Sir Nripendra Sircar: They can be made applicable tomorrow.

Mr. M. Asaf Ali: That is the Honourable Member's view, but it is not mine.

Sir Gowasji Jehangir (Bombay City: Non-Muhammadian Urban): Is it a fact that these rules, if accepted by the Secretary of State, will have to be placed before the two Houses of Parliament for one month?

The Honourable Sir Nripendra Sircar: Yes, but that does not prevent our making them applicable tomorrow.

Sir Cowasji Jehangir: It will curtail the discussion if he will be good enough to further enlighten us on the point.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member, Mr. Asaf Ali, go on with his speech.

Mr. M. Asaf Ali: Under section 129A, sub-section (8), of the Government of India Act of 1919, it is laid down that:

"Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder."

The Honourable Sir Nripendra Sircar: They remain good until annulled.

Mr. M. Asaf Ali: It is perfectly clear from this that any rules made by the Governor General shall have to be laid before both the Houses of Parliament and they will have to hang about there for a whole month, awaiting final approval.

The Honourable Sir Nripendra Sircar: No, no.

Some other Honourable Members: No, no.

Mr. M. Asaf Ali: It is all very well for the Honourable the Law Member and others to go on shouting No, no. I can understand . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should be allowed to go on with his speech uninterrupted.

Mr. M. Asaf Ali: The Honourable Members are quite capable of riding rough-shod over even the enactments of the House of Commons . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take notice of all that. He may go on.

Mr. M. Asaf Ali: My point is very simple. There is absolutely no urgency whatever made out by the Government for bringing in this amendment before the House today when the House is empty, practically empty. These stark empty benches are staring Government in the face, and it only reminds me of another occasion. I happened to be a visitor to the House of Commons when the Government proposed only to suspend the Orders of the day to enable the House to continue discussion after 11 o'clock. Then Mr. Austen Chamberlain rose and said that it was a monstrously scandalous thing. I say, if that was monstrously scandal, then certainly what the Government propose to do today with these empty benches staring them in the face and pretending that they want to consult the House—where is the House which they want to consult? There is no House whom

[Mr. M. Asaf Ali.]

they want to consult. There are hardly 19 persons out of the elected Members and they call it consulting the House! Sir, I say it is certainly monstrously scandalous. It is not only that. If you come to think of it seriously, if these rules are made at all, they will lay upon you, Mr. President, an onerous and, unfortunately, odious duty because they will have the effect of strangling and stifling supplementary questions.

Mr. N. M. Joshi: What has that to do with adjournment?

Mr. M. Asaf Ali: I am suggesting that no case for urgency has been made out.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take notice of that interruption. He may go on.

Mr. M. Asaf Ali: It will lay upon the Chair a most onerous, a most odious duty, because on an average about 40 questions are answered every day. Then if a hundred persons put down one question each there is no likelihood of those questions being answered during the day with the result that all the starred questions of which Members may give notice will automatically become unstarred questions and supplementaries will be strangled. That will naturally cause no end of irritation among the elected Members, no end of annoyance amongst them. And, Sir, this is the only valuable privilege that the elected Members possess in this House because, after all, we cannot influence the view of Government in any other way. We can only just turn the searchlight of criticism upon the mal-administration, upon the mal-practices in which the Government and their subordinates may indulge, by way of questions, and if they want to take even this right away from us, what is left to us? If we turn down any item of the budget, Sir, it is restored. If we throw out the Finance Bill, it is certified. What is there that we have? Nothing but this little power of interpellation, and if they want to curtail even this power, it means they are really asking us to shut up shop and go home. They may as well dissolve the Legislature and say, we do not want any elected Members in this House. If, in order to enable all the questions to be answered every day, you restrain elected Members from putting supplementary questions, irritation will be caused, annoyance will be caused, and it is a matter which must be submitted to the opinion of the full House before any decision can be taken. If the Government are really genuine in their desire to consult the House, they must postpone the consideration of this question to a day when there may be a better attendance in the House. With these few words, I move:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, I rise to a point of order . . .

Mr. President (The Honourable Sir Abdur Rahim): As regards what?

Mr. Akhil Chandra Datta: As regards the motion itself. I object to the motion itself.

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the Honourable Member has been late, but let me, first of all, read out the amendment that has been moved. Amendment moved:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

Mr. Akhil Chandra Datta: I must admit that I ought to have risen earlier, but my Honourable friend, Mr. Asaf Ali, being a younger man got up more quickly.

The Honourable Sir Nripendra Sircar: I rise to a point of order, Sir. My Honourable friend, Mr. Asaf Ali, has moved this amendment to the motion before the House, and I am entitled to speak on that amendment. The question of relative ages does not arise. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): Any point of order with reference to the motion itself ought to have been raised at an earlier stage, and, as there is objection, the Chair cannot allow it to be raised now.

The Honourable Sir Nripendra Sircar: If any other Members wish to speak on this amendment, then I should like to rise later.

Sardar Sant Singh: Sir, on behalf of the Congress Nationalist Party (Laughter.) There is nothing to laugh about. I am here to watch the interests of the Congress Nationalist Party at the bidding of my Leader, Mr. Aney. So, I can speak on behalf of the Congress Nationalist Party though they are absent.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Have you got any written authority?

Sardar Sant Singh: The new Knight need not worry about it.

Mr. N. M. Joshi: Congratulate the new Knight.

Sardar Sant Singh: I will do that afterwards. In supporting the motion of my Honourable friend, Mr. Asaf Ali, I want to submit that the main reason given by the Honourable the Law Member for moving this motion today was that in accordance with the pledge given by the Government some time ago in 1938 they wanted to consult this House before framing these rules under the authority given to them under the Government of India Act. We may differ as to the desirability or otherwise of the Congress and Congress Nationalist Members being absent from this House today; much can be said for and much can be said against it. But without entering into that controversy at all, the question is whether any discussion which takes place on this motion will be a real discussion at all and whether the pledge that has been given by the Government will be honoured in its spirit though it may have been honoured in its letter. Sir, this is a question which is of vital importance, not only to this House, but to the successor of this House as well which will come into existence after the new Government of India Act comes into force.

[Sardar Sant Singh.]

and this Legislature is constituted under that Act. Now, this Legislature has been in existence for the last 17 years. During these 17 years, the privilege of asking questions and obtaining information as to the various methods connected with the administration of the various Departments of the Government has been a very honoured privilege in this House, and I would appeal to you, as the custodian of the rights and privileges of this House, whether it will be desirable to curtail that privilege, and, if that privilege is to be curtailed, surely the Honourable Members of this House should have free time to give their opinion on this matter.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member appealed to the Chair as the custodian of the privileges of this House. The Chair would like him to consider whether it has any power to veto a motion of this character. The Governor General in Council are entitled to frame rules. It is their business, and the Chair would like to know from the Honourable Member what he meant. Did he mean that the Chair can, as the custodian of the privileges of the House, stand in the way of this motion being made?

Sardar Sant Singh: What I meant was that though the Chair is not in a position to guide the action of the Government of India in the matter of framing these rules, the Chair can exercise its powers in the matter of finding out whether the discussion will be such as will help towards the elucidation of this question in this House or not.

Mr. President (The Honourable Sir Abdur Rahim): Again the Chair would ask the Honourable Member to let it know the exact suggestion he is making. Every Honourable Member appears to have received summons from the Governor General to attend the meeting, and if some of them do not wish to attend, the Chair cannot issue another summons to bring them here.

Sardar Sant Singh: Without entering into any controversy as to the desirability of their attending or not, the question still remains whether the consultation which the Government of India want will be forthcoming from this weak House or not.

Mr. President (The Honourable Sir Abdur Rahim): When the Honourable Member appeals to the Chair, he must have something definite in his mind as to what the Chair can do in this matter.

Sardar Sant Singh: The suggestion which I intended to convey was that you should add your voice as an elected Member to the voices of all of us and try to persuade the Law Member.

Mr. President (The Honourable Sir Abdur Rahim): Surely the Honourable Member knows that the occupant of the Chair has not the voice, as an elected Member, which he has on the floor of the House.

Sardar Sant Singh: My submission is that this privilege of asking questions is a very important one in this House, and, before it is curtailed or allowed to be curtailed, Government ought to wait till the House is full and better represented than it is today. One point which I should like to make further on this question is that there can be no doubt that the motion moved by the Honourable the Law Member will act in a manner which will deprive the various Members of this House of their right to put questions, although they may put a specified number of questions which may be agreed upon later. I am not very sure of my ground on this point, but these rules will probably apply to those who will come later in the field of legislature. In that case, after we have finished our career under the present Government of India Act, it will not be good for us to leave an heirloom to our successors so badly impaired that they cannot even seek information from the various Departments as we are doing now. Therefore, I will appeal to the Honourable the Law Member to concede this request of mine and that of Mr. Asaf Ali and postpone the consideration of this question till after the 23rd February.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I wish to state a few reasons.

An Honourable Member: On whose behalf are you speaking?

Mr. Lalchand Navalrai: I am speaking on my own behalf, for which I am present in this House. I was also present in 1933 when this question came up for consideration in the Committee. The Committee did not agree to change the rules or to curtail them. Although it was suggested at that time that the number of questions to be asked by each Member should be ten, that too was not agreed to. What has happened now that this question should come up at this stage?

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): On a point of order. The amendment before the House is whether we can adjourn the consideration of this motion. My Honourable friend is discussing the merits of this motion.

Mr. Lalchand Navalrai: I am giving reasons as to why the adjournment motion should be accepted. If only my Honourable friend had some patience, he would have appreciated the point that I am making. I was saying that in 1933, this matter was moved in the Committee. The Members present did not agree, and, it is clear, the subject was not taken up by Government in 1934, 1935 and 1936. How has this subject, therefore, become suddenly urgent in 1937? And why should Government try to take advantage of this occasion when the Members of the Opposition are not present? I submit that on this question the Government ought to be more considerate. They are dealing with the question of the privilege of the Members and they want that a few Members on this side should decide the question. Therefore, the postponement of the consideration of this question is a wise and necessary move on behalf of those who have not been able to be present on this occasion. It appears to me that the reason given by the Government is that the position has gone from bad to worse in making interpellations. That does not seem to me to be the reason for bringing this motion, nor does it justify undue haste. There is some ulterior motive, and I think that motive may be to

[Mr. Lalchand Navalrai.]

bind the hands of the coming Members of the Federation and make them lose this privilege. That is why I should think Government want to hustle this matter. The present practice should go on until the Constitution is changed. It is said that in the House of Commons only three questions are allowed to a Member, but there are 600 or 700 Members in the Parliament.

Therefore, this question can be taken up when the membership of this House also increases, but till then the consideration of this question must be postponed.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order. I should like to know whether, when the Government of India Act ceases to operate on the 1st April, 1937, all the rules made under the old Government of India Act will also cease to operate on that particular date?

Mr. President (The Honourable Sir Abdur Rahim): That is hardly a point of order.

Mr. Muhammad Asfar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I rise to support the motion of my friend, Mr. Asaf Ali, for the adjournment. The importance of the adjournment motion will appear to those Members of this House who sit today absolutely disinterested on the question of their own privileges. Sir, I appeal to my friends in this House to remember that this is not a question which will affect official Members: it will only affect non-officials who are generally the people who put questions in this House. Sir, if I remember correctly, in my life of six years in this House, perhaps there have been here one or two official Members who might have put questions or interpellations in this House. The importance of this question again lies in the fact that my Honourable friend, Mr. Asaf Ali, has given the matter a sort of legal appearance. I am sure, the Honourable the Law Member, when he was put a question, blurted out something which as Law Member he should not have done, but he was at once prompted and something was pointed out to him by the Benches behind him with regard to the correct interpretation of the rules. If that is the position, if we all here are not prepared to address the House and to enlighten the House on the true interpretation of law and of the rules. I think, Sir, it would be wise on the part of this House at least to show to the people outside this House and to the people outside India that they are reasonable men who are not going to hurry up this matter in so slipshod a manner, that we are responsible to a certain body of men and that it is our duty today to consider the question with the greatest calmness and with the greatest wisdom. It has been pointed out by my Honourable friends, Mr. Asaf Ali and Sardar Sant Singh, that there should be no hurry over this question. It can be very easily discussed when the House is full. If the official Members of this House want to decide this question, it will be said that there are absolutely no privileges which affect them, and still they come forward to decide such an important question.

Now, with regard to the point of consultation of the House, this question was taken up in the year 1933 by my friend, Mr. S. C. Mitra, who belonged to my own Party, of which, Sir, you were the Leader. I remember it was Mr. Mitra who brought up this question, but it was, not

brought forward on the grounds urged today or in an atmosphere such as prevails at present. Sir, if there were reasons in those days to put this question aside, I consider that because of the present atmosphere of the House and because of the paucity of Members today, and especially the non-official Members not being present in any appreciable numbers to whom this question properly appertains, I think it would be all the more in the fitness of things, it would be honest and it would be decorous to leave this question aside for the present and to adjourn discussion of the motion now before the House.

Sir Cowasji Jehangir: Mr. President, I would like to draw the attention of Government to one essential factor. I am sure, Honourable Members opposite realise that Members on this side of the House do attach the very greatest importance to the amendment of these rules, and I am sure, no words from any non-official Member of this House are required to emphasise the importance of the privilege of asking questions and supplementary questions. I am not going into the merits of the question just now or to draw any analogies between the House of Commons and this Legislative Assembly, but the privilege of asking questions in this Honourable House is a much greater privilege to non-official Members than to Members of the House of Commons. Therefore, it was that in 1929 Government thought it advisable to give a pledge to this House that although the Act gave them the power and the privilege of changing these rules, they would not do so without consulting this Honourable House. The debate that took place in 1929 is rather instructive. What happened then was that it was rumoured that Government intended to change a certain rule; when I say "Government", I mean the Secretary of State, whereupon Honourable Members immediately gave notice of Resolutions expressing their opinion as to how that rule should be changed. Before such Resolutions could be discussed in this House, however, the rule was brought into force. Upon that, a debate took place. It was contended by Honourable Members in this House that Government should have had the courtesy to wait for the discussion in this House before passing this rule, and a vote of censure was moved. It was in fairly strong terms and it brought in the highest personalities in the land. I do not desire to read that motion of censure but it ended very happily upon the Law Member getting up and giving an undertaking to this House. The undertaking was given in a speech which consisted of nearly a page and quarter of this printed report but was summarised by the President in the end and he did so in order to appeal to the House and to the mover of this motion of censure to withdraw it. I will read the summary made by the President of the undertaking given by the Law Member. It reads as follows:

"To put it briefly, the attitude of Government is that henceforth in all matters of important amendments of rules, they would consult the Legislative Assembly before they submit their proposals to the Secretary of State, except in case of emergency, and Assembly is not in session at the time. In that case, they reserve to themselves the right to approach the Secretary of State without consulting the Assembly. Such cases, according to them, would be very, very rare and exceptional. That being so, one point the Honourable Members have gained, namely, that henceforth they would be consulted before any proposal containing an important amendment of the rules is taken up."

That was the summary of the President of the undertaking given by Government. Now, Sir, it cannot be contended that the rule proposed to be changed is not an important one, nor can it be contended, nor has it

[Sir Cowasji Jehangir.]

been contended that it is urgent. Those were the two exceptions which Government made when they gave that pledge. Now, the fact remains that these Benches are empty. This is not the time nor the place to discuss why they are so or whose fault it is that they are so. But the fact remains that they are empty. Also the fact remains that Government have to consult the House because they have given a pledge to do so. Are they, therefore, carrying out their pledge in the spirit and in the letter? In the letter they are certainly carrying out their pledge because they have brought this motion before this Honourable House for its consideration. As to whether they are carrying it out in the spirit, I will leave it to my Honourable friend, the Law Member, to consider for himself. I would appeal to him that no harm will be done if this motion is postponed for some time. I fully agree with the importance of having this question considered by this Honourable House during this Session. We are all aware of the advantage that some of us have taken of the privilege of asking questions. We are also aware that we do take advantage of your kindness, Sir, and of the courtesy shown by opposite benches in answering a number of supplementary questions. We admit that and we also frankly admit that in 1933 a non-official Member did bring this matter to the attention of this Honourable House and that matters have become worse today than they were at that time. But after all is said and done, is your case such a poor one and is it so weak that you will not get these amendments through if there happen to be a large number of Congress men or Members of my own Party here? I venture to suggest to the Honourable the Leader of the House that he has got a very strong case indeed and I would appeal to him therefore to carry out the pledge in the letter and in the spirit and let there be an adjournment. I have given an amendment. If the Honourable the Law Member refuses to accept our suggestion, I will move it and will then go into the merits of the question to the best of my ability. I am now putting only one issue before the House which is of considerable importance and that is that I do not think it will pay either Government or ourselves to discuss this matter just now, and it will redound to their credit if they do not force it upon the House with these empty benches. I also understand and realise the position of Government in another direction and that is that after the 23rd of February any amount of work will have to be placed before this Honourable House for their consideration and that as much unimportant work as can be got off the agenda during these few days, the better for all of us. I understand that, but this is not an unimportant matter and it is not a matter in which this side of the House is not interested. If there is any question on the agenda during this Session in which non-official Members will be very much interested and in which their privileges and their rights are more concerned it is this question. Therefore, I can do no more than appeal to the Honourable the Leader of the House to consider the whole question from this point of view and, believe me, if he does so, he will receive the very best attention from non-official Members after the 23rd February and he will receive the support of all reasonable Members of this Honourable House to this question. He will receive even more concentrated attention on the defects that have become apparent than he will receive at their hands today. Under these circumstances, I will add my appeal to that of the only representative of the Congress Party in this Honourable House today and to the other Honourable Members who have spoken and I trust that the Honourable the

Leader of the House and the Members of the Treasury Benches will give our view some weight and will believe us when we say that when we suggest this, we suggest it in the best interests not only of non-official Members, but in the interests of Government themselves.

Mr. F. E. James: Sir, this matter has been the subject of special interest from this Group for some years. I myself, I believe, was a member of the Committee of 1933 when we went into the question of questions and answers, but we are not prepared to support the motion for adjournment. My Honourable friend, the Deputy Leader of the Independent Party, said that this was a matter which interested other non-official Members in this House. That, of course, prompts the obvious question. If that is the case, why should not non-official Members be present in the House to take part in the discussion? He also promised Government—on whose authority I am not quite sure—that if they did postpone this question until after the 23rd February, those Honourable Members who are now absent would, of course, co-operate fully with Government in getting something through during this Session.

Sir Cowasji Jehangir: May I ask the Honourable Member if he means to say that the Government have brought this up because they will not get co-operation in the future?

Mr. F. E. James: I was merely pointing out that my Honourable friend, the Deputy Leader of the Independent Party, promised co-operation from a Party to which he does not belong.

Sir Cowasji Jehangir: I did not promise the co-operation of the Congress Party. I offered the co-operation of all reasonable Honourable Members of this House amongst whom I reckon there are a large number of Members of the Congress Party.

Mr. F. E. James: I am delighted to hear that the Honourable the Deputy Leader of the Independent Party has qualified his previous assurance.

Sir Cowasji Jehangir: I have not qualified any previous assurance.

Mr. F. E. James: He has now offered the co-operation of all reasonable persons. That, of course, is somewhat different. In any case, at least I feel personally that it will be an unfortunate precedent if a desirable reform of this character were postponed merely because of a voluntary abstention on the part of a large number of Members. It is an urgent matter and it is a matter which is in the interests of the very privileges of the Members of this House to which so much reference has been made. What is the present position? The present position is that the privilege of a Member like myself, which is not of asking a question, but of having a question answered, can be blocked in successive Sessions by reason of the power, which is now in the hands of any Member, to put in an indefinite number of questions and have those questions answered on the order paper. I maintain that the present position is definitely a curtailment of the rights and privileges of any Member of the House to get a question answered in a reasonable time during the course of the Session. That is why we felt before that the

[Mr. F. E. James.]

alteration of the Rules in this regard was an urgent matter and we have pressed upon the Government in successive Sessions that this matter should be taken up. Now, when the matter has been presented to this House for its opinion, we are told that Government are not honouring their previous pledge in its spirit, although the Government may be honouring the pledge in its letter. I fail to understand the real difference in that connection. The Government undertook to consult this House and the Government are now fulfilling that undertaking in placing these rules before the House.

Mr. M. Asaf Ali: Before an empty House.

Mr. F. E. James: Why is it empty? That is no reason why a matter of this importance should be delayed. Again, I say that Government are consulting this House, and if certain Honourable Members of this House, for various reasons into which I will not go, choose to abstain from attending this Session of this House, there is no reason why the privileges of the Members of asking questions and getting answers should be curtailed any longer. Therefore, I oppose the motion for adjournment, and I trust the House will reject it.

Mr. Akhil Chandra Datta: Sir, I rise to support the motion for adjournment. I shall not take up much of the time of the House by making a speech, for I cannot make a speech without being guilty of repetition of arguments which have already been advanced in support of this motion for adjournment. This is a matter on which I feel I should not like to give only a silent vote. That is the only reason why I have stood up to expressly support this motion for adjournment.

Sir Abdul Halim Ghurnavi: Sir, I oppose this motion for adjournment. My Honourable friend, Mr. Asaf Ali, said that the Government are consulting a House which is empty. He laid very great stress on the fact that these Benches are empty, and he said what is the use of consulting an empty House. On that ground he wants adjournment till after the 28th February.

Mr. M. Asaf Ali: Where is your Party? No doubt the Congress Party has absented itself, what has your Party done? Where is your Leader?

Sir Abdul Halim Ghurnavi: He asks pertinently where is my Party. That is exactly the point I am coming to. If Honourable Members choose not to attend the Sessions of this House, we cannot force them to do so. If the Congress Party failed to attend this Session, it is not the fault of the Government or the fault of this Party or that Party.

Mr. M. Asaf Ali: Why is your Party absent?

Sir Abdul Halim Ghurnavi: Perhaps they did not feel the work of this House so important as the other work in which they are engaged. Those who felt the importance of the work in the House have come to this House. They should have realised their responsibility and ought to have been present here.

Sardar Sant Singh: Is not your Leader fighting the elections?

Sir Abdul Halim Ghuznavi: I do not support my Honourable friend, Mr. Asaf Ali, on the ground that because my Leader happens to be fighting the elections

Sardar Sant Singh: But that is the reason why they are all absent.

Sir Abdul Halim Ghuznavi: One point has been made out and a very good point by my Honourable friend, Mr. James, and that point is this. He very well said, and I congratulate him for what he said, that a change of these rules was very important. The right of every Member to put questions is curtailed, because one Member chooses to put 395 questions in one day and in this way he blocks the way of other Members putting any question till those 395 questions are answered. This valuable privilege we lose in view of the fact that one particular Member happens to put a large number of questions, and, if I may say so with all respect, most unnecessary questions. It takes away much of the valuable time of the House. My Honourable friend, Mr. Asaf Ali, asked why not postpone the discussion on this subject until those Benches are full. I may tell for the information of this House that many Honourable Members who choose to be absent from this House are loitering in the streets of Delhi.

Mr. M. Asaf Ali: That is not correct.

Sir Abdul Halim Ghuznavi: If my Honourable friend wants names, I shall furnish him in the Lobby with the names of those Honourable Members who are still here in Delhi, but who will not attend the House.

Mr. M. Asaf Ali: I challenge that statement. I ask the Honourable Member to give names now.

Sir Abdul Halim Ghuznavi: I accept his challenge and shall furnish him figures outside the House.

Mr. M. Asaf Ali: Why not inside now?

Sir Abdul Halim Ghuznavi: You will get them in the afternoon: names of those who are still loitering in Delhi. My Honourable friend, Mr. Asaf Ali, himself has been here in Delhi all these days, but he chose to grace this House with his presence only today. He has not been attending the House from the 25th and he cannot say that he was absent from Delhi.

Mr. M. Asaf Ali: But is that the reason why these rules should be made now?

Sir Abdul Halim Ghuznavi: These rules should be made, so that we will enforce your attendance here, so that we can occupy our days in doing some work instead of doing nothing. You gave notice of as many as 300 questions, but you remained absent, and that was why they were not answered on the floor of the House with the result that we were all deprived of putting supplementary questions to the answers that might have been given to those questions.

Mr. M. Asaf Ali: What do these proposed rules seek to do now?

Sir Abdul Halim Ghaznavi: These rules seek to ~~debat~~ ^{debat} one Member putting 300 questions depriving other Members from putting useful questions. The number of questions that might be put hereafter by each Member is limited to three. The only ground urged by my Honourable friend, Mr. Asaf Ali, for adjourning this motion is that these Benches are empty. A complete answer has been given to that. If Members do not choose to be present here, neither the Honourable the President nor anybody else could force them to come here, and as you, Sir, have rightly said summons have been issued by the Governor General to every Member to attend the Sessions. If they do not choose to come here in pursuance of the summons, nobody can force them to come here. Sir, I oppose this motion.

The Honourable Sir Nripendra Sircar: Sir, the Honourable Member, Mr. Asaf Ali, in quite very mild language has stated that if this motion is now moved, and if the matter is not adjourned, then this will be fraudulent conduct on the part of the Government. After all, his arguments led to one point, namely, that the matter should not come up or be discussed now. Why? Because, first of all, these Benches are empty, and, secondly, that the matter is not urgent. I shall deal with the second question first. I submit to this House, and I support the remarks of Mr. James that this matter is urgent, but I do not concede that I have got to make out a strong case of emergency or of great urgency before any matter could be discussed in this House on the ground that those Benches are empty. We will not agree to that situation at all. Now, Sir, talking of these empty benches, why are they empty? I am not going into the question as to whether a man should be here or at another place. That is a matter for an individual Member to decide. But we are concerned with the reason which has been given, namely, taking part in electoral activities. From the answers which I gave to my Honourable friend, Sir Muhammad Yakub, this House has seen that the elections have been over or practically over in Bengal, Bihar, Orissa, Assam and in the Punjab. And there is not even a pretence for Members coming from those provinces not being present here today.

Mr. M. Asaf Ali: We are contesting a thousand seats.

The Honourable Sir Nripendra Sircar: And however much the Honourable Member may assert to the contrary, we know that a good many Members of his group have been present at Delhi.

Mr. M. Asaf Ali: In connection with their duties.

The Honourable Sir Nripendra Sircar: I am not giving way, so please do not interrupt. I will make my point clear and not leave at insinuations. I resumed

Mr. M. Asaf Ali: I made no insinuations.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

The Honourable Sir Nripendra Sircar: I presided at a meeting of the Select Committee to discuss Dr. Deshmukh's Bill. Apart from Dr. Deshmukh who, as the sponsor of the Bill, has got special exemption from the outside body to which the absentees owe allegiance, there were three other Members,—I do not want to mention names,—who were present and took part in the deliberations of that meeting. Not only were they present but one of them is present here today. I enjoy his company when I go out for my morning walk, but I do not see him here. As regards the two other Members, it is quite true that one left the same day, but the other gentleman stayed on here for three days. That is about their attendance in the Select Committee. Then, Sir, later on, on the 25th,—again I will not give names,—at least six Members were present here. If you will ask for names I will give them and today

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammad-an Rural): Will the Honourable Member let me know if the Members who were present in Delhi drew their allowance from the Assembly?

Mr. M. Asaf Ali: On a point of order, how does that point arise in this debate.

Mr. President (The Honourable Sir Abdur Rahim): It is for the Honourable Member who is in possession of the House to reply to it or not.

The Honourable Sir Nripendra Sircar: Allowances have been drawn by more than a dozen Members

Mr. M. Asaf Ali: Are you making a case for urgency?

The Honourable Sir Nripendra Sircar: I am answering the question asked by Sir Muhammad Yakub and ignoring the unjustifiable interruptions coming from Mr. Asaf Ali. More than a dozen Members, I am told have put in their claims for daily allowances, and what is more, for travelling allowances from Old Delhi when they are not attending this House. Now, Sir, assuming for the sake of argument that a dozen men,—that may be a liberal computation,—are unable to come here for reasons which they consider to be very urgent, it has been urged, "What is the good of our attending when all of us cannot go?". That is to say, if 12 men cannot come, the other 40 will remain absent, and then they will assert that all the 52 are unable to be present. Sir, the statement that the majority of elected Members have been unable to be present has been repeated so often that I have no doubt that those who are repeating it have hopes that they will catch the unwary, those who are ignorant of the facts. But surely it is not right to assert that because some people are engaged in some activities, therefore those who are able to come, a good few of whom are present here today drawing allowances—that they are "Unable" to come. It will be represented that the majority of the elected Members are unable to attend,—an assertion which has been repeated *ad nauseam*.

Mr. M. Asaf Ali: It will be repeated over and over again until you go out of office.

The Honourable Sir Nripendra Sircar: A lie cannot be overtaken and there is nothing to prevent a lie being repeated thousands of times, but I am only pointing out the real facts.

Mr. M. Asaf Ali: I strongly challenge that statement of the Law Member. It is not proper for him to say that it is a lie.

The Honourable Sir Nripendra Sircar: I do not suggest that the Honourable Member has told a lie or repeated a lie. Why does he think that the cap fits him? There is no ground for thinking so.

Mr. M. Asaf Ali: Once again I object to that kind of remark. Will the Honourable Member kindly withdraw it?

The Honourable Sir Nripendra Sircar: I make it perfectly clear that I do not intend to convey that the Honourable Member is uttering a lie. My words are not capable of that interpretation and there is no ground for stimulating that anger which is without any justification.

Now, Sir, the position is that, because the bulk of the Members who can be present choose to remain away, therefore we are to be confronted with the argument that the benches are empty, that therefore we are fraudulent or, as my Honourable friend, Sir Cowasji Jehangir, put it, we are not carrying out our promise in spirit. Will my Honourable friend, the Baronet, induce those gentlemen who are at Delhi and also the other gentlemen who are free from electoral activities, will he ask them to act up to the spirit of the Constitution, to come here and adorn those benches with their presence? Will he do that much for Government? I know he will, because he is a fair-minded man.

Sir Cowasji Jehangir: If the Honourable Member could not persuade the gentleman who accompanies him in his morning walks to come here, I cannot. (Loud Laughter.)

The Honourable Sir Nripendra Sircar: Sir, I have only one more word to say on this particular matter, and I will conclude. I think, Sir, you know that the Punjab is the land of heroes, and we know that the people there belong to what is called the martial races. Otherwise, my Honourable friend, Sardar Sant Singh, would not have made a grievance about empty benches, because it is his Party about which it may be said that many of them are present today at Delhi. I do not want to mention names. However, Sir, we are very grateful to Sardar Sant Singh for one remark which he has made. He said that much can be said for and much can be said against the abstention of Members from the House. I am quite satisfied with the latter part of his remarks. (Laughter.) Much can be said against the abstention of Members from this House.

Sardar Sant Singh: I thought you were more judicial than myself.

The Honourable Sir Nripendra Sircar: Now, Sir, the Honourable Member, Mr. Asaf Ali, who got very excited, said something about the ability of the Law Member. Sir, I never claimed any ability. I am quite willing to admit that any Member present here is a thousand times more able than myself. But may I point out that, without any legal knowledge, a mastery of simple English would show the mistake which Mr. Asaf Ali is making about section 129A? Section 129A of the Government of India Act does not lay down that when the process of laying the thing on the table of the House has been completed, then and then only the thing will come into operation. It is just the other way about. It comes into

operation at once, but there is a process by which it can be annulled, and I would only read the last three lines of the section and the English is not very difficult to follow

Mr. M. Asaf Ali: I do not claim to be an Englishman: I suppose the Law Member is.

The Honourable Sir Nripendra Sircar: I absolutely ignore these interruptions with contempt

Mr. M. Asaf Ali: I reciprocate your feelings.

The Honourable Sir Nripendra Sircar: I accept your assurance. (Laughter.) May I read the last three lines?

"His Majesty in Council may annul the rules or any of them and those rules shall thenceforth be void."

That is to say, they are good rules: they can come into operation and they are effective before this process has been carried through, but they can be annulled and made void in the way indicated by this section

Mr. M. Asaf Ali: And, therefore, in the meanwhile you can just go on!

The Honourable Sir Nripendra Sircar: and, therefore, in the meanwhile, I continue to ignore the remarks which are coming from the other side

Mr. M. Asaf Ali: You can afford to do so!

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to say anything by way of reply, I will give him a chance.

Mr. M. Asaf Ali: Thank you, Sir: if I have a right of reply, I shall speak later.

The Honourable Sir Nripendra Sircar: My Honourable friend cannot have a right of reply on my reply: I have no objection to his making a speech now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is quite right: The Chair meant only by way of personal explanation: this is only an amendment to the main motion.

Mr. M. Asaf Ali: If I have a right of reply

Mr. President (The Honourable Sir Abdur Rahim): The Chair meant only by way of any personal explanation, because the Honourable Member is interrupting so often and the Honourable Member in possession of the House is not giving way.

Mr. M. Asaf Ali: My reason for interrupting the Honourable gentleman is simply this: he is indulging in cheap sneers and gibes and it is not fair. I did nothing of the kind, and, therefore, I must have a right of reply.

The Honourable Sir Nripendra Sircar: If there is a question of any personal explanation, the time has come now, and the Honourable Member has taken full advantage of it, but he cannot have a right of reply. On a point of personal explanation, he may interrupt any moment he likes. It is for those who read my speech and those who have listened to it to say whether there has been any cheap sneer. No, Sir. There are no cheap sneers: they are unpleasant facts. To be told that men are here drawing allowances and not attending the House is not cheap sneering, but is a disgusting fact

Mr. M. Asaf Ali: On a point of personal explanation: is the Honourable Member referring to me? I have not drawn a penny, and I will not draw a penny.

The Honourable Sir Nripendra Sircar: I am not referring to the Honourable Member.

Mr. M. Asaf Ali: Then do not speak in those general terms.

The Honourable Sir Nripendra Sircar: My general observation has one exception, and that is Mr. Asaf Ali.

There was one argument of my Honourable friend, Mr. Latchand Navalrao. He gave certain reasons which possibly it would be more correct for a lawyer to describe as alleged reasons. He said there is an ulterior motive in bringing up this matter now. Of course, he cannot but ascribe ulterior motives to Government. I congratulate him there. But what is the ulterior motive? My friend's acumen has enabled him to discover that the ulterior motive is that we want to bind the hands of the Federation which is coming. Therefore, if he is right, the matter should be adjourned—not till the 28rd February—but till after Federation has come in. That is the logical conclusion of his brilliant observation. As I am speaking only on the matter of the adjournment, I have nothing more to add. I want once more to repeat that if the argument of the empty benches is not accepted—and I have made my points as to why it should not be—then it follows that we cannot possibly concede to the argument that before this House proceeds to discuss anything we have got to make out a case of emergency or extreme urgency. It is nothing of the kind. If people choose to be absent, then they cannot complain that a matter, whether urgent or non-urgent, has been disposed of in their absence. I have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim): The House is aware that a debate cannot be adjourned except by consent of the entire House. The Chair will, therefore, put the motion before the House, and if it is the wish of the entire House that the debate should be adjourned as has been proposed, then the Chair will have no objection to do so. The question is:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

Is that agreed to by all the Members?

Honourable Members: No.

Mr. President (The Honourable Sir Abdur Rahim): The motion must, therefore, drop, and the debate on the main motion will now proceed. The Chair understands Sir Cowasji Jehangir has given notice of an amendment.

Sir Cowasji Jehangir: Yes, Sir. I beg to move:

"That for the words 'be taken into consideration' the following be substituted: 'be referred to a Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Akhil Chandra Datta, Sir Muhammad Yakub, Sir Leslie Hudson, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. J. D. Anderson, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five'."

The Honourable Sir Nripendra Sircar: What about the time?

Sir Cowasji Jehangir: The Honourable Member can make any suggestion likes.

The Honourable Sir Nripendra Sircar: I wanted to know what is his suggestion.

Sir Cowasji Jehangir: Now that the adjournment motion has been rejected, the Honourable Member can have it as soon as he likes. So far as I am concerned, I am prepared to sit tonight.

Mr. N. M. Joshi: The night time does not suit us, Sir.

Sir Cowasji Jehangir: Mr. Asaf Ali suggests that the Committee might meet after the 28rd February. I presume, after the debate we have had, that will not be acceptable to my Honourable friend, the Leader of the House . . .

The Honourable Sir Nripendra Sircar: I am making no suggestion: I simply wanted to know what the Honourable the Mover of this amendment is suggesting, and, of course, I made it perfectly clear that I shall not agree, so far as I am concerned, to the matter standing over till 23rd February.

Sir Cowasji Jehangir: Then the Honourable the Leader of the House, as Chairman of the Committee, can fix his time as soon as he likes, so far as I am concerned. It is entirely in his own hands and he can do exactly as he chooses—the sooner the better, so far as I am concerned. Now, I would like to appeal to my Honourable friend, Mr. Asaf Ali, to join the Committee

Mr. M. Asaf Ali: Not on these terms; after having ignored everything, it is no use my serving on the Committee.

Sir Cowasji Jehangir: Then we must do our best without him. Is there any other Honourable Member who would like to serve on the Committee? I understand the Honourable the Law Member would like to add two more names

The Honourable Sir Nripendra Sircar: Mr. Anderson and Mr. Williams.

Sir Cowasji Jehangir: Mr. Anderson is there already.

The Honourable Sir Nripendra Sircar: Mr. Williams and Mr. Griffiths.

Sir Cowasji Jehangir: All right: those two names can be added.

Now, Sir, a good deal has already been said on the merits of this case; but I should like to refer to the history of this case a little more in detail than has been done till now. The Honourable the Leader of the House mentioned that this question was discussed here in 1933. Mr. S. C. Mitra moved an amendment to Standing Order 17 to the effect that no individual Member of this House should be allowed to ask more than four questions on any one day. That was, in the usual course according to the rules, sent to a Select Committee, and the Select Committee reported that they did not think it was necessary to make any change then. I understand one of the stumbling blocks in the way of the Select Committee was a solution of that tricky question as to what would happen to the starred questions if they were not answered on any particular day, whether they could be transferred to another day, or whether they should become unstarred questions. Honourable Members in 1933, it appears, strongly objected to any of their starred questions becoming unstarred questions through the machinery of any rules. They would have been prepared then, from what I can make out from the discussion that took place in the Select Committee, to restrict individual Members of this House to four questions a day, provided it could also have been arranged that starred questions could be carried on to another day. That was found to be very difficult by the Office; so difficult was it found that it was deemed impracticable, and, therefore, the Select Committee dropped the whole question and suggested to this House that it was not necessary to make any further changes then, that means in 1933, but suggested that Honourable Members should be more careful in future with regard to the starring of questions, that is to say, they should use their discretion to better purpose in considering which questions of theirs were of such importance as required oral answers in this House, and expressing that hope they considered no further action was necessary. The Honourable the Law Member has given us very striking figures to show that the hope expressed by the Select Committee in 1933 has not been realised. We admit that. Now, Sir, we are told that these new rules have been framed in accordance with the rules that exist in the House of Commons today. Before 1902 in the House of Commons there was no limit to any questions that could be asked by any Honourable Member of that House. After 1902 the questions were limited to 8 per Member per day; no Member of the House of Commons could ask more than 8 questions on any one particular day. In 1919, it was suggested by a Member of the House that that number of eight questions per day per Member should be reduced to four. The Speaker of the House of Commons then considered the question and after consulting the party leaders ruled that no Member of the House could ask more than three questions on any particular day. The rules then framed are the rules that are in existence, I believe, today, and according to those rules any questions that are left over after the question hour become unstarred and are not orally replied to in the House of Commons. Now, Sir, that is practically what is suggested for us here by the Honourable the Law Member. But may I point out that to follow the House of Commons so closely is not logic. We are not the House of Commons. We have not got the constitution of the House of Commons, nor are we likely to get it during our life time . . .

Mr. N. M. Joshi: Are you so pessimistic?

Mr. M. Asaf Ali: Don't be so pessimistic, Sir.

Sir Cowasji Jehangir: Now, Sir, there are 600 and odd Members in the House of Commons. Today we are here about 140 Members. Is there any analogy? Again, what are our rights and privileges on this side of the House as compared to the rights and privileges of the Members of the House of Commons? We have got an irremovable Government; we are irresponsible in the proper sense of the word. The only privilege that this side of the House has got, and which they prize and which they have made full use of, is the privilege of asking questions and supplementary questions

Sir Muhammad Yakub: They value also the privilege of drawing their allowances without attending.

Sir Cowasji Jehangir: The only privilege that this side of the House has and which they have made full use of is the privilege of asking questions and supplementaries, and it is a privilege that this side of the House prizes.

Now, Sir, I do not consider that the analogy of the House of Commons is a good one to follow here. You cannot follow the practice in the House of Commons unless you reproduce in this country the constitution that prevails in England, and, therefore, to point out that these are the rules prevailing in the House of Commons, the Mother of Parliaments, and that we should follow them, is a very dangerous argument, for many of my friends on this side of the House will point out many privileges and many practices that prevail in the House of Commons and ask His Majesty's Government to follow them blindly in India, but I am certain that my friends on the Benches opposite will not recommend them. Therefore, let us not proceed on this analogy. Let us see what is best for ourselves. Therefore, Sir, the first question that has to be considered is, should only 3 questions be allowed to an Honourable Member on any one day, or should it be 5 or 6 or 8 as was settled in the House of Commons in 1902. That is the first point, and I am not prepared to express any opinion just now on the floor of the House without further consideration and consultation with the Leader of the House on this main point. The next most important point for consideration is that by these rules this House should not be deprived of the privilege of having one full hour's questions and answers. And will these rules deprive this House of this privilege?

Some Members on the European Group: No, no.

Sir Cowasji Jehangir: My Honourable friends say "No, no" before considering the matter. I contend that there is danger, very great danger that the rules, as they are proposed to be amended, will deprive this House of the privilege of having one full hour's question time. The Leader of the European Group will be on the Committee and he will be very soon convinced that that is so, and if my Honourable friends here desire me to point that out, I will do so. But do not say, no, no, because the matter requires very serious consideration. I will tell you how the House will be deprived of that power. You allow only three questions for each Member.

[Sir Cowasji Jehangir]

You have got these questions divided according to the Departments of Government. I know that the rule gives a privilege to the President to call upon any number of Departments of the Government to answer questions on any particular day, but on the experience we have had, we see that individual Members ask 300 questions. During the middle of the Sessions, times are sure to arise when all questions asked by humble men like myself may be exhausted, and the only questions that may be left may be from three Members who have got 30 or 40 or 50 questions, and when you have only three Members left with questions to be answered, you will get only nine questions on the agenda. That difficulty must be overcome. Again, a time may arise during the Sessions when, in order to place a sufficient number of questions on the agenda, it may be necessary for the President to call upon more than one Department to answer questions on a particular day and it may also be found necessary to ask some Departments to answer questions on two or three or more consecutive days in order to have a sufficient number of questions on the agenda to take one hour. Therefore, that will have to be considered. I am not suggesting any solution, I will do so in the Committee. I am only pointing out why I desire that a Committee should be appointed. These matters cannot be discussed on the floor of the House, nor can we find suitable wording for a rule until we have the able assistance of the Honourable the Law Member to re-draft these rules. It can only be done in Committee.

The next most important thing for consideration from this side of the House is that, if it is absolutely necessary, in order to make these rules practicable, that all questions left unanswered on any day should become unstarred, then we should make a provision to enable the President to place on the agenda just that number of questions which from his long experience he finds can be answered in one day. Supposing from his experience he finds that 30 or 40 or 50 questions can well be answered in a day taking into consideration the number of supplementary questions that are asked, then he should be enabled to place just that number of questions on the agenda for that day. It may happen that the questions may finish within 50 minutes, and 10 minutes may have to be handed over for other business. It may also happen in the beginning that four or five questions remain unanswered and then become unstarred questions. We must take every precaution to see that the President is enabled and is given the right and privilege and make it practical for him to place as many questions on the agenda as can just be answered in an hour and thereby not deprive this House of the privilege of asking starred questions and getting them answered and the privilege of asking supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

Sir Cowasji Jehangir: I shall not be long. I shall finish it in three or four minutes.

Mr. President (The Honourable Sir Abdur Rahim): Very well, then.

Sir Cowasji Jehangir: I do not believe it is the intention of Government to deprive this House of one hour's questions. I do not believe it is the intention of Government to deprive Members of the right of asking starred

questions as far as it is possible. If those two points are clear—that Government do not intend either the one or the other by the rules and that the only object that Government have is to prevent any one individual Member from monopolising the whole of the question hour, I think it is possible to have some rules, but it is impossible to discuss those rules on the floor of the House. My Honourable friend, the Leader of the House, again brought forward what I consider not quite a good analogy. He said that this motion was very much akin to the one on the Joint Select Committee Report. That, Mr. President, is not a good analogy. The report of the Joint Select Committee was published long before it was discussed here. Members had opportunities of sitting together and drafting amendments expressing the view of this House, and then, by a majority, we were able to express an opinion. But here is a question of administration. Here is a question of making rules practicable and applicable to our conditions. It is not possible to move amendments straightaway here to these rules or to suggest to Government how these rules should be amended. This Honourable House knows that it is not one of the privileges of this House to say that the rules shall be so and so. All that we can do is to suggest to Government that in our opinion the draft rules should be amended in a certain direction in order to secure the privileges of the House. It will then be left to Government to consider whether our suggestions are equitable and whether they will accept them or not. Therefore, in the question of making these rules we are entirely and completely an advisory body. It is for Government to decide definitely what these rules shall be. This privilege of advising Government is not contained in the Act, it is a convention, it is a pledge given, and, therefore, there can be no analogy between this motion and the consideration of the report of the Joint Parliamentary Committee. I trust that my Honourable friend will see his way to accept the amendment which I move, and I do trust, Sir, that, working as we are under difficult conditions not having with us the co-operation of Honourable Members who, I may say, are most interested in the question of asking questions and supplementary questions—in their absence I do trust and hope that Government will allow us to consider this question and give us a sympathetic ear. We will try and do our best. We have already expressed the opinion that we should have greatly preferred that those more interested than myself should have been present to represent their case. Under these conditions, we take upon ourselves a considerable amount of responsibility, and that responsibility is shared by the Leader of the House. I trust that the Leader of the House will keep that in mind when he discusses these questions in the Committee.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the words 'be taken into consideration' the following be substituted, namely :

'be referred to a Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Akhil Chandra Datta, Sir Muhammad Yakub, Sir Leslie Hudson, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. J. D. Anderson, Mr. A. de C. Williams, Mr. P. J. Griffiths and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five'."

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Sir Muhammad Yakub: Mr. President, I rise to support the motion which has been moved by my Honourable friend, Sir Cowasji Jehangir. Sir, I strongly deprecate the idea that we are an inch behind any section of this House in safeguarding the rights and privileges of Members. I myself consider that the right of asking questions and supplementary questions is one of the most important privileges that Honourable Members of this House have got and that we should, very jealously, guard against any encroachment on these rights. I quite agree that this is a matter on which the opinions of almost all the Members of the House ought to have been available, but if Honourable Members are guilty of such a grave dereliction of duty on their part and, without any justifiable reason, absent themselves from the House, I do not agree with my Honourable friends who say that the discussion of this motion ought to be adjourned only for this reason. The Honourable Members who have absented themselves are not only guilty of a dereliction of duty, but they are also guilty of slighting their colleagues who are present in this House.

Mr. Akhil Chandra Datta: On a point of order, Sir. We are not dealing with the adjournment motion now; therefore, these remarks are quite irrelevant.

Sir Muhammad Yakub: The Honourable Mr. Deputy President ought to know that I am not talking on the motion of adjournment; I am answering the points which have been raised during the discussion of the motion itself.

Mr. Akhil Chandra Datta: He is not speaking on the merits.

Sir Muhammad Yakub: On the amendment of Sir Cowasji Jehangir certain remarks were made, and I am replying to those remarks. I wish the Deputy President should have known the rules and exhibited more knowledge than he has exhibited up to this time.

Mr. Akhil Chandra Datta: That is only a personal remark—that is not an argument.

Sir Muhammad Yakub: There can be no doubt that the present rules of asking questions in the House stand badly in need of amendment and improvement. That amendments and improvements are urgently needed has already been shown by the statement which was read this morning by the Honourable the Leader of the House. There can be no doubt that the right of asking questions has been abused,—I do not say, by all the Members of the House, but by a certain section of Honourable Members. Apart from the huge waste of time and the encroachment on the privileges of other Members, there is another consideration, and it is this, that by asking unimportant and insignificant questions in this House we tax the pockets of the poor tax-payer for nothing. It has been calculated that by

putting one question in this House we tax the poor tax-payer something between Rs. 75 and Rs. 200, and it is really surprising that those who assume the role of patriots and call themselves the friends of the poor tax-payer, and who, in season and out of season, harp on the poverty of the country, should waste the money of the tax-payer by asking frivolous and unimportant questions. Therefore, I say that the present rules relating to the asking of questions stand badly in need of being amended and improved upon. But, at the same time, I will not in any way be a party to any rule which would in any way curtail the rights of Members in asking supplementary questions. I myself think that the draft of rules which has been moved, this morning, by the Honourable the Leader of the House stands in need of careful scrutiny and improvement, and I quite agree with the Mover of this amendment that a careful scrutiny of the details and the implications which are involved in the draft, which has been presented to the House, cannot be done in the open House. Therefore, I think that the amendment which has been moved by the Honourable Sir Cowasji Jehangir should be accepted, and I hope the Government will not come in the way of the acceptance of this amendment. Of course we do not want that the report of the Select Committee should be delayed. The Honourable Members whose names are put down for the Select Committee, I think, are quite ready to start their work immediately and present their report as soon as the work has been finished. With these remarks, I support the amendment.

Sir Leslie Hudson: Sir, after the remarks that have fallen from my Honourable friend, Sir Muhammad Yakub, and desiring to refrain from repetitions in supporting the amendment of the Honourable Baronet from Bombay, there is very little more that I can say. There are two small things that I would just like to touch upon.

My Honourable friend, Mr. Asaf Ali, stated that one of the objects of putting questions is to allow the searchlight of inquisition to rest upon the errors of omission and commission on the part of the Government of India. Now, I do remember that one of his colleagues on those Benches, not so very long ago,—I think it was in the Simla Session—stated that the object of questions was to bring the Government of India into contempt. So, Sir, it is either the one or the other: either you want to put questions in order to entertain the public as well as yourselves and you want to bring Honourable Members of the Front Bench into contempt, or you really want to find out, by means of questions and answers, matters of omission and commission on the part of the Government. There is one other point. My friend, Sir Cowasji Jehangir, I think, is under a slight misapprehension in regard to the number of questions which it would be possible to ask on any day during the Session of the House. I think I am correct in saying that questions will not be limited on any one day to one particular Department of the Government. I imagine that there may be a long list of questions, but all questions relating to one particular Department will be grouped together and questions affecting other Departments will similarly follow in the order in which the roster is arranged. That is really all I have to say on the subject before the House except to ask permission to have the name of Captain Sir Sher Muhammad Khan added to the Select Committee if the Honourable the Mover will accept it.

Sir Cowasji Jehangir: I have no objection.

Sir Leslie Hudson: In doing so, I should like to take the opportunity of congratulating my Honourable friend, Sir Sher Muhammad Khan, on the honour which has been bestowed upon him today. (Applause.) If I may make one other suggestion in echoing Sir Muhammad Yakub's wish that the report of this Committee should be presented as soon as possible, I would ask permission to add to the amendment of my Honourable friend, Sir Cowasji Jehangir, after the word "five" the following words:

"and that the Committee be directed to report by the 4th February, 1937."

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to the name of Captain Sir Sher Muhammad Khan being added to the Committee? (No objection was taken.) The Chair takes it that Sir Cowasji Jehangir accepts the amendment that has been moved that the Committee be directed to report by 4th February.

Sardar Sant Singh: I object to this date being added to the motion. It is too early.

Mr. President (The Honourable Sir Abdur Rahim): That is the amendment, and the Chair allows it. The discussion will be on the proposed amendment as now amended.

Mr. N. M. Joshi: Mr. President, there is no doubt that the Honourable the Leader of the House has rendered great service to the Members of this Legislature by drawing attention to an evil which had arisen in this House during the last two years. The figures which the Honourable the Leader of the House has given clearly show that some Members—I am glad to say that their number is very small—have exercised their privilege of asking questions in this House in such a manner that other Members, who are perhaps more modest and more shy than themselves, were prevented from exercising their undoubted rights in this Legislature. That one Member should ask 395 questions in a Session or even 160 questions is, in my judgment, a wrong use and unreasonable use of the privilege of the Members of this Legislature. It was, therefore, absolutely necessary that this question should be discussed and those Members who are making unreasonable use of the privileges of this House should have been brought to reason in some manner. But I feel that the course which the Honourable the Leader of the House is suggesting is somewhat premature. I feel that so long as there are only two or three Members who are making unreasonable use of their privileges, we shall be punishing the large bulk of the Members for the fault of only a few. Personally, I feel that, before we attempt a drastic curtailment of the privileges of the Members of the House, we should try a milder method of achieving our object. It is quite possible that if a warning is given to those Members who are making unreasonable use of their privileges, they may be brought to reason, for instance, if the Honourable the President talks to these Members privately. I have absolutely no doubt that all Members of this Legislature hold you in great respect, and a warning from you may have the desired effect. It is quite possible that you may speak to the Leaders of the Parties from which these Members are drawn, and if the Leaders also cannot control the Members from making an unreasonable use of the privileges which are given to them and which prevent the exercise of the reasonable use of the privilege by other Members, perhaps these Members

may be brought to reason by change in Rules. Personally, I was myself thinking at the end of the last Simla Session of sending about a thousand questions. I felt that was one method of bringing the offending Members to a reasonable course. If I had sent on the last day of the Simla Session a thousand questions, perhaps those Members would have found the inconvenience which other Members feel by their own conduct. But I felt that there may be some other method of bringing these offenders to a reasonable path. I feel that it is not quite right to try to punish those Members who have used their privileges very reasonably for the fault of only three or four Members. We should, therefore, try other methods first. If they fail, then certainly it will be necessary for this House and for the Government of India to restrict the rights by change in Rules. I, therefore, feel that as this Committee is being appointed, there will be time for the use of the other methods and bringing the offending parties to a reasonable path. You remember, Sir, that this evil had grown in a previous Assembly three years ago, and the mere fact that there was a proposal to change the Standing Orders had a very salutary effect. Similarly, I hope that even this discussion will have a very salutary effect upon those Members who are making unreasonable use of this privilege. But I would like the Members to consider this whether it is right for the fault of four Members to punish all the other Members who have been making a reasonable use of the privilege?

Sir Muhammad Yakub: Is it punishing?

Mr. N. M. Joshi: It is punishing; because it may be that on one particular day I may have to ask 10 questions. If, during the whole Session, I do not ask more than 25 questions, why should I be debarred from putting 10 questions on one day? Therefore, to me it is a punishment.

Sir Cowasji Jehangir: You make them pay for every question they ask.

Sir Muhammad Yakub: This is a good suggestion.

Mr. N. M. Joshi: It is not a good suggestion. It is a suggestion for people who have got money and who want to keep all the privileges in their own hands. It is quite possible that Sir Cowasji Jehangir may ask 100 questions and may pay for each question even a hundred rupees. If you make that a rule, then certainly Sir Cowasji Jehangir will have the monopoly of being a Member of the Legislature. If that suggestion were adopted, then I am sure these questions will become the monopoly of the wealthy classes of this country. A Member of the Legislature serves a useful purpose by being a Member of this Legislature and asking questions. He must be paid for asking questions and he is being paid Rs. 20 a day. I do not say that Rs. 20 a day is a very good payment, but still it is some payment and it is quite necessary. Therefore, I think it will be rather a hasty step to curtail the privileges of this House on account of the unreasonable use that is being made by some Members. I would, therefore, appeal to you and appeal to the Leaders of various Parties to see that this evil is stopped without a statutory curtailment of the rights of the Members. I hope my suggestion will be accepted and the purpose which we all have in mind will be served without statutory curtailment of our rights.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I agree with the first portion of the speech of my Honourable friend, Mr. Joshi, that the privilege of putting questions and stopping other Members from putting questions which they consider right and proper has been misused lately. But I do not agree with the latter portion of his speech. I do not think that it requires the interference on your part in the manner suggested by Mr. Joshi. Nor do I agree with him that it will be a kind of punishment to other Members who are not accustomed to put in a lot of questions in one Session, but, on the contrary, I believe that it will be helping the Members who put occasionally some questions which they think are really necessary to elicit some information from the Government. When we find that about a thousand questions are blocking the way and when we come to know about a particular matter for which information ought to be obtained from the Government during the Session, it is next to impossible to get that information from the Government at the time when one feels it necessary that that information ought to be obtained. If one Member is allowed only three questions a day on a particular subject concerning a particular Department, then it will not debar those Members who require particular information to obtain it during the Session. If we sit for 2½ months, the number of questions is so large that even if a Member gives notice of certain questions at the beginning of a Session, he is not likely to get the information which he wants till the end of the Session. This is really barring him from getting the valuable information which he wants. Therefore, the proposed Rules will act as a check against those Members whose only business is that as soon as a Session ends they go and frame a large number of questions and send them to the Assembly Department about five months before the next Session starts. Probably at the time when those questions are answered, the informations asked for in those questions are not required. Therefore, I think this suggestion of Mr. Joshi should not be acceptable to the House.

I have seen at a glance the amendments proposed by the Government. So far as clauses 1 to 5 are concerned, they will serve a great deal of the purpose which they are intended to do. But I think clause 6 of the proposed amendment, as it is worded, will greatly curtail the rights and privileges of Honourable Members of this House. I do not think it is a right procedure that if a particular Member's questions remain unanswered on the day on which they are set down on the agenda, then their answers should be placed on the table and no supplementary questions are to be allowed on them. Supposing twenty Members have put in their questions on a particular day concerning a particular department and supposing I am the last having three questions on the list. All other Members had the privilege of asking their supplementary questions on their questions, but I happen to be the last whose questions are not reached, and, therefore, I am to be deprived of putting supplementary questions on that day. This will mean a great hardship to those Honourable Members who happen to have their questions at the end of the agenda of that particular day. It will, in addition, make a distinction between those Members who happened to have their questions just in the beginning or in the middle and those who happen to have their questions at the end and this will curtail the rights and privileges of those whose questions are at the end. Therefore, I think the amendment suggested in part 6 takes away this valuable privilege of putting supplementary

questions and this amendment is not a desirable one. This will also inconvenience the Government, because if the answers are not given in the manner satisfactory to the Member and supplementary questions are not allowed, then the Member will be obliged to put other questions in the alternative later on, and it will add greatly to the cost to the taxpayer and will entail greater inconvenience to Government to supply that information which could have been easily given in supplementary questions. Therefore, this amendment, suggested in part 6, ought to be omitted.

There are other difficulties which have been pointed out by the Honourable the Mover of the amendment for reference to Select Committee. Those difficulties ought to be taken into consideration. How the Departments are going to work? There is a Department which gets only ten questions in the whole Session, whereas there is another Department which gets about 500 questions in a Session. How are the Departments going to be accommodated? Does it mean that a Department, say, the Finance Department, which gets 500 questions will be allotted only one day a week for answering all those questions, whereas another Department, say, the Industries and Labour Department, which gets only about 50 questions will also get one day a week? All these things have to be carefully considered, and that is why I suggest that this proposed amendment should be taken to the Select Committee. I am sure, the Government too will not like to oppose this reference to Select Committee because Government Members are as much Members of this House as the Non-Official Members. Although the Government are the Party who have to give answers and this side has to put questions, still when the rights and privileges of Members are concerned, the Government must be as jealous as any Non-Official Member should be. We are anxious that Honourable Members of Government should not be inconvenienced, they should not be put to all kinds of difficulties. We want to save them from all difficulties. At the same time, they must see that the Non-Official Members do not lose their rights and privileges. I hope the Government will come forward to accommodate us so that there may be fairness on all sides. I, therefore, support the motion for referring this matter to the Select Committee.

Mr. M. Asaf Ali: Sir, I rise for the last time to register my protest against the action which the Government propose to take in the matter of curtailing the liberties and privileges of Members of this House to the extent to which they propose to do. Before saying another word, I should like to make a brief reference to what Sir Leslie Hudson happened to remark about some of the observations which I had made as regards the right of questions. Perhaps Sir Leslie Hudson will permit me to read out to him the remarks of Sir Courteney Ilbert who at any rate has been known as one of the greatest authorities on Parliamentary practice. This is what he says about the right of questions. He says:

"There is no more valuable safeguard against maladministration, no more effective method of bringing the searchlight of criticism to bear on the action or inaction of the executive government and its subordinates. A minister has to be constantly asking himself not merely whether his proceedings and the proceedings of those for whom he is responsible are legally or technically defensible, but what kind of answer he can give if questioned about them in the House and how that answer will be received."

It was not my intention nor has it ever been the intention of any of the members of my Party to bring the Government into hatred or contempt by these questions.

Sir Leslie Hudson: Sir I was merely quoting the remarks made by one of my Honourable friend's colleagues in the last Simla Session, when he definitely stated on the floor of the House that his reason for asking these questions was to bring the Government of India into contempt. That was a definite statement.

Mr. M. Asaf Ali: Sir, I am not responsible for the remark of any individual, but now I am speaking in the name of my Party. Our object in giving notice of and asking questions is to elicit information for consumption throughout the country. Whenever we have attempted to ask questions we have done so only with a view to enlightening the public as regards the various blinks we find in Government, the various acts of maladministration and malpractices and errors and omissions, as was pointed out. It is with that object that our questions have been asked.

Sir, it has been said that a few Members of a certain section of the House have monopolised the time of the House in asking questions and asking supplementaries. I admit it is a great crime in this House to be energetic, it is a great sin in this House to be vigilant, and some are more vigilant and more energetic than some of the Members who do not utilise their time as perhaps other active Members do. It does not lie in the mouths of these gentlemen to come here and say that only a few Members consume the question hour in this House. If a particular Member happens to possess enough time and energy to investigate questions and inform himself and then put questions and follow them up with supplementaries, surely he is doing a public duty. It may be one Member who is doing that particular duty or it may be another or it may be the whole House. If the whole House put together were to divide among themselves these questions and supplementaries, after all the information elicited would be the same. So I really do not see the point of any Member saying that he did not get a chance of putting a supplementary question, or saying that they are here to elicit themselves the information which they may require. It matters very little as to who puts the question; it may be one person who puts the question; and it may be that very same person who may follow that up with supplementaries throughout the hour. But you are getting the necessary information. That is what you are here for and for nothing else.

Moreover, there is another little point which I should like to make at this stage, and it is this. Even if you make this rule of limiting the right of interpellation to only three questions for each Member on any particular day, how will it work out? Take, for instance, the Official Opposition which consists of 54 Members straightaway. These 54 Members work as a party machinery; we are not individual Members here. You will be throwing upon us the duty of making a division of the questions that we want to ask. We will put down three questions in the name of each one of us, which means 162 questions a day. Can these 162 questions be answered on any particular day? No, it is impossible. On an average you cannot get answers to more than about 40 questions; sometimes it may be 60, on another occasion it may be 80 and on another occasion it may be only 20; but the average works out to, I believe, 40. As was pointed out by Mr. Joshi, it is very easy for you, Mr. President, in whom we have perfect confidence, to make some sort of arrangement with the Leaders of Parties, point out this little fact to them, and I see

no difficulty in reducing the number of questions to a reasonable number and even reducing the number of supplementaries to a reasonable number. It is not impossible, it is a very simple arrangement.

In so far as answering questions relating to a particular Department is concerned, I, at this moment, see no very strong objection because perhaps it will facilitate the work of both Government and also of the Members. Members of the various Parties can come prepared to put their supplementary questions on that particular day; and that to my mind is a fairly advantageous thing. But now we come to sub-rule (8) which reads as follows:

"If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the Member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof."

What does that mean? It means that you, Sir, will in the light of such experience as you have gained put down a number of questions on the list on each day, about 40, and in your anxiety to see that none of these 40 questions is left unanswered you will naturally try to restrain the supplementaries, whatever the nature of the question. And it is impossible for you today to say that the supplementary questions in relation to any particular question must not exceed such and such a number. There may be a very important question which may call for supplementaries from all over the House, and the whole hour may be consumed in answering those supplementary questions; which means that a large number of questions will be left over and supplementaries would automatically be stifled. This will naturally lead to endless irritation and annoyance among Members; those whose questions will be left over will have a grievance and a very natural grievance; and those who will be restrained from putting their supplementary questions will equally have a grievance; which means that the responsibility of this odious task of stifling and strangling the ventilation of public grievances through interpellation will be cast upon you. This is a most unreasonable position and the House, if it is at all jealous of its rights and liberties and privileges, must in my humble opinion register its protest against this provision.

Now, Sir, I have only just one or two other words to say, and that is in respect of the most illuminating speech to which we listened from the Honourable the Leader of the House.

Fortunately I am not a believer in Billingsgate, and, therefore, I shall treat most of the observations, which were of a personal nature which fell from the lips of the dignified Leader of the House with utter contempt: in fact, I think those observations were beneath contempt. The Leader of the House permitted himself to indulge in the cheapest possible gibes that any person could possibly think of. He made reference to half a dozen Members roaming the city and not coming into the House. Other Members also took it upon themselves to use the expression "dereliction of duty". Yes. We know who are guilty of dereliction of duty. I can count all the members belonging to my Party by name and tell you why they were here and how long they were here and whether they draw allowances or they did not. Dr. Deshmukh came in connection with his own Select Committee. Dr. Bhagavan Das came for his Bill. Mr. Sham Lal

[Mr. M. Asaf Ali.]

came for his Bill. Mr. Kazmi came for his Bill. The others who came were Mr. Ghansham Singh Gupta, also for his Bill, and Dr. Khare also for his Bill. These were the Members who came. Mr. Sri Prakasa came for a Select Committee, and Mr. Giri for the Standing Finance Committee of Railways, and not one Select Committee, but they have a string of Select Committees. I have got Mr. Nilakantha Das purposely here, because I want him for two Select Committees, I have given his name in that connection. They are here in connection with public duty. The Honourable the Law Member made a point of it and others also tried to make a point of it

Sir Abdul Halim Ghaznavi: Why are they not here?

Mr. M. Asaf Ali: That is not your business; and they made a note of this little fact and made a cheap gibe out of it. The learned Law Member also went to the length of saying that it was a disgusting fact. But a far more disgusting fact that I am aware of is that the Honourable the Leader of the House, without winning his way into the House through an electorate, draws his Rs. 80,000 a year, and he not only does that, but he books his passage for the 10th April, and, therefore, the Session would not be postponed. It must begin on the 25th of January. That, may I take it, is not a disgusting fact? The convenience of a large number of elected Members is of no avail, of no value, has no importance whatsoever: but because the Leader of the House has booked his passage for the 10th April and has got to go away from this country,—therefore, whatever happens, the Session must go on.

Why are we absent? This question has been raised over and over again, and I must answer it. In all fairness to those who are not present, I must answer on their behalf. Sir, my Party is running no less than one thousand candidates: we are contesting no less than one thousand seats throughout the country. This particular constitution has been trumpeted about as the corner stone of democracy, as the first great instalment of responsible and representative Government. We are called upon to contest these seats and get into the Legislatures and perform our public duty for the next five years; and we are also called upon to perform our duty simultaneously here in this House. Is that possible? Is it humanly possible? The Government have never had a chance of going anywhere near a polling booth. They do not know what elections mean. They can talk with their tongues in their cheeks, because they do not know what elections mean. None of them here today has come through an electorate. I challenge them, I defy them to go into the country and contest a seat. They can talk glibly, but they would not dare to talk if they were really put to this test. If they go out into the country, and if they were asked to appeal to the electorate and they were to ask the electorate to send them here, they would not be talking here as they do, but they will find themselves elsewhere: probably they would never see the door of this Chamber. It is under these circumstances that we are not in this House. It is not because we have boycotted the Assembly: it is not because we are doing this out of any spirit of truculence or annoyance. Nothing of the kind. It is physically impossible.

It was said by the Leader of the House that elections in a number of provinces are over. That is perfectly true. But by far the most import-

ant elections are still on. United Provinces elections are still on: they are not yet over. Bombay will not be over. Madras will not be over. These are the three major provinces in which we have got to contest the elections. Members of my Party at any rate are important office bearers of the organisation which is contesting these thousand seats. They have got to tour the entire country. They have to pass from province to province: they have to go and support their candidates everywhere. It is on account of this fact that they cannot possibly be present in this House.

Now, in the absence of those people, is it open to the Government to say "If they do not choose to come into the House, how can we consult them?" If you do not wish to consult them, go ahead. Why appoint even a Select Committee? I do not for a single moment deny or contest the fact that other elected Members who are present here are quite as jealous of the rights of Members of this House as other elected Members are. I concede that point straightaway, but I am entitled to ask them "Do you realise the futility of the whole thing? Government have made up their mind, they want to go ahead: they want to forge ahead with the measure before the House, whether you are on the Select Committee or not". Whether you serve on the Select Committee or do not, you will find that it is rammed down your throats. Therefore, the only dignified thing that we can do is merely to register our protest and rest contented that a day will come when perhaps we shall be also in a position to pay them back in the same coin.

Mr. Akhil Chandra Datta: Mr. President, on the merits of the controversy which has been raised by the motion it cannot be disputed that these are changes which are more or less of a drastic character. Quite a series of restrictions are proposed to be imposed on the right of interpellation. I have risen not to emphasise that point only. I want to draw the attention of the House to a legal aspect of the matter. The law on the subject is laid down in the rules and in the Standing Orders. As regards the question of the admissibility of the subject matter of questions, they are provided for in the rules. As regards procedure as to how and when particular questions shall be entered in the list and in what order they should be called by the President, those are matters of procedure which are laid down in the Standing Orders. If I may put it in this way, the substantive law on the subject is given in the Rules and the adjective law in the Standing Orders. I should think the points which have been raised by the proposed amendments relate to the procedure and not to the subject matter of questions. There are two questions involved in the proposed rules. One relates to the restriction of the number of starred questions, and the other question is contained in sub-clause (5), namely, as to the order in which the President is to call the questions. I take it these are the two questions involved in the proposed amendment. My point is this. These are questions which are not provided for by the rules, but they are matters in respect of which the law is laid down in the Standing Orders. I refer to Standing Order No. 17. That Standing Order lays down:

"Questions which have not been disallowed shall be entered in the list of questions for the day, and shall be called, if the time available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

Therefore, the first question as to the entering of the questions on the notice paper, that is provided for in the Standing Order, and not in the rules.

[Mr. Akhil Chandra Datta.]

Then, as regards the other matter, namely, the order in which they should be called, whether questions relating to different Departments should be called on the same day or not, that is also matter provided for by Standing Order 17. As a matter of fact, we have been told that when in 1933 Mr. S. C. Mitra wanted to limit the number of starred questions to four, he wanted to amend Standing Order No. 17, and not the rules, because the rules are quite silent on that matter. Therefore, my point is this. The Honourable the Law Member, as I understand the law on the subject, has misconceived his remedy. If you want to achieve your object, then it will not do to amend rule 8. The language in the Standing Order is "shall be entered". It says "Questions, which have not been disallowed, shall be entered in the list of the day"—without reference to the question as to whether there are more than three questions standing in the name of one and the same gentleman. Under Standing Order 17, those questions have got to be entered in the list of questions for the day. The language used in the Standing Order is "shall be entered"

The Honourable Sir Nripendra Sircar: Is it the Honourable Member's point that the rules we propose will be repugnant to the Standing Order? If the Standing Order is not changed, then is it my Honourable friend's point that the rules we propose will be repugnant to the Standing Order?

Mr. Akhil Chandra Datta: My point is that the proposed amendment will be quite inconsistent with Standing Order No. 17.

The Honourable Sir Nripendra Sircar: That is what I meant. If that is so, I would draw the attention of the Honourable Member to section 67 of the Government of India Act:

"Any Standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy, but not otherwise, be void."

Therefore, the Standing Order need not be amended. If my friend's contention that it is inconsistent with the Standing Order is right then the Standing Order will go automatically, and it does not require any amendment.

Mr. Akhil Chandra Datta: I am glad, Sir, it is admitted that

The Honourable Sir Nripendra Sircar: No, it is not admitted.

Mr. Akhil Chandra Datta: It is admitted that it is inconsistent

The Honourable Sir Nripendra Sircar: No, it is not admitted, but if there is repugnancy, then the Standing Order will go automatically.

Mr. Akhil Chandra Datta: To me it is perfectly clear that the amended rule will be absolutely inconsistent with Standing Order 17. There can be no manner of doubt about it.

Then, it is pointed out that if there is a discrepancy, then the Standing Order will automatically go and the rule will prevail. I think, Sir, the amended rules will lead to a great anomaly. It will not be very happy if the rules point one way and the Standing Order will point the other way.

Then, there is one other point I want to make. I feel that all these restrictions are quite unnecessary, because, if there is any abuse of the right of asking questions by any Member, there is enough power given to the Chair under Standing Order 16 to prevent such an abuse. The President can disallow any question if, in his opinion, any Honourable Members obstruct the business of the House by putting unnecessary and insignificant questions. That abuse can be prevented by the Chair under the power vested in him by Standing Order 16.

Finally, Sir, I want to say this. These restrictions are not only an infringement of the rights of Members of this House, but they are also an infringement of the right of the Chair, because Standing Order 18 lays down:

"Questions shall be put and answers given in such manner as the President may, in his discretion, determine."

That is a discretion given to the Chair, and if in any particular case any particular manner is suggested for the putting of questions and for the giving of answers, it will be for the Chair to exercise its discretion. Therefore, I feel that the discretion given to the Chair under Standing Order 18 is being seriously fettered by the proposed amendments. Sir, these are all very important matters. If the question is decided today, we all know the fate, and so it must go to a Select Committee for an examination of the extent and limit of the restriction,—there is no other way out of it. In that view of the matter, I support the motion for a Select Committee. I am really in favour of total rejection of these amendments.

Dr. Ziauddin Ahmad: I would like to make one or two observations in connection with this motion. I admit that there are cases of misuse of the privilege of asking questions, but the remedies suggested in this motion are too drastic. I have repeatedly pointed out on the floor of this House the misuse of the privileges. The first is that some Members ask questions in the form,—has the attention of the Government been drawn to an article published in the newspaper

Mr. N. M. Joshi: "*The Hindu*."

Dr. Ziauddin Ahmad: Yes, "*The Hindu*", or any other newspaper dated the 15th November, 1935? In that case, only the person who has read that article is placed in a position of advantage and he can ask supplementary questions, while the rest of the House sits idle and does not understand what the subject relates to. I have repeatedly said that questions in this form should not be asked on the floor of this House. The questions should be put in the manner that may be intelligible to every Member of this House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will find that that has been stopped.

Dr. Ziauddin Ahmad: I am glad that that thing has been stopped, and that will reduce the number of questions automatically.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that follows, because the Honourable Member has to formulate his own question.

Dr. Ziauddin Ahmad: That requires some intelligence. Secondly, we should observe a convention amongst ourselves that we should not ask questions on day to day administration. This should be left to the executives, and we should ask questions only on questions of policy. If we have some such kind of convention amongst ourselves, then the number of questions will be substantially reduced.

Mr. N. M. Joshi: That cannot be done. I do not agree.

Dr. Ziauddin Ahmad: I am afraid that if you restrict the number of questions to three that will lead to another kind of practice which we have seen in the case of resolutions and in the case of passes for entry to the galleries. Some persons will come and say, have you put down three questions, if not, sign these, and in that way persons will go on getting signatures from all Members and that will not reduce the number of questions. My Honourable friend, Sir Muhammad Yamin Khan, is in a privileged position, because, during the last eight years, he has asked only one question, so that the rules will not affect him.

The next point is that the Honourable the Law Member referred to a particular individual, but I think that thing will not arise in future. The Honourable gentleman is now going to the Provincial Council

Mr. N. M. Joshi: No, no. He is coming back.

Dr. Ziauddin Ahmad: I am sorry that I was not correct. I thought that this particular question would not arise in future as I was given to understand that he was going away to the Provincial Council. The next point to which I draw attention is that the analogy between the Parliament and our Assembly is not quite complete. The Parliament makes its own rules and makes its own laws and there is nobody else which makes rules and laws for the Parliament. But in our case the rules and laws are made by bodies outside this Legislative Assembly. So we are not masters in our own house as the Parliament is. It is said that Parliament can do everything except one and that is that Parliament cannot make a man a woman nor a woman a man, while we are said to be slightly better than a debating society. In Parliamentary elections, the candidates who stand for election can promise a large number of things to their electors. They can promise contracts, they can promise all kinds of appointments and all kinds of position, but we here can only give two promises to our electors. We say, if there be any grievance we will bring that grievance to the notice of the officer concerned, or that we will ventilate it on the floor of this House. These are the two promises which we hold forth to our electors. So, if our powers are restricted even in these matters, then the promises which we can hold out to our electors in order to have their votes will be further curtailed.

Sir Muhammad Yakub: You can tell them you will bring freedom to the country.

Dr. Ziauddin Ahmad: Coming to the proposed rules, I would like to make one or two observations. As regards the number of questions to be put, if it be decided to restrict the number then three is a very small number. In a House of 600, which is the strength of the Parliament they have restricted the number of questions to three, and therefore for this House which has got only about 100 elected Members, by the simple rule of ratio, there ought to be six times three, that is, 18 questions. So that even if you have the analogy of the Parliament, the number of questions should be 18 per Member. In any case, whatever the number may be, three is too small because sometimes the questions are correlated and it is very difficult to split them up. The second question is very often the logical consequence of the first, the third of the second, and so on.

Sir Muhammad Yakub: Why not make (a), (b), (c), (d), etc.?

Dr. Ziauddin Ahmad: I hope the Leader of the House will take cognisance of this fact. The question may be split up into sub-clauses (a) to (z), and if he is a mathematician he will go further and use (á), (b'), (c'), (d'), and so on, but the difficulty will be, if you have a large number of sub-questions, you will be very much handicapped in supplementary questions, because, if the Honourable Member representing Government has answered 78 sub-questions at one time, you will not know where you are or where your supplementary questions should begin. We cannot conveniently put supplementary questions to a large number of sub-questions as suggested by my Honourable friend, Sir Muhammad Yakub. As regards clause (5) of the proposed rule, I should like to say that it will not work well. The full one hour may not be allocated for asking questions and it will be exceedingly difficult for the office to manipulate in order that sixty minutes may be devoted to questions. Very often the questions may be over in shorter time. I think clause (5) requires very careful consideration, and I think in practice the time for asking questions will be reduced though it is not the intention of the Government to do so.

There is another point which requires consideration and my Honourable friend may have already considered it. Some Members may think it a great relief if instead of continuously answering questions for one full hour some other Members relieve them by answering questions. It may also be argued that if you have questions relating to one department the other Members of Government will get away and will do office work. That is correct, but at the same time it is very desirable that the whole Government should be present and hear what is going on in the other departments as they should not become narrow minded. They should be concerned not only with their own department, but they should have a broader view and hear at least on the floor of this House what is going on in other departments and that is the only chance which they can have about the administration in other departments. So, relief given to other Members of Government will lower their efficiency and will narrow their outlook and they will not know what is going on in the administration of other Departments. I think provision No. 5 requires very careful

[Dr. Ziauddin Ahmad.]

consideration, both in the interest of efficiency and in the interest of privileges of Members, and the time should not be reduced, and full one hour should be allotted to questions.

Provision No. 6 is a thing which requires still greater consideration. We restrict the number of questions by clause 1 and we restrict the number of supplementary questions by this clause. If more supplementaries are asked on the first ten questions, then the others become unstarred. Immediately each Party will say that their question should be put first and they should have the right to ask supplementary questions and the President will have to say not only that so many questions will be allowed but that so many will be allowed to this party, so many to that party and so on and so this question of arranging the questions each day will become an exceedingly difficult matter. It will be very difficult for the office and the office will become exceedingly unpopular. The President will become unpopular and he will be in great difficulty as to how to arrange the questions. If 60 questions are put down and only 40 are answered, then 20 will become unstarred. Then, all the Parties will try to use their influence to get their questions in the first forty, and then there will be difficulty about arranging the whole thing. You will have to appeal to the Leader of each Party as to how the questions should be arranged. The work of the Leaders and the work of the office will be enormously increased. Allegations will be made that the office has been partial to this Party or that Party in the arrangement of the questions. This will be exceedingly difficult to work out in practice. This will make the Leaders of Parties and the office of the Assembly unpopular. I think Government should think several times before they adopt this provision.

These are the few observations that I desire to make. I entirely sympathise with the Leader of the House. Each question costs an enormous sum to the tax-payer, but the solution that is suggested in this motion is a drastic solution, and, in solving one difficulty, they are creating a number of other difficulties. A solution is not a solution if it brings forth other difficulties. This is a thing which has got to be very carefully considered. We ought to find out a real solution. As regards the joke between the Law Member and Mr. Asaf Ali, I have only one word to say; that is, if the Law Member ceases to be a Law Member, he will be earning much more than what he is getting at present both in the bar and in business.

Mr. President (The Honourable Sir Abdur Rahim): The Chair desires to make one point clear with regard to what it said about the reference in questions to statements in newspapers. What the Chair meant was that in proper cases reference can be made to statements appearing in newspapers, but the Honourable Members themselves have to formulate the points on which they seek information. Therefore, if any reference to newspapers is there, it need not worry the other Members as to what is contained in those statements.

Sardar Sant Singh: It seems that although Mr. Satyamurti is absent from the House, his invisible spirit pervades this House, and it looks that he was a terror to the Honourable Members of the Government, not only when he was present, but he remains a terror even in his absence.

Mr. N. M. Joshi: He was a nuisance.

Sardar Sant Singh: He should have been a nuisance to Officials and Nominated Non-Officials, but I thought there was an exception in favour of Mr. Joshi, but he also seems to be under the same terror.

Mr. N. M. Joshi: No terror.

Sardar Sant Singh: The question is not that his too many questions are a sort of trouble to the Members of the Government. But suppose, for the sake of argument, you succeed in limiting the number of questions, who will control the supplementaries? Supposing he asks one Member to put the question and he asks the supplementaries, is there any power under these proposed rules to control the supplementary questions? I think not, and none could be framed to control him. My Honourable friend, Dr. Ziauddin, referred to the fact that by putting too many supplementaries, he might be blocking the way of other Members putting questions. That will be perfectly right, but, at any rate, these rules do not control the supplementary questions that can be asked by any Member.

Again, Sir, I cannot allow this opportunity to pass without recording my strong protest against the restrictions that are proposed to be placed upon the right to ask questions. There are Members who do accommodate the public when they come to them for ventilation of their grievances on the floor of this House. There are others who do not care to utilise their time in asking questions or putting down Resolutions. Their business is simply to say "Aye" to everything that comes from the Treasury Benches, and say "No" to whatever comes from the Opposition side. They are mere followers or back benchers. To them it seems a waste of time in asking questions. But, all the same, in a country which is governed by a bureaucratic form of Government, where the Government is irremovable, where the executive is irresponsible to the wishes of the people, to let them go on in their irresponsible course of action is nothing short of a political blunder. The only check that this House can place upon their activities, both on the administrative side as well as on the side of policy, is by putting down questions and exposing them to the ridicule of the public, if the activities of the administration are not liked by the people. Here, it seems as if, with the introduction of the new Constitution with all the safeguards it embodies in it, the bureaucracy still wants further safeguards by restricting the rights of interpellation on the floor of this House. I do think, Sir, that the little value that we give to our electorate by being here and by ventilating their grievances is still further reduced when our right of interpellation in this House is being restricted. This is a proposition which no freedom-loving citizen of India can allow. There is one more matter I want to refer to, though not in a spirit of creating any controversy but in a spirit of trying to bring home to the Members of the Government of India that they are living in glass-houses and it does not lie in their mouth of throw stones at others. We have heard so much about the small allowance that is paid to the Members of this House and we have heard that the Members who are here in Delhi are not attending the House and yet they are drawing their allowances. Probably, Sir, when this taunt was hurled at us on this side of the House, the Honourable the Leader of the House did not realize that there is something like a party discipline and a party mandate. Members are bound to obey the Leader of the Party on whose ticket they were elected to this House and if these Members are here today in Delhi, it is in deference

[Sardar Sant Singh.]

to the wishes of their Party Leader and to their Party mandate that they are not attending the House. I can speak on their behalf and I have very good reason to say so that those very Members present here had expressed their desire to attend when they knew that they were drawing the allowances and they expressed to me their feeling that this did not look like a business-like proposition, namely, to be in Delhi but not to be attending the Session. They are themselves feeling their awkward position, but they cannot, in spite of all their wishes, attend this House unless the Leader of the Party gives them the permission to attend. Now coming to the Government side, may I ask a few questions of the Members of the Government of India? Do they know what salaries they draw and what proportion that salary bears to the average *per capita* income in India? Sir, the highest salary paid is equal to 26,800 times the average *per capita* income of an inhabitant of India. My Honourable friend, Dr. Ziauddin Ahmad, who is a great mathematician, if he works out, will find that the *per capita* income is on the most charitable basis Rs. 40 a year in India. Now, the Government officials are not satisfied with their salaries even. There are the Lee concessions, commonly called the Lee loot. At the worst time of depression of the country's finances, did they deprive themselves of these Lee concessions? Did these Government officials deprive themselves of the Lee concessions, and was not a very disgusting state of affairs noticed when the Lee Commission was recording the evidence . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member really need go into all that. It was only a casual remark.

Sardar Sant Singh: I could multiply instances where the Government of India believe in the exploitation of the masses. I might ask, leaving other questions, why the official Members are allowed Rs. 20 extra when they are here? Are they not drawing regular salaries? What for are they then drawing these allowances—for sitting here, for occupying their Benches? How then does it lie in their mouth to throw stones at others?

Sir Leslie Hudson: How can you throw stones with your mouth?

Sardar Sant Singh: I am very sorry that an elected Member should be in a position to support Government on this point. My submission is that it did not look very dignified to refer to this small matter of a small allowance. I need hardly say that we are here in response to the public duties cast upon us. And not only that, we are here not without making a great sacrifice of our professional duties. As regards the proposal made by Sir Leslie Hudson that the report of the Select Committee should be presented by the 4th February, my submission is that this sounds like vindictive,—that they really want to thwart the opinion of the Congress Party and the Congress Nationalist Party . . .

Sir Leslie Hudson: That was not in my mind at all; my idea only was to get the business completed as quickly as possible.

Sardar Sant Singh: I am glad that the idea is to do the business as quickly as possible. I would appeal to my friend, Sir Leslie Hudson, and

to the Leader of the House not to make so much hurry over this important business. After all, this must have become very clear to the Government that there are two sides to this question and a full hearing should be given to all men before the final stage is reached and before making a recommendation to the Government as to what rules to frame. There is one point I would like to understand from the Honourable the Leader of the House—a point which was also made by my Honourable friend, Mr. Akhil Chandra Datta. Referring to section 67 of the Government of India Act, in sub-section (6) it is laid down that:

"Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor General in Council, but may with the consent of the Governor General be altered by the chamber to which they relate."

Then, further on, it is said:

"Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

The point that I want to ask the Honourable the Leader of the House to take into consideration is this. Under the present motion, it is not proposed to change the Standing Order, which can only be changed with the consent of this House. I want to ask whether, by the changing of the Rules, the Standing Order which already exists and which we may assume to be repugnant to the new rules to be brought in, will be void under this provision, because the Government of India Act says:

"Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

No new Standing Orders are to be made, but as Standing Orders existed previously and the rules are going to be changed, will these become void? That is a point which requires consideration.

The Honourable Sir Nripendra Sircar: Sir, as there is a general desire that the matter should be discussed in Select Committee, I would subordinate my personal inclination in the matter. Sir, I will be very brief in dealing with the points made by the several Members in the order in which they were made. I do not propose to utter more than a few sentences in connection with Mr. Asaf Ali, who, I am sorry to see, is not here—that is not my fault; I deny that any observations of a personal nature were made as against him; I am afraid the Honourable Member was too excited to listen to the words which were uttered by me. There was no question of any gibes, but there was a statement of truth. The explanation that has been given about those Members, who were present, is very peculiar. He said: "Oh, Mr. A, B and C were here, because they were attending to a Select Committee. That was public duty." Do I understand that attending to a Select Committee is public duty, and attending to this House is not public duty? This subtle distinction, I am afraid, I cannot follow, and I shall leave it there. He was entirely mistaken in thinking that because I have got to go abroad, of which I am not at all sure, on the 10th of April, and, therefore, this Assembly cannot go beyond that date. He must have seen in the papers that the person who will act for me has been

[Sir Nripendra Sircar.]

appointed, and if the Session is continued right up to December, Government will attend to the duties in this House and will not run away and keep themselves in hiding.

Then, I come to Dr. Ziauddin. I always fight shy of controverting him. He said—though possibly it has not much to do with the motion under consideration—that the Parliament cannot make a woman a man. Possibly, he is right but women are making themselves men, without the help of Parliament in these days. (Laughter.) Then, he further said that officials make promises of jobs, and what promises can we make, “we” standing for the elected Members? I think my friend is suffering from very short memory. May I give him some instances of the kind of promises which are made by people who stand for elections? I will give two or three samples—“Do you want to be independent or do you want to be slaves.” “We want to be independent.” “Then, vote for Dr. Ziauddin.” “Do you want to pay rents or do you want to keep your land rent-free?” “We want the land rent-free.” “Then vote for Shamsuddin.” We cannot make promises of that sort. We are a long way behind even if we make promises of any kind at all.

Dr. Ziauddin Ahmad: Perhaps my Honourable friend has not seen my election manifesto.

The Honourable Sir Nripendra Sircar: My remarks do not refer to the Honourable Member himself; they are of a general nature. Then he drew a harrowing picture of how the Honourable the President and Mr. Rafi and possibly the typists in the office will become thoroughly unpopular if these rules are worked out. I hope, Sir, you will not be frightened by this terror which has been held out before you. There is nothing really in his point, because the office will deal with the matter in an administrative capacity except that the President has got to deal with the question of admissibility in a quasi-judicial capacity. Questions will be put down for the day in the order of the receipt of their notice and therefore there is no question of unpopularity. This clamour between A and B, B charging the office with partiality because his question has been put No. 3 and another man's question has been put No. 1 will not arise. It may be mathematically true but it will not exist in fact.

Dr. Ziauddin Ahmad: Suppose my question is No. 63 and the office put down 65 questions, I will have no chance for supplementary questions. In case the Office puts 60 questions only, I shall be third on the following day.

Sir Muhammad Yakub: Syed Ghulam Hasnain is your pupil, and probably he will help you.

Sardar Sant Singh: Favouritism!

The Honourable Sir Nripendra Sircar: Then, Sir, I shall say only one word more, and I have done. My Honourable friend, Sardar Sant Singh, said as an explanation or rather what he thought was an explanation as to why Members are here drawing their allowances and are not attending this House. The key lies in the expression: “Party discipline.” Sir, I can

understand party discipline which may prevent them from attending this Session and coming up to Delhi, but this party discipline of Sardar Sant Singh requires that they should undertake this journey to Delhi, draw the allowances and then keep inside their rooms. As I said before, I do not wish to raise any objection to the amendment which has been moved, and I do not think I should detain the House any longer.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That for the words 'be taken into consideration' in the motion which has been placed before the House, the following be substituted: 'be referred to a Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Akhil Chandra Datta, Sir Muhammad Yakub, Sir Leslie Hudson, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. J. D. Anderson, Mr. A. de C. Williams, Mr. P. J. Griffiths, Captain Sir Sher Muhammad Khan and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and that the Committee be directed to report by 4th February, 1937.'"

The motion was adopted.

THE LAND CUSTOMS (AMENDMENT) BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Land Customs Act, 1924, for certain purposes, be taken into consideration."

This Bill is, I think I can say with some confidence, of a non-controversial nature, and, for that reason, I do not believe that the House, at the end of the day, will wish me to detain them with a very long speech in explanation or defence of the proposals contained in it. The gist of the matter is stated in full in the Statement of Objects and Reasons which has been appended to the Bill. There are two proposals contained in the Bill. The first proposal is to substitute the provisions of the Land Customs Act of 1924 for the provisions of the Bombay Land Customs Act of 1857 on land frontiers between British India and certain Indian States. Also there will be the abolition of the Madras Inland Customs Act, 1844, but that at the moment has no application on any land frontier. When the Act of 1924 was passed, we had to take into consideration only three groups of frontiers in actual administration. There was the frontier between British India and Portuguese India; there was the frontier between British India and French India; and there was the frontier between British India and Siam. It was for the purpose of providing for matters which arose at the frontier between British India and Siam,—where no land customs law was in existence at that time—that it was necessary to pass the Land Customs Act of 1924. The opportunity was taken to supersede also the Madras and Bombay Acts on the ground that they were obsolete and defective in various ways. There was at that time no question of a land frontier between British India and any Indian State. That was in 1924. In 1927 it became necessary, for reasons which are probably well known to Honourable Members of the House, to introduce a land customs line at Viramgam and Dhandhuka between British India and Kathiawar and more recently it became necessary to extend the land frontier so as to put a stop to the infiltration of goods from Cutch which, of course, did not pay the

[Mr. A. H. Lloyd.]

British Indian duty but paid duty to the customs authorities of the State of Cutch. The change from the situation that existed in 1924 makes it obviously desirable that, as we did then with the frontier of Goa and Daman, so now with the frontier of Kathiawar and Cutch we should supersede the old Act of 1857 by the Act of 1924.

I do not propose to detain the House with a detailed description of the points in which the Act of 1924 is inconveniently defective. To my mind the gravest defect is the trouble arising from having two different Acts at land frontiers in the same part of India and administered by the same establishment. This inevitably causes the greatest confusion to the staff and to all those who have to deal with the matter. It will be remembered that one of the Portuguese territories on the frontier of which the Land Customs Act applies, namely Daman, is very close to Kathiawar and in fact both these frontiers have to be under the same Assistant Commissioner. That, Sir, is the first point. Now that the land customs frontier between British India and certain Indian States has become, so far as I can see for the moment, a permanent feature of our administration, we ask the House to agree to the application of a uniform Land Customs Act to that frontier.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): How did you manage till now with this defect in the Act?

Mr. A. H. Lloyd: They were inconveniences, rather than fatal defects. We could manage quite well, but we could manage better if we removed these inconveniences. If the Honourable Member wishes I can give a few examples. They are merely points of administrative detail.

An Honourable Member: Please give some examples.

Mr. A. H. Lloyd: One thing, for instance, is that if we wish to exempt any goods from customs duties that are going to be imported over that particular frontier where the Bombay Land Customs Act applies, the exemption from duty which is in force everywhere else, under section 23 of the Sea Customs Act and under that section as applied to Land Customs Act of 1924, cannot apply; under the Bombay Act, the importation of such goods requires a special order from the Commissioner of Customs, that is to say, the Central Board of Revenue. It will be observed that this is really in practice a provision to which we have to shut our eyes and to behave as if there was such a notification. If this Bill is passed, a single notification for all Ports and for all the land customs frontiers in India can be issued at once. Another example is this. There was no provision for the issue of warrants for search for prohibited and dutiable goods. That is a very ordinary piece of machinery in the prevention of smuggling of all kinds of goods which exists in many other Acts. The Land Customs Act of 1924 has it, the Excise Act has it, the Salt Act has it, the Opium Act has it. We think it might reasonably be incorporated in this although we can manage fairly well without it.

Sir Cowasji Jehangir: How?

Mr. A. H. Lloyd: It is possible that some particular transactions may escape when we fail to search, but the line as a whole will function.

Sir Oowasji Jehangir: A good many will escape unless you get a warrant.

Mr. A. H. Lloyd: This is not a case where we can shut our eyes to the law. Another example is the question of giving concessions to the public. Under the old Act the minimum penalty fixed is one-tenth of the value of smuggled goods. Now there are cases where we want to be more lenient, and we do not want to have our discretion fettered in that way. Then there are various other things. There is one provision which is very tiresome. Under section 20 confiscation can only be ordered by a Commissioner or a Deputy Commissioner of Customs or by an Assistant Commissioner of Customs who is also a Justice of the Peace. To my mind, it is irrelevant whether an Assistant Commissioner is a Justice of the Peace or not. These are obsolete provisions which we want to get out for the sake of uniformity of administration.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Is this Bill in consequence of the dead lock in negotiations that were carried on between the Government of India and Bhavnagar and certain other Kathiawar States regarding the customs duties imposed and realised in those States?

Mr. A. H. Lloyd: The relation between this and the negotiations which have taken place is that, with a majority of Kathiawar States excluding Bhavnagar, we have come to an arrangement under which we are entitled to check the passage of goods at the frontier with a view to securing that we shall recover from the State the customs duty in excess of a given figure. That is the reason why the maintenance of the line has become a permanent feature of the administration, although it should be clearly understood, as I believe is well known that that line is administered very leniently. So long as the obligations of those States are faithfully observed and so long as we allow the produce of Kathiawar itself to come into British India free of duty, as we do at present, and I hope we shall for a long time to come, so long as these conditions remain, the line will be leniently administered. But there must be some legal basis and we wish to get out of the complications that are likely to arise on account of the difference of the laws.

Babu Baijnath Bajoria: What is the cost of maintenance of the Viramgam line?

Mr. A. H. Lloyd: I have not got the figures at the moment; I did not expect to have to go into them, because they do not seem to have any bearing upon the objects of the present Bill.

That is the first part. The second part is substantive. In considering this portion, I would ask the House to turn their eyes from Kathiawar and Cutch and concentrate their attention upon the external frontiers of British India particularly the frontiers between Madras Presidency and the

[Mr. A. H. Lloyd.]

frontier of French India. The second group of provisions are to be of universal application wherever the Land Customs Act of 1924 applies, but it is for those frontiers that they are very particularly needed. It will be seen in the second para. of the Statement of Objects and Reasons what they are. Section 88 of the Sea Customs Act which we failed in 1924 to extend to the land customs administration is a section under which power is given for disposal of goods which are not cleared within four months after entry of a vessel. We did not think that it was likely to happen, that at land customs stations goods would lie unclaimed in that way. It is quite natural for some to lie unclaimed, when the whole cargo of a ship is discharged. For goods arriving at frontier stations, it was in 1924 natural enough to think that the situation would not arise; simply for that reason it was not included in the sections to be extended. But experience has shown that there is a need for it. We do want some statutory provision for a procedure for disposing of goods which lie unclaimed for more than a reasonable time after they have been brought to the customs station.

The other provision which we wish to extend is section 168 of the Sea Customs Act. Section 168 provides:

"The confiscation of any goods under this Act includes any packages in which they are found, and all the other contents thereof.

Every vessel, cart, or other means of conveyance and every horse or other animal used in the removal of any goods liable to confiscation under this Act shall in like manner be liable to confiscation."

In the conditions prevalent on the frontiers of French India, we wish to have power if necessary to confiscate motor cars in which so much smuggling has been going on. Honourable Members will have read in the Press of the great quantity of goods which are being smuggled on that frontier in motor cars and of the recent steps which we undertook to prevent smuggling on that frontier and the success which has already attended the efforts of the officer who was specially deputed for this work. Experience has shown that it is an important weapon in our armoury that when cars or other vehicles are used for smuggling, and when it is obvious that they are used intentionally with the knowledge and connivance of the owner for that purpose, there should be a power under proper procedure for the car to be detained and if necessary confiscated.

Sardar Sant Singh (West Punjab: Sikh): Sir, may I ask a question? Will it not do to say that if the vehicle is used with the knowledge of the owner, it may be liable to confiscation?

Mr. A. H. Lloyd: That would be very inconvenient to draft, because it is not in section 168 itself. But I can assure the Honourable Member, and I ask him to accept the assurance, that I have been associated with the Customs Department now for 27 years and I have not yet come across any case where there was not reason to believe that the owner of a vessel the confiscation of which was proposed had some connection with the offence. It is not the practice for Customs officers to hit out wildly without some clear indication of that sort. I am quite convinced that no Customs officer down to the rank of a peon would consider it desirable to propose the confiscation of a motor bus, for instance, because one passenger in the bus was found with dutiable goods concealed on his person. I would ask this House, and the Honourable Member particularly, to leave that to

the ordinary decencies and conscience of the administrative staff; and I can assure him from my experience of the working of the same provision in the Sea Customs Act that he can do so with confidence.

Sir, I think I have detained the House long enough; I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Land Customs Act, 1924, for certain purposes, be taken into consideration."

Mr. F. E. James (Madras: European): Sir, I should like to ask two questions. They have been answered in the Statement of Objects and Reasons but I should like to have a categorical statement on the floor of the House. The first is whether this Bill does in fact in any way prejudice any treaty rights which exist between an Indian State and British India; and the second is whether there is any intention at present on the part of Government to vary or increase or extend the present customs duties on the land frontiers.

Mr. A. H. Lloyd: The answer to both those questions is quite clearly and undoubtedly in the negative.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir I am not opposing the consideration of this Bill, but there is one point which I repeatedly said on the floor of this House and I should like to repeat it once more. That is, that Government by this Bill are catching the wrong end of the stick. They ought to come forward very boldly and say that all the ports in British India and Indian India, that is, not owned by foreign countries, must be managed by the Government of India. We should respect our treaties and give the benefits to Indian States whatever may be due to them under treaties, but the administration should be directly under the control of the Government of India; and all these transitory arrangements which they are now making about the Viramgam line and this line and that line will not be a satisfactory solution. It is only patch-work which sooner or later will have to be demolished, and the sooner and quicker the revision is done the better. Therefore I think Government should one day boldly come forward and attack this problem directly instead of adopting these indirect methods to meet difficulties which arise on particular occasions.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Land Customs Act, 1924, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. H. Lloyd: Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the Bill be passed.

The motion was adopted.

THE INDIAN BOILERS (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Indian Boilers Act 1923, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Sir H. P. Mody, Mr. Suryya Kumar Soni, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The circumstances in which it has been considered necessary to constitute a central board to exercise the power of making regulations under the Boilers Act which at present vests in the Governor General have been set out briefly, but I hope with sufficient clarity, in the Statement of Objects and Reasons. The legal position under the new Government of India Act, read with the Boilers Act as it stands at present, is that after the 1st April this year the Central Legislature will share with the provincial Legislatures the authority to legislate on this subject of boilers; but the executive authority, and with it the power of making rules, will devolve largely on the provinces. The Central Government's regulation-making powers will then be limited to railways only. Apart from the rules made by Local Governments under their own rule-making powers, which will not be affected by this Bill,—that is a point which I should like to emphasise,—there are at present 170 regulations all of which are highly technical. The Manual is freely adorned with diagrams and with mathematical formulae, which would be of special interest to my Honourable friend, Dr. Ziauddin; and the main object of it is to prescribe uniform specifications for all boilers, which will ensure safety to operatives and to the general public. The provincial legislation on the subject began as long ago as 1864, as a result of serious explosions and a series of provincial Acts followed. But the resultant position was not satisfactory and in 1920, after investigation by a special committee, uniform standards for the whole of India were introduced by the Act of 1923, which it is now sought to amend. I am sure that those Members of this House, who have experience in these matters, will agree that uniformity is as desirable today as it has ever been—in fact much more so. The developments in the manufacture of boilers and in other industries demand constant and urgent modifications of the standards and it would be a great source of inconvenience to industrialists and to boiler makers if the conditions varied from province to province, so that a boiler admissible in one province was not permitted in an adjacent one. Further the constant modification of the regulations in accordance with developments in boiler technique is a very laborious business and it is much better done by one authority than by a dozen authorities working in isolation. It is for these reasons that the Bill seeks to constitute a Central Board on which all the authorities mainly concerned will pool their experience and their powers through suitable representatives. I would inform the House that the proposal was discussed

at the meeting of the Industries Conference held in Lucknow last December at which representatives from all the major provinces were present, and that the Conference without a dissentient voice cordially approved the proposal.

So much for the main object of the Bill. We are taking advantage of this opportunity to introduce a small amendment of a different nature. That is done in clause 5(b) of the Bill. According to section 28(a) of the Act, as it stands now, the regulations must prescribe one set of standards and one only for all cases. Our attention was recently drawn to a case in which an Indian industrialist who had purchased a new type of boiler had great difficulty in getting permission to use it. The expert Boilers Committee of 1920 contemplated a code which allowed suitable variations. But probably owing to oversight the Act does not make it possible to carry out that intention; and this small amendment is intended to rectify the omission.

I hope it will be agreed that there is nothing in the least controversial about this Bill, that uniformity in these matters is desirable and that the best way of ensuring it is by handing over the rule-making powers of the Government of India to a Central Board consisting of representatives from the provinces and the Government of India meeting at suitable intervals. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Sir H. P. Mody, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sardar Sant Singh (West Punjab: Sikh): Sir, I want to make one observation in this connection. From the names of Members proposed for the Select Committee, I find that most of the Members are absent from the House, and especially, the experienced man who should be acquainted with this technical subject, Sir H. P. Mody, will not be available by the 10th February, by which date the report of the Select Committee has to be made.

Mr. President (The Honourable Sir Abdur Rahim): He must have consented, the Chair takes it.

The Honourable Sir Frank Noyce: The usual procedure was followed in obtaining the names.

Sir Oowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I say, Sir, that Sir H. P. Mody is not in Delhi just now. But I can suggest another member of the Party who happens to be here—Mr. Ghiasuddin; and if you would permit it, he could take the place of Sir H. P. Mody. I leave it to your choice.

The Honourable Sir Frank Noyce: I have no objection to the substitution.

Sardar Sant Singh: I want to suggest the name of Dr. Ziauddin Ahmad the mathematician, he might be able to help with his calculations.

Mr. President (The Honourable Sir Abdur Rahim): That must be an addition, the Chair takes it.

The Honourable Sir Frank Noyce: I am not prepared to accept an addition, because the proportion from the different Parties has been worked out in the usual way: substitution is a different matter.

Sardar Sant Singh: May I move, Sir, formally that the name of Dr. Ziauddin Ahmad be included in the list?

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I beg to withdraw my name.

Sardar Sant Singh: In that case, I will withdraw my proposal.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN ELECTRICITY (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

My remarks on this Bill will be even briefer than those on the last, with which it is closely connected. As Honourable Members will see, its provisions are very similar to those of the Boilers (Amendment) Bill which has just been discussed by the House and I need therefore add very little to what I said in that connection. The reasons for the main proposals in both cases are identical. There is one important difference between the Electricity Act as it stands at present and the Boilers Act, and that is that under the Electricity Act, the Local Governments have no rule-making powers at all. They had such powers under the Act of 1903, but they never used them; and the necessity for uniformity has grown stronger every year. It is perhaps even stronger in this case than in the case of boilers, but there is really very little difference between the processes. As in the case of the proposed amendments to the Boilers Act, we consulted

the Industries Conference in regard to these amendments also and met with the same measure of approval. The intention is that the Board should be constituted in the same way as the Boilers Board and it is hoped that they would meet about the same time. There is, however, one difference in the constitution of the two Boards, and that is, in this case we propose to include a member nominated by the Chief Inspector of Mines. The reason for this is that in the case of electricity, the Central Government even after the introduction of provincial autonomy, are likely to retain executive authority in respect of Mines and incidentally also of oilfields. At present electrical equipments in mines are inspected by an experienced Indian Inspector of Mines who is appointed through my Department.

In this case, also we are taking advantage of the opportunity to make another small amendment in the existing Act. Clause 5 of the Bill now before the House proposes to delete sub-section (3) of section 38 of the Act. This sub-section requires that any rule should before publication be referred to the Central Advisory Board mentioned in section 35, "if any", or if there is no such Board, to such other Board, "if any", as the Governor General in Council may direct. Actually, there is no such Board, and as the Central Board will itself be the rule-making authority, this is a fit opportunity to remove from the Act a sub-section which has no force. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I would like to know from whom the Honourable Member got the names of Members of this Party, because on the last occasion, I withdrew my name on the ground that my name did not please the Assistant Whip, and to relieve him from the anxiety, I withdrew. Now, I should like to know how these names were got.

The Honourable Sir Nripendra Sircar (Leader of the House): I think I can explain the position. As regards the Congress Members, I entered into correspondence with Mr. Bhulabhai Desai and Mr. Satyamurti, and I got a letter from Mr. Bhulabhai Desai, and I believe also one from Mr. Satyamurti, stating that the names wanted for the Select Committees would be supplied by Mr. Asaf Ali. In pursuance of that, we applied to Mr. Asaf Ali, and he gave us the names of the Congress Members. As regards the other Parties, we have followed the old practice, namely,—we had really no voice in it. It is for the Parties to indicate what Members should be on the Select Committee, so that we had a dozen names supplied by the Parties.....

Dr. Ziauddin Ahmad: By whom? The Party was not consulted.

Rai Bahadur Sir Satya Oharan Mukherjee (Nominated Non-Official): I consulted Sir Abdul Halim Ghuznavi and he suggested to me the name of Rai Bahadur Bhagchand Soni.

Dr. Ziauddin Ahmad: The Secretary, Sir Abdul Halim Ghuznavi, says that he was not consulted.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): I was not consulted as far as I remember.

Rai Bahadur Sir Satya Charan Mukherjee: I was asked to consult Mr. Bajoria or Rai Bahadur Soni who was sitting behind Sir Abdul Halim Ghuznavi. I asked Mr. Bajoria, but he expressed his unwillingness to serve on this Committee, and, therefore, I gave the name of Rai Bahadur Soni.

Dr. Ziauddin Ahmad: Without consulting him? From your own imagination.

Rai Bahadur Sir Satya Charan Mukherjee: No, not from imagination, but after consultation.

Mr. President (The Honourable Sir Abdur Rahim): Are any alterations desired by the Independent Party or the Democratic Party?

Sardar Sant Singh (West Punjab: Sikh): No alteration is desired.

Mr. President (The Honourable Sir Abdur Rahim): Rai Bahadur Bhagchand Soni is standing from the Democratic Party.

Now, the question is:

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Honourable Sir Nripendra Sircar (Law Member): Sir, would you like me to begin the Insurance Bill at five minutes to five or I should begin it tomorrow?

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Honourable Member can begin tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd February, 1937.