

8th 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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M89LAD

Legislative Assembly.

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SARDAR SANT SINGH, M.L.A.

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

MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 8th 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).

QUESTIONS AND ANSWERS.

BLOCKING OF THE PASSAGE TO THE DHARAMSHALA OUTSIDE THE ETAWAH RAILWAY STATION AND ADVERTISEMENTS IN THE *AJ* AND *PRATAP* NEWS-PAPERS.

376. ***Mr. Sri Prakasa:** (a) With reference to the replies to starred questions No. 241 on the 9th September, 1936, and No. 311 on the 11th September, 1936, will Government place on the table of the House copies of the communications received from the United Provinces Government by the East Indian Railway authorities regarding the blocking of the passage by the Railway to the Dharamshala outside the Etawah Railway Station on the one hand and the stopping of the railway advertisements to the *Aj* and the *Pratap* newspapers on the other?

(b) Are Government prepared to consider the desirability of asking the railway authorities to re-consider their decision on both these matters?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are not prepared to disclose the nature of communications between the United Provinces Government and the Agent, East Indian Railway.

(b) No.

EFFECT OF ENHANCED FREIGHT RATE OF GOODS TRAFFIC ON THE INCOME OF RAILWAYS.

377. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state the effect of enhanced freight rate on the income of the Railways concerned, so far as goods traffic is concerned?

The Honourable Sir Muhammad Zafrullah Khan: There has been an increase of Rs. 380 lakhs in the gross earnings of State-owned Railways from the 1st April, 1936, to the 20th January, 1937, as compared with the corresponding period of 1935-36, some of which may be attributed to the changes in the tariff.

COST INCURRED IN THE PREVENTION OF DAMAGES TO THE HARDINGE BRIDGE.

378. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state the cost, which has already been incurred in the prevention of damages to the Hardinge Bridge up to date?

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

OPENING OF THE WILLINGDON BRIDGE AT BALLY FOR CERTAIN TRAINS ONLY.

379. ***Mr. Amarendra Nath Chattopadhyaya:** Is it a fact that the Willingdon Bridge at Bally is only opened to allow four local passenger trains, and traffic is not opened for more important trains like mails? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: In addition to the local passenger trains, goods trains are also being run over the Willingdon Bridge. The question of diverting the more important trains over this route is one for the Administrations concerned to consider with reference to the requirements of public traffic.

PREPONDERANCE OF MUSLIMS ON THE STAFF OF THE KILOKRI SEWAGE PUMPING STATION.

380. ***Bhai Parma Nand:** (a) Will Government state the number of employees, permanent, substitute and work-charged, separately, by communities, under the Superintending Engineer, Health Services, Delhi?

(b) Is it a fact that Muslims are in a preponderating majority, specially on the staff of the Kilokri Sewage Pumping Station?

(c) Is it a fact that the number of Muslims in that station is to the tune of 90 per cent.? If not, will Government give the exact figures?

(d) Are Government aware that in spite of this high proportion of Muslims, preference is still given to them in any further vacancies?

(e) Is it not the policy of Government to give preference to qualified men over the unqualified?

Sir Girja Shankar Bajpai: Information has been called for and will be furnished to the House as soon as possible.

THE INDIAN NAVAL ARMAMENT (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Defence Secretary): Sir, I move for leave to introduce a Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose."

The motion was adopted.

Mr. G. R. F. Tottenham: Sir, I introduce the Bill.

AMENDMENT OF THE INDIAN LEGISLATIVE RULES.

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

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): Sir, I rise to a point of order that the entire discussion of this motion is *ultra vires*.

Mr. President (The Honourable Sir Abdur Rahim): Does not the Honourable Member think that he should have stopped discussion in the very beginning? If the whole discussion would be *ultra vires*, should it not have been stopped in the very beginning? The Honourable Member should have taken this point of order at once.

Dr. Ziauddin Ahmad: It would have been better had I done it at the very beginning. But, I submit, a point of order can be raised at any stage of the discussion, if by chance one could not raise it at the very beginning. I will mention my point of order, and you can give your ruling. If you refer to section 129-A of the Government of India Act, here we will find that a definite procedure has been laid down for the making of rules:

"The rules shall be made by the Governor General in Council with the sanction of the Secretary of State in Council."

So the Legislature does not come into the picture at all in the amendment of rules. That is, in this case, it is not necessary for us to give any opinion or to discuss it. This is a matter between the Secretary of State and the Governor General in Council, and I think it is not desirable that we should make ourselves a party to this change in rules. Let the Governor General in Council take full responsibility for this, and let him seek the permission of the Secretary of State. I want this House to keep this in mind. The second point is this: that there is a restriction about the rule-making power as regards questions, and that is laid down in section 67 (1) of the Government of India Act. The last portion of Rule 67 (1) says:

"May provide for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules."

There are certain limitations in the framing of the rules, and the limitations are that the Governor General in Council can frame rules prohibiting that such and such questions should not be asked. In pursuance of the last part of Rule 67 (1) of the Government of India Act, the Governor General in Council did make rules prohibiting the asking of certain types of questions and laid down these restrictions in Rule 8. The Rule clearly says that no questions can be asked in regard to any of the following subjects:

"Any matter affecting the relations of His Majesty's Government"
and so on. Three points are mentioned. So, under the provisions of the Government of India Act, the Governor General in Council has framed rules prohibiting the asking of certain types of questions. Then, the rest of it relating to the procedure is to be regulated by Standing Orders for which there is a definite provision, how they should first be made, in what way they should be altered, and so on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not argue the matter at length. He should only mention the points.

Dr. Ziauddin Ahmad: My point is that the motion, we are called upon to discuss, definitely alters certain classes of Standing Orders which ought to be altered only in accordance with the procedure laid down there.

Mr. President (The Honourable Sir Abdur Rahim): What is that Standing Order?

Dr. Ziauddin Ahmad: Standing Order No. 17 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 made available for questions permits in the order in which they stand in the list before any other business is entered upon at the meeting."

Standing Order No. 18 says:

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

Now, my submission is that the Rules which are proposed to be enacted by the motion, just moved by the Honourable the Law Member, encroaches upon these two Standing Orders, Nos. 17 and 18. If a change of Rules is desired, then it is really the province of the Governor General in Council, in consultation with the Secretary of State, to change the rules. I think they should not make the Legislature a party to it. If they want a change, let them do so on their own responsibility.

Mr. N. M. Joshi (Nominated Non-Official): We can refuse to be a party to it.

Dr. Ziauddin Ahmad: This is a question which concerns the Governor General in Council, and is not the concern of the House. The second point is that they should change the procedure by altering the Standing Orders in the manner already prescribed in the Rules and Standing Orders.

Mr. President (The Honourable Sir Abdur Rahim): The point raised is that there should be no discussion on the motion, because it is really outside the scope of the Assembly, since the Rules or any amendments to the Rules have to be framed by the Governor General in Council and not by the Assembly. In the first place, an Honourable Member, who wants to take an objection of this character, should have done so at the earliest stage. But the Government are consulting the Assembly as to the desirability of these amendments in accordance with an undertaking given on a previous occasion that they would not, except in certain cases of emergency, amend any of the Rules in force without consulting the Assembly, the discretion remaining all the time as laid down in the Act. Now, it was open to the Assembly not to have anything to do with these rules. On the other hand, the motion was moved without any objection, and, then, there was an amendment that the matter should go to a Committee. It was in accordance with this motion of amendment, as adopted by this House, that the Committee sat and made a report, which has been presented to the House.

Now, as regards the substantive question whether the Governor General in Council can bring about or is competent to bring about the proposed changes regarding procedure relating to questions by amending the rules or whether it can only be done by amendment of the Standing Orders by the House itself, the Chair does not think the contention of the Honourable Member is well founded. The language of section 67 (1) of the Government of India Act, as the Chair read it, is quite wide enough to cover a case of this sort. It might be possible for the Legislature, it appears to be open to the Legislature also, to bring about the same result by amendment of Standing Orders 17 and 18; but the Chair cannot hold that that precludes the Governor General in Council from achieving the same object by amending the rules, which is within their province. As to the advisability of one procedure rather than the other, the Chair is not called upon to make any pronouncement. The Chair, therefore, holds that the objection taken is not tenable.

Dr. Ziauddin Ahmad: Sir, I am sorry I could not exactly follow your ruling as regards the last part of what I said, namely, that the rules may provide only for prohibiting and regulating the asking of questions on any subject specified in the rules. There is no question of procedure.

Mr. President (The Honourable Sir Abdur Rahim): The Chair's reading of section 67 (1) of the Government of India Act is that the section is wide enough to cover a case like this, giving the Governor General in Council power to make the changes in the rules which they propose.

Dr. Ziauddin Ahmad: My second point of objection, which is an entirely different one, is that this discussion of a motion of reference to a Committee, which we have done here, is not provided anywhere in the Manual of Business. You could refer to a Committee

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow any further discussion. It is the same thing repeated again, and further, as the Chair has pointed out, the Honourable Member is absolutely too late to take these points.

The Honourable Sir Nripendra Sircar: Sir, in asking the House to take the report of the Committee into consideration, I should like to refer once more to what has been done in this House, because it is quite clear from the speech of the Honourable Member, Dr. Ziauddin Ahmad, that there is a good deal of confusion in this matter, at least in some quarters. As was pointed out by the Chair, the responsibility of making these rules lies with the Governor General in Council with the sanction of the Secretary of State. It was equally made clear by my predecessor who gave an undertaking or an assurance to this House that this House will be generally consulted in connection with changes of rules. He, at the same time, made it perfectly clear that this responsibility the Governor General in Council is not called upon, nor is it prepared, to share with anybody else including the Legislature. Both, in pursuance of that assurance that the view of this House will be consulted, this motion was moved and it was referred to a Committee. This House is not really concerned with the exact drafting details, but the point of view of Government is that, supposing any new rules ultimately are framed by the Governor General in Council with the sanction of the Secretary of State, nothing should be done which should involve the just comment that rules were made on a matter which

[Sir Nripendra Sircar.]

was not presented to this House. The exact drafting or the exact form in which the rules should be made is really a matter of minor detail.

Now, Sir, coming to the report of the Committee, as regards the number of questions which could be put, Honourable Members will find that there has been a diversity of opinion. Two Members, first of all, wanted no limit to be put, but on the assumption that a limit has got to be put, they suggested 12. One suggested ten, two a limit of five, and five a limit of three. The only thing which emerges from the multiplicity of opinions is that if those who recommended a limit of three are prepared to go up to five, then, so far as the Committee is concerned, there would be a majority in favour of five. Then, Sir, I shall wait until the amendments are moved, but I think I ought to let the House know what our attitude is going to be towards these amendments. As regards the limit, I think I can say that Government are quite prepared to increase the number to five, if that is the sense of the House. As to that, no difficulty will be created.

As regards the carrying over of questions that is involved by a repeal of sub-rule 6, we are not agreed: we shall resist that. That there is some confusion again on this matter will be clear from the minute of dissent of Sir Cowasji Jehangir; and I will read from that minute of dissent:

"If we once accept a restriction on the number of questions asked by the same Member on any one day, we must accept sub-rule 6."

Whether he is right or he is wrong, that is our attitude, but the point on which I am addressing the House is this. Having said that: "If we once accept the restriction on the number of questions asked by the same Member on any one day, we must accept sub-rule 6", after four lines he proceeds to get rid of sub-rule 6. I am only pointing out the inconsistency in his minute of dissent, and not going to the question of whether he is right or wrong in his first statement or in the second.

Then, Sir, I find there are certain amendments which are going to be moved which will permit Honourable Members to withdraw questions or to get them postponed. There, again, we are not prepared to consider that, but there is a limit beyond which we shall not go. If one looks into the language of Sir Leslie Hudson's amendment, it will be clear that following Parliamentary practice, what is recommended is that this right to get questions postponed and the right to withdraw questions altogether should be given up to the end of question hour. To that we are not agreeable—we think that whatever may happen in Parliament, it will be very inconvenient here if, after questions have been answered, Members get up and some suggest that such and such a question be postponed till such and such a date while others withdraw, and so on. But we are prepared to go very near that limit, although we shall strongly resist Sir Leslie Hudson's amendment in so far as he suggests that this right of withdrawal should be extended up to the end of question hour. We are prepared to go very far indeed. At one time we thought that this withdrawal should take place at a reasonable time before the date on which the question has got to be answered. But we are quite prepared to have this limit fixed at the time of the sitting of the day: that is to say, whatever questions have got to be withdrawn or whatever questions are intended to be postponed should be indicated before questions are taken up. It is, no doubt, the difference of only an hour, but we do feel that we cannot accept Sir Leslie Hudson's idea as given in his amendment for practical considerations.

I do not think I need say anything more than this, except I think Honourable Members have realised that the scheme of these rules is that a question should state the date on which an answer is required and the question is also to be directed to some person either by official designation or by name and that the number of questions for any day will depend on Members. That is clear from these rules, but if there is any ambiguity that will be cleared up by redrafting and making it explicit that any question which is intended to be used for getting a reply must state the date on which an answer is expected, and it should be addressed to somebody. I do not think I need add anything now specially as I will get an opportunity of making further submissions, if necessary, when the amendments are moved. I move.

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

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, this is the third instalment of discussion of these rules

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member going to move his amendments? He has given notice of some.

Mr. Akhil Chandra Datta: I am now speaking on the motion for consideration.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot speak twice. He can move his amendment, and then speak on the motion as well as the amendment.

Mr. Akhil Chandra Datta: But I have got several amendments. Subject to your approval, Sir, I propose to do this. I shall make one speech on the main motion, and, later, as the amendments come, I shall simply move them without any speech.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member takes up sub-rule (3), would not that be better? This is not a Bill: the motion only calls for an expression of opinion.

Mr. Akhil Chandra Datta: As you please, Sir. Then, I move:

"That the proposed sub-rule (3) be omitted."

I was going to say that this is the third instalment of discussion on this amendment of the rule No. 8. On the very first day, when the changes were presented before the House, we had a discussion. I do not know to what extent it was a profitable discussion. But it was an acrimonious discussion, and, at all events, a very undignified discussion, not calculated to uphold the dignity of this House, much less to enhance it. Then, we had a full discussion in the Committee. I regret to say that I am still unconvinced as to the advisability and necessity of the proposed changes in the rule. I am still an unbeliever. I still think that these changes are not

[Mr. Akhil Chandra Datta.]

at all necessary. Obviously it cannot be disputed that the whole thing is an attack on the very fundamental system about questions which prevails in this House. It is an attack primarily on the right of supplementary questions. There can be no denying that it is a very great restriction on that right. Supplementary questions are a very important right. It is not only here in this Assembly that we are keen for the right of supplementary questions. Even in England, it is so. The right of supplementary questions is no doubt an undisputed primary right of Members of the Legislature: but, as an attack is being made on that important fundamental right, it will not be quite improper to discuss as to how this right of supplementary questions is regarded even in the House of Commons. I find that, in 1920, in the House of Commons, it was observed by Mr. Devlin:

"I do not care if I am allowed to ask only one question, provided you do not limit the supplementary questions, because I regard the supplementary questions as the foundation of well-ordered Parliamentary liberty, as the most serious embarrassment of Ministers who do not want to give accurate answers, and as the most scientific method of securing Parliamentary truth."

Curiously, the same thing prevails there also

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Mr. Akhil Chandra Datta: Debates of the House of Commons, Vol. 125, page 1229. It is the speech of Mr. Devlin.

The Honourable Sir Nripendra Sircar: Who is he? Who is Mr. Devlin?

Mr. Akhil Chandra Datta: A Member of the House of Commons.

The Honourable Sir Nripendra Sircar: That is all that is known about him?

An Honourable Member: Much more than that!

Mr. Akhil Chandra Datta: I did not care to inquire about his family affairs, and other matters relating to him. All that I am concerned with is that he is a Member of the House of Commons, and, in the course of a speech in the House of Commons on this right of supplementary questions, he made this observation. The Honourable Member interrupted me when I quoted this observation:

"I regard the supplementary questions as the most serious embarrassment of Ministers who do not want to give accurate answers."

He did not like that observation. I find the importance of supplementary questions emphasised in this book of Campion "An introduction to the Procedure of the House of Commons"—a standard book on the question of procedure in the House of Commons. He says:

"It is expected to provide lively moments and seems to be of unflinching interest to Members and the public. It is modern and affords a useful method of supervising the administration of the Government. Its effectiveness is generally recognised. Questions

"turn a searchlight upon every corner of the public service.'" *This is a quotation from Lowell.* "Their chief object is 'the explanation to the public of the meaning of political events', and, 'they are often arranged by the Government itself so as to give them an opportunity of making announcements in a somewhat informal way'."

This is a quotation from Redlich. I do not know if that is the attitude of the Government here.

Mr. President (The Honourable Sir Abdur Rahim): Do these rules propose to limit supplementary questions?

The Honourable Sir Nripendra Sircar: No.

Mr. Akhil Chandra Datta: Sir, in view of rule 6

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member can read the whole thing.

Mr. Akhil Chandra Datta:

"They are serviceable; they are often arranged by the Government itself so as to give them an opportunity of making announcements in a somewhat informal way."

I do not know if ever any opportunity was taken by the Government in this country for making announcements in an informal way about political events:

"They are serviceable as obviating the necessity in many instances of more extended debate and of motions for papers'."

This is a quotation from Todd:

"And finally questions afford to the Private Member under modern conditions almost his only opportunity."

That is a quotation from Marriott, page 571.

In fact it was observed in the House of Commons,—I shall read only one short sentence:

"Criticisms of Ministers at question time is one of our primary functions."

If that is so in England, my submission is that the right of supplementary questions is far more important here in India where the executive is not responsible to the Legislature. Besides that, so far as Resolutions are concerned, they are not binding, opportunities for moving Resolutions are few, and if Resolutions are carried, they are not at all binding on Government, and, therefore, if the right of supplementary questions is so important in the House of Commons, it is much more important in our Assembly.

Sir, it has been said on our side that the proposed rules will curtail the rights of Members of the House. I must go further and say, the right of supplementary questions is not a right merely of the Members of the House. Members of the House put questions and supplementary questions, not relating to personal affairs of their own, not on behalf of any private individuals, but they put questions under our Standing Orders;

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under rule 8 they must relate to matters of public concern; under Standing Order 14, they must relate to public affairs, and, therefore, if the right of supplementary questions is in any way affected, it will affect the whole country, and not merely the Members of this House.

Then, Sir, number 3 is being imitated by the analogy in the House of Commons. My submission is that this limitation will be most anomalous and incongruous in our system. It is possible in the House of Commons, because there the questions are set down by the Member himself for a particular day. The questioner fixes the date on which his question should be answered, whereas our system is radically different, because we have no such rule. No such rule has been proposed by the Honourable the Law Member. The question was, however, incidentally raised in the Committee, but it was ruled out, and even after that, we have not yet had any such rule formally proposed by the Honourable the Law Member. This rule of the date being fixed by the Member himself for answering the question is the key-stone of the whole system in the House of Commons. What does the Honourable the Law Member want? He wants to pick up one link from the chain of rules of the House of Commons, and wants to fit it in with the chain of this Assembly. The result is bound to be a hybrid, incongruous and anomalous system.

Sir, it appears that there is another reason why it is necessary in the House of Commons to limit the number to three, and it is this. There only one day's notice is to be given. That difficulty we have not got here in this House. We have to give 10 days' notice, and it is now proposed that, so far as the Government are concerned, they must have at least five days' notice after the admission of the question by the President. So, in view of the fact that in the House of Commons only one day's notice is necessary, it becomes certainly difficult if the Government have to answer many questions on one particular day, namely, on the day following the day on which the notice is given. Our system is so very different.

Then, Sir, I need not repeat the commonplace arguments that the Parliament sits more frequently and for a longer period. Therefore, although the number of questions there is restricted to three, the Members of the House of Commons get, even under that restricted rule, far more opportunities for putting questions than we get here.

There is also another matter to which I wish to invite the attention of this House, and it is this. Even in the House of Commons, there is no rule, there is no Standing Order, restricting the number to three; it is a matter of practice there, a convention has grown up

Mr. President (The Honourable Sir Abdur Rahim): Is there no such Standing Order in the House of Commons?

Mr. Akhil Chandra Datta: There is no such rule or Standing Order.....

Mr. President (The Honourable Sir Abdur Rahim): There are Standing Orders.

Mr. Akhil Chandra Datta: There is neither a rule nor a Standing Order.

The Honourable Sir Nripendra Sircar: That is wrong.

Mr. President (The Honourable Sir Abdur Rahim): There are Standing Orders regulating the practice of the House of Commons.

Mr. Akhil Chandra Datta: There are, of course, Standing Orders,—but what I mean is, there is no Standing Order on this matter. There are certainly Standing Orders, but there is no Standing Order restricting the number of questions to three. From experience they found it necessary to restrict the number which was originally restricted to eight, then to four, and then to three.

Mr. President (The Honourable Sir Abdur Rahim): But it was done with the consent of the entire House there.

Mr. Akhil Chandra Datta: Yes, that is how the number was restricted in the House of Commons. I dare say it was an evolution of convention and not a revolution like this by hard and fast rules. Then, the question is as to the precise number. While dealing with this, as you have permitted me, Sir, let me also deal with sub-rule (6)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can deal with the general features of the rules, as to the necessity and desirability of making any such rules. As regards particular amendments, he can move them later.

Mr. Akhil Chandra Datta: I shall not waste the time of the House by repeating my arguments when I move those amendments. I would simply move them.

Mr. President (The Honourable Sir Abdur Rahim): This is a motion for consideration. When the discussion of this motion is over, the Honourable Member can move his amendments. That will perhaps be more satisfactory. Has the Honourable Member finished his general speech?

Mr. Akhil Chandra Datta: No, Sir!

Mr. President (The Honourable Sir Abdur Rahim): He can finish that, and, as regards particular amendments, he can move them later.

Dr. Ziauddin Ahmad: May I suggest that the practice as regards Resolutions may be followed, that all the amendments be moved and then there may be a general discussion, and thereafter, there may be voting on all the amendments?

Mr. President (The Honourable Sir Abdur Rahim): This is a motion for consideration of certain proposed rules, and we had better follow the usual procedure.

Mr. Akhil Chandra Datta: Sir, what is the change that is really introduced by sub-rule (6)? The result will be that starred questions will become unstarred and the right of asking supplementary questions extinguished so far as those questions are concerned—that is, questions not reached on a particular day. As a result of sub-rule (3), the right is restricted to three questions, and if those questions are not reached, the further inevitable result will be that some Members will absolutely lose the right of asking starred and supplementary questions. Some Members will lose their right of supplementary questions, say, with regard to two questions

Mr. President (The Honourable Sir Abdur Rahim): That can be discussed when the Honourable Member moves his amendment. Now he should discuss only the general features.

Mr. Akhil Chandra Datta: It is very difficult to discuss them piecemeal.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine his remarks to the general features of the rules.

Mr. Akhil Chandra Datta: As regards the particular number, I feel I am entitled to say that if you reduce it to three all of a sudden, it is certainly a revolutionary change.

Mr. President (The Honourable Sir Abdur Rahim): There are amendments on paper to that effect.

Mr. Akhil Chandra Datta: There are amendments on that question also. In that case, so far as the general discussion is concerned, I shall conclude with one remark. We must start, on this question of questions, with our Standing Order No. 10, which lays down that the first hour shall be available for questions.

Mr. President (The Honourable Sir Abdur Rahim): If there are questions.

Mr. Akhil Chandra Datta: Yes, Sir, that goes without saying. That is the common sense view of the matter. One hour shall be available not to one Member, but to the whole House, to the entire body of Members. What will be the likely effect of sub-rule (3), that is, the restriction of the number of questions to three, so far as this one hour privilege is concerned? I want an assurance from the Honourable the Law Member whether sub-rule (3) is in any way likely to affect the right of the Members given by Standing Order No. 10 regarding the whole of the first hour being available to the Members for questions? The questions may be exhausted before the hour is finished, I am not speaking of one minute or two minutes or five minutes or even ten minutes, and I am not speaking of any particular day. My difficulty is this. Are we satisfied, speaking generally, that the result of restricting the number to three will not curtail the right of Members so far as the entire first hour being dedicated to questions is concerned? I wanted to know about this in the Committee, but I could not get an answer. Before I can agree to this sub-rule, I must have an assurance from the Honourable the Law Member that the proposed change will not in any way affect that right, that very important privilege of the Members. What is the extent of that right? This Assembly sits from 11 to 5 *minus* five quarters for lunch, that is to say, we sit less than five hours, and, out of that, one hour is dedicated to questions, that is, more than one-fifth of the entire time of the House is intended to be devoted to questions—the right of putting questions was looked upon as so very important by the author of the Rules and Standing Orders of this House. Therefore, before we can agree to a change like this, apart from other difficulties, apart from other considerations, we want to be satisfied that our right, given under that Standing Order, will not be in any way affected. We want full one hour, we

want sixty minutes, we want 59 minutes and 60 seconds for questions, of course, if questions are available. That is the position. One word more, and I have done. What is, after all, the real motive for these changes? Who is moving in this matter, the Government, or the Members interested? It is said that there is an abuse by some Members of this right of supplementary questions, with the result that other Members are prejudiced. In other words, we are asked to believe that this question is raised for the benefit of the Members of this House. Some Members are very forward, with the result that other Members cannot have their share of the time of the House. That is the motive that is being put forward. So far as the Government are concerned, what does it matter to them? There is the limit of one hour. Whether any particular Member puts three questions or three hundred questions, the Government are not affected. They have not to sit here for answering questions for more than an hour. I may be very uncharitable, but it appears to me that the real motive is not the one that is alleged. It appears to me, what is really wanted is to get rid of these supplementary questions. They are not very palatable. Very often they are inconvenient to answer. We know of unwilling, fencing witnesses in the law courts. The Honourable the Law Member will tell us of his extensive experiences in this matter, and it will be interesting and instructive to hear from the Law Member as to the contrast of the attitude of unwilling, fencing witnesses in the box in the law courts and the attitude taken up by Members of the Treasury Benches at question time in this House, when supplementary questions are put. They go on fencing, trying to withhold information whenever they have inconvenient questions to answer. It appears to me that the real motive is that they do not want to face the music of this cross-examination under supplementary questions. That is the real motive in bringing forward these changes in the rules about questions and supplementary questions. I may be very uncharitable, but I do feel that the Government are really shedding crocodile tears on behalf of the Members.

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the nature of the motion, it will perhaps be more convenient to follow the ordinary course.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): When Government gave an undertaking to consult this House, the underlying idea was that there are two classes of Members in this House. One is the class which puts questions, and the other class is the class which is responsible for giving answers to questions. As the Governor General in Council represents the class which is responsible for giving answers to questions, they thought that it was desirable that the other side of the House which puts questions should also be consulted before making any alterations in the rules.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Where is that other side of the House?

Sir Muhammad Yamin Khan: Please don't interrupt. Wait and see. Though technically the Governor General in Council is consulting the House today according to the guarantee which they gave, in reality, that

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other side which is being affected by these rules, that is the party which is responsible for putting questions and safeguarding the interests of the country is not present. I quite agree in saying this, that the circumstances which have been created by certain Members absenting themselves from this House today are not justifiable in any manner, and the Members who have absented themselves and did not come to safeguard the interests of the country which are much larger than the mere interests of a party have done the greatest disservice to the country by not being present today and letting the Government have full powers in the House in the manner they desire to take. I think it was clearly the duty of the Members, to whatever party they belong, to muster strong when a matter of this vital importance is being discussed and express their opinion on these rules. Their lack of responsibility in preferring party politics to the interests of the country does not absolve the Government from the responsibility which the Government have also to share. In England, the Government represents the party which has got the majority of the people behind it

Mr. Akhil Chandra Datta: On a point of order. Is this relevant?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will make it relevant. I hope so.

Sir Muhammad Yamin Khan: The Government in this House is not
12 Noon. the party which represents the majority of the people of the country. Therefore, this Government, as they stand, have not to go by the mere letter of the undertaking which they gave, but they have to go by the spirit of the undertaking which they gave, that is, to consult the other side of the House which puts questions in the interests of the country. You find, Sir, that opinion was equally divided, especially on one important rule, and, at one glance, you will see that the Members who did not agree to the proposed amendment of clause 6 were all the elected Members of this House. The Members who agree to the proposed section belong to only one side of the House, that is, the Governor General in Council or the people responsible in this House through them, excepting my friend, Sir Leslie Hudson. Although Sir Leslie Hudson agreed with clause 6 and did not put down any minute of dissent, still you will find that there is an amendment from him today in which he seeks to make an alteration in rule 6. This shows that he also does not agree with the proposed amendment as has been put in by the Government. This means that clause 6 was opposed by seven Members and supported by five. The six Members who did not agree with it were Mr. Joshi, Sir Muhammad Yakub, Sardar Sant Singh, Sir Cowasji Jehangir, Mr. Akhil Chandra Datta and myself, and now we have Sir Leslie Hudson as the seventh. Thus, the Members, now left agreeing with clause 6, are the Honourable Sir Nripendra Sircar, Mr. Griffiths, Sir Sher Muhammad Khan, Mr. Anderson and Mr. Williams. Now, the three gentlemen, Mr. Anderson, Mr. Williams and the Honourable the Leader of the House, Sir Nripendra Sircar, all three belong to one Department, that is, the Legislative Department. The only people who agree to this are Mr. Griffiths, the Chief Whip of the Government, Sir Sher Muhammad Khan, the Assistant Whip. Thus the only people who agree to this are the two Whips and three Members of one Department.

All the people who disagree with the rules are all the elected people,—people about whom Government can never say that they have ever acted in any manner to obstruct any business or that they have in their life-time in this House shown any such spirit that they are not ready to co-operate with all reasonable matters which the Government put before the House for the benefit of the country. Therefore, Sir, Government ought to realise that the voice now comes from a small party left in this House—Members whereof have always lent their support to the Government on all matters against the obstructionists of the Government, and, that being so, the opinion of such Members must carry a great weight, and Government should not carry votes against them, simply because they want to carry votes against these six men. We are here, because our duty and our responsibility in this House to the country becomes much greater owing to the absence of Members who did not think it their duty to come and safeguard the interests of the country and are simply fighting for their own party politics. Therefore, I think we have to take very seriously indeed the drastic rules and changes that are being made, because the whole burden and responsibility to the country lies on our shoulders now to safeguard; and if we come forward to put forth our opposition now to certain of these rules, it is because we feel that our responsibility is so great that we cannot give an answer to the country if we allow any changes to be made which are really bound to affect the interests, not of a few people, but of the country as a whole. When I agreed to the proposal for allowing one Member to put in only three questions, I must explain that I take it that that clause reads along with clause 6 also and other clauses too. Under clause 6, in these proposals, about 40 questions are to be put on the agenda paper for a particular day, and that again assumes that all the 40 questions will be reached, because that is the normal number that is answered every day; that means that 13 Members will be only allowed to put in three questions each. Thirteen Members will ask 39 questions,—and the Members who are asking the questions may be only thirty-six on account of the supplementary questions which may be put in the House; and only three questions which are to be left over that day may belong to one Member alone, because twelve Members will have the right to get their replies to their questions for oral answer, and thus, the only Member who may have got very important questions may be prejudicially affected, because the nature of those questions may be such that, in the interests of the country, they should be answered by the Government, but unfortunately those three questions may not be reached at all; and that will mean that while by your action of choosing 39 questions to be put on that day's agenda, twelve Members will get the privilege of putting supplementary questions, while one Member will not be allowed to put supplementary questions to the very important questions which happen to be the last of that kind.

The Honourable Sir Nripendra Sircar: He can get it postponed—if Sir Leslie Hudson's amendment is put.

Sir Muhammad Yamin Khan: That is not in the proposed amendment. I was discussing the point that Sir Leslie Hudson did not agree to the proposals as they have come out from the Select Committee, and now he has given a much better amendment. This amendment will produce the result that you will choose 39 questions to be put on the agenda—and I find and also Mr. James finds that that will be by 12

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and 13 Members. They will probably come to you, Sir, and say "please do not put those questions today, and please ask them to put them down some other day". Such requests you will be having constantly from the Members, which will embarrass you. . . .

The Honourable Sir Nripendra Sircar: Why should that embarrass him—he can have no discretion.

Sir Muhammad Yamin Khan: This will be the meaning, that if any Member wants to have lunch, and if he says, "please do not put down my questions for today". . . .

The Honourable Sir Nripendra Sircar: Lunch at eleven o'clock!

Sir Muhammad Yamin Khan: . . . he gives you notice at eleven, because he has to be absent on some business, connected with his party or otherwise, and he may send in a notice saying "I do not want my questions to be put down",—and anyhow if the Members choose not to be present on those days and they will ask you, Sir, to put these questions on the notice paper for some other day, and they will thus really obstruct the other Members for whom you had originally intended to provide by putting down their questions on the paper. This will bring constant requests to you, and you will not really be able to agree to many Members' requests which will mean that the responsibility of the Government will be thrown on the Chair, and the Chair will be coming in constant conflict with the Members' requests. How will you be able to accommodate them? Supposing ten Members out of thirteen, whose questions you have put down for a particular day, say that they are holding their party meeting and they send in a request to you to postpone their questions which are on the agenda paper. I fail to understand how such a situation can be avoided even if Sir Leslie Hudson's amendment is accepted. Sir Leslie Hudson has only said that if any Member wants that his questions may not be put on the agenda of a particular day, he can request the President to postpone them. But, supposing, at half past eleven, I and my Party want to have a consultation in our room. During this half hour, Government might have answered 20 questions, but about the other 19 questions you get requests from different Members that they be postponed. Now, under this rule, you are obliged to postpone these questions. There is no provision to the effect that if the President finds that the request is unreasonable, he may not accept it. Therefore, I do not think that Sir Leslie Hudson's amendment can be very effective unless it is intended to safeguard the interests only of those Members who may happen to be at the end and whose fears are that their questions may not be reached, and, with this idea in their mind, they request the President to postpone their questions till the next day. In that case, it will be a sensible amendment and it will have the desired effect. But the amendment, in its present form, will only cause the questions to be finished at half past eleven on many days.

The Honourable Sir Nripendra Sircar: That can be done even now while they are not getting up and asking questions.

Sir Muhammad Yamin Khan: If they do not get up and do not ask their questions, then they lapse or become unstarred. But, in this case, they continue to be the starred questions, and they will have to be answered by the Government on a subsequent day.

The Honourable Sir Nripendra Sircar: What is the harm?

Sir Muhammad Yamin Khan: There may be no harm to the Honourable Member who answers these questions, but there is a harm to the other Honourable Members who put questions, for that subsequent day. Besides, it will entail a great hardship on the Members concerned, because they will not be able to get the priority which they had then. I submit that so many complications will arise afterwards that even the amendment requires the careful consideration of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has perhaps now sufficiently stated his point.

Sir Muhammad Yamin Khan: Sir, in practice you will find lot of difficulties, and, therefore, it will be wise on the part of Government if they were to drop this rule 6 altogether, because it will not effect much. Altogether there will be not more than three or four questions which will have to be carried over. So, if rule 6 is not there, then, at the most, these three or four questions will not be answered by Government and they will be taken over to the next day. Of course, the Chair will take note of the nature of the questions, and if the questions are of an important nature, the Chair may allow only 36 questions to be answered instead of 39. You yourself will like to see that the questions are so put that they may finish by 10 minutes to 12 inspite of supplementary questions that may be asked. If on one day you find that six questions were not answered, then you will have only 33 questions on the following day to safeguard the interests of the other Members. In this way, constant changes will be made by you, and I do not think that the President should be required to pay so much attention to this subject. Therefore, I am of the opinion that rule 6 is not a desirable rule, but the other rules are, to my mind, acceptable, and they will produce good results. I do not think that the number of questions allotted to each Member, namely, three, is too small for a particular day. But if they work according to the party system, then they can do it in a much better way. But in any case Members will be stopped from sending in questions four or five months before the Session starts. Such questions take away the time of the House, and, at the same time, they cost a lot. Each question costs the tax-payer Rs. 75, and, therefore, it is desirable that this huge list of questions should be curtailed in order to save the poor tax-payer from this heavy burden. I support the motion that these rules be taken into consideration, but I would request the Government to remember that, even if there are only ten elected Members left in the House, they do represent the views of the whole non-official bloc. So, this is not the voice of the ten elected Members who are in the House, but of 108 elected Members who belong to this House. With these words, Sir, I support the motion.

Mr. Lalchand Navalrai: Sir, it cannot be denied that this is a very important question. It pertains to the privilege of the Members, and I think this is a most substantial privilege that the Members have under the present Constitution. Therefore, very great attention should be given to it, and it should not merely be said that the question should only be discussed and certain views given upon it. The Government themselves ought to see that the present practice and the particular rules which have been in vogue for the last so many years should not be interfered with in this manner. One thing has been made clear to the House that we have nothing to do with the framing or the alteration or the modification of these rules. It is all the responsibility of the Governor General in Council and the Secretary of State, but it is only through grace that the House is being consulted to express our opinion. But I think this question is of such a nature and of such importance that there should not only be a nominal consultation, but consultation of the full House. It should be consultation of those Honourable Members especially who will be very much affected by the present practice being given up. At present no difficulty has arisen and no attempt has been made by the Governor General or the Secretary of State for the last 15 years or 16 years to change these Rules. The present practice has continued all along. Lately it was said that too many questions were being sent to the House, and, therefore, it was that the Governor General in Council thought it necessary to change the Rules in the manner so drastically as the Resolution has shown. On this point it should be remembered, that it is not all the elected Members who send in questions. It is not all the 100 odd elected Members that send in notice of questions. They are only about 30 or 40 Members. This shows that it is only a very few of the elected Members who take any interest in it, and, on that account, it cannot be ruled that each Member could only put three questions. If many questions are sent in and they are not reached, what happens? Those Members suffer as they lapse after the Session is over. It is also said that other Members will have no chance of their questions being answered as they get blocked by others who have put in many questions. Such cases are very few, and I submit that, instead of making such changes which affect the rights and privileges of Members, of which all Honourable Members are jealous, except perhaps the Honourable the Baronet from Meerut

An Honourable Member: He is not a Baronet.

Mr. Lalchand Navalrai: I beg his pardon. The Honourable Knight from Meerut may not be jealous. Well, if he goes on supporting the Government, on all questions, who knows, he may get a Baronetcy next time very easily. My submission is that this is a matter in which some other procedure should have been adopted, and I think that the other procedure is this. The admission of questions is in the hands of the Chair. If any Member sends in an unreasonably large number of questions or he does it in such a way as to interfere with the rights of other Members, then, I expect that that Honourable Member would be amenable to any advice which the Chair gives him. The Leaders of Parties could be sent for in a conference and they might be informed that such and such a Member belonging to such and such a Party was putting an unusually large number of questions. Then, surely, the Leaders of Parties would devise some way of remedying the situation. As it is, w

are groping in the dark. We are only led to surmise that this will happen or that will happen. The question is a very important one, and it needs consultation of the whole House. All Members are reasonable Members and they would not desire to obstruct the transaction of business. No one has alleged that a large number of questions are put in with a view to obstructing the business of the House. If a Member sends in a large number of questions, that only shows that he is taking more interest. My Honourable friend, Sir Muhammad Yamin Khan, said that Honourable Members go on writing out questions from day to day and then send them in heaps. I submit, credit should be given to that Member for taking interest in questions of public nature. For whom does he put questions? Not for his own selfish ends. Not for his domestic purposes, but it is for public cause. Once the questions are admitted, that means that those questions are such that they should be answered in the House. This motion for altering the procedure with regard to questions is specially aimed at my Honourable friend, Mr. Satyamurti, who sends in a large number of questions. I think he is the proper person to be consulted on this matter. It is not that other Members should be blamed for it. At present Mr. Satyamurti is not present in the House, and other Members belonging to the Congress and Nationalist Group are also not in the House. In an empty House like the present one, what opinion can be expressed? I would say it is most futile to ask an empty House to give its opinion. This motion would simply go without any opinion from this House. I would not dilate upon or say anything with regard to the absence of these Members. It is all very well for my Honourable friend, Sir Muhammad Yamin Khan, to come into the House every now and then and blame the Congress Group for not being present in the House. They have explained their position. It is quite plain that they are obliged to be outside for public purpose and not for party questions. The public have told them to go and contest the elections. The Congress Members are going from place to place on election propaganda.

Sir Muhammad Yamin Khan: Why didn't you keep out of the Assembly?

Mr. Lalchand Navalrai: The Honourable Member can never blame me of being a Member of the Congress Party. I am a Nationalist and I have my own views, and it is only on that account that I am in the House at present. If I also had not been present here, then even the voice of protest that I am raising now would have been absent. I submit there is no use of blaming the Congress Party for being out. They are rightly out. But, anyhow, that is not the point in issue. The point is, are you consulting the House in spirit or in letter? The Government gave a promise that consultation will be made when any rules are changed. Are you really consulting? That is the main issue. If you are only making a farce of consultation, or if it is only a bluff that Members are being consulted, then you can please yourself by consulting empty Benches, and I trust that the Governor General will realise that it is not real consultation. He may do whatever he likes. There is no responsibility on this side of the House, but the whole responsibility falls on the Governor General in Council and the Secretary of State. I, therefore, say that the spirit of that undertaking should be followed, which is not being done now. It is being done only in name, and you are getting the opinion of one or two Members, but that is not enough. My

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own opinion, if it were asked, is that the old practice should continue, along with the method that I have suggested, namely, leaving it to the President to adjust it in consultation with the Leaders if there is anything wrong. The rules should not be changed; we should first see if the Members are so unreasonable as to send in too many questions even after this debate.

Then, Sir, coming to the report of the Select Committee, I find there are some Members who have suggested 12 questions. I submit that those who suggest three or five questions do not realise the position. Perhaps they themselves are not interested in putting questions. Those who are so interested will find that three will not serve their purpose, and it should be at least 12, if any change is to be made at all.

Then with regard to the power of the President to increase the number for any day, I am absolutely for it, and that will be in consonance with my opinion that all points should be left to the power of the President.

As regards the question whether Members should be required to state the day on which their questions will be asked, a majority of the Committee may have been against it, but some concession should be allowed to the Members. If they were to fix a day, it would only show their anxiety to put the questions, not to do anything in the way of obstruction or delay.

Coming to the question of rotation for Departments to answer questions, I am absolutely against it. When, on a particular day, we put questions regarding only one Department, the representatives of other Departments will not be here. And if in supplementaries points arise which are to be answered by a representative of another department, we will have to give fresh notice; and the object of putting supplementary questions will be nullified. Therefore, this rotation business will in no way be useful or effective.

Then, I come to the last thing for which Sir Muhammad Yamin Khan is very anxious. I join him in wishing that that clause is omitted, but if it is not omitted, I am certainly in favour of the amendment of Sir Leslie Hudson, which gives some privilege to the Members. It says that when a Member asking a question has, before questions are disposed of, signified his desire to have the question postponed, it should be done. My Honourable friend has vehemently opposed this amendment, but he should see through it. He says there will be so many notices, the President will be disturbed and his work will increase, etc., etc. No, the notice will be given to the Secretary and the questions will be postponed and not answered as unstarred. That is a privilege of the Member which should not be taken away from him. This is an amendment which is surely not unreasonable. I would strongly urge upon Government that even if they get through these changed rules in this House, they should wait and consult all the Leaders of Parties before they advise the Governor General in Council or the Secretary of State to pass them. This will save them from being exposed to the blame of not consulting the wishes of the people as expressed through their representatives in this House.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, my Honourable friend, Mr. Latchand Navalrai, has just said that these amendments are being proposed only because certain Members have abused their right of putting questions.

Mr. Lalchand Navalrai: I did not say it was only on that ground.

Sir Muhammad Yakub: But that was the only defect which he pointed out in his speech. I may submit that that is the least important defect in the present rules as regards the asking of questions. There can be no doubt that there are other patent and inherent defects in the rules. In fact, on account of the rules, as they stand at present, the very object of asking questions is nullified. Questions are mainly asked for three purposes. The first is to elicit information about certain points which can be utilised by an Honourable Member in his speeches. For instance, I want certain information as regards the working of the railways in India. I would like that the information should be available to me before the Railway Budget is discussed in the House. But, under the present system, surely I cannot expect that information before the Railway Budget is discussed. My question may be No. 2345 in the list, and, therefore, it will not come before the House until the Session is over. Therefore, that object is not gained. I will give a concrete example. Only in December last, I tabled a question asking the Government of India to let me know what was the effect of their rules as regards the communal representation in the services during the year 1936. I want this information before the two Budgets come before the House. I do not know when I will get this information, and probably, I will get it after the discussions on the Budgets are over, and then my object will be entirely lost; and the very purpose for which I have tabled the question will be nullified.

Another difficulty is this that there are certain questions which have a value and importance only if they are answered, say, within a particular time. After that, they lose their importance. For instance, during the last few days, elections were going on throughout the country, and Honourable Members were anxious to put certain questions about the way in which the election arrangements were being carried on. Under the present system, those questions will not be answered and the elections will be over and then those questions will lose their value and will be of no interest to anybody.

Another difficulty of the present system is that the chief utility of asking questions for which the privilege is really valued by Members is that they can exercise supervision over the Departments of the Government of India. If Honourable Members find that there is something wrong in a particular Department of the Government, they can put questions and expect answers one after the other. Under the present conditions, in the first place, we do not get answers in time; and, even if we do, one Department is required to give one answer or two answers to matters relating to that Department one day; then there is a gap of two weeks, and the effect which Honourable Members wanted to create about the working of that Department is lost. The present system of asking questions is really such that the whole object of asking questions is lost and we do not gain anything by tabling questions. It is perfectly right that there is a genuine feeling among the Members of the House that the present rules should be amended. In fact, an attempt in this direction was made in 1933 when my friend, Mr. Mitra, moved his motion to get these rules amended; but he did not succeed. Now, these rules have come at the eleventh hour, when probably they will not remain in force for more than a year or so, because, as I understand, His Excellency the

[Sir Muhammad Yakub:]

Viceroy is very anxious that Federation should come by the end of 1938, and when the new Federal Assembly comes into being, they will frame their own rules. The fire brigade is being brought to action, when the fire has done its work, and everything is spoiled. During last fourteen years, the right of asking questions has been abused and misused and the real object of asking questions is lost: still Government were sitting quiet for fourteen years, and now, in the fifteenth year, they are anxious that these amendments should be passed even though the House is vacant. It is really very difficult to understand the mentality of the Government. I do not want to justify the Congress Members' decision to remain absent. My friend, Mr. Navalrai, has tried to justify their absence. On the other hand, I think, as I said before, they are guilty of a great dereliction of duty on account of being absent today. The Congress people claim themselves the whole country to be with them, and, then, they have got more prominent and more powerful and more forceful leaders like Pandit Jawaharlal Nehru, Babu Rajendra Prasad, Mrs. Sarojini Naidu and others, who are not members of this House, and they are working outside in the country.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the House should go into a discussion of that matter.

Sir Muhammad Yakub: I did not wish to raise the point, but my friend, Mr. Navalrai, put in a defence, and I was made to say these few words by way of reply. If the Honourable Members wanted to come, they could have come without causing any detriment to their party in the matter of elections in the country. I think these rules are very important. The defects in the rules I have already pointed out. But I want that the remedy should be such that it should not be worse than the disease itself. I submit that the amendments which are proposed by the Government should not be such as in any way will deprive the Members of their right of asking questions. I am afraid, the rules or changes, as placed before the House by the Honourable the Law Member, cannot be acceptable to the Members of the House. Their defects are as patent as the defects of the present rules. For instance, they provide that each Member will put only three questions a day. They say they have copied this from the practice of the House of Commons. As I pointed out during the discussions in Select Committee, the analogy of the House of Commons cannot apply to this House. In the House of Commons, there are 600 Members, while here there are only 140 all told, and only 100 elected Members who are interested in asking questions, that is, one-sixth the number of the House of Commons. Even in the House of Commons, this number of three questions per Member was not adopted for the first time when a limit was placed: at first they fixed the limit at eight; then it was reduced to four, and then to three. We are now making a start, and, therefore, we will not be justified in putting that limit which was adopted by the House of Commons only recently. Even if we multiply the number of questions here by six, which is the proportion of the Members of this House to the Members of the House of Commons, each Member must be allowed to put eighteen questions. But, taking into consideration the fact that this House does not sit for as many days as the House

of Commons sits, I have suggested the very moderate number of five questions, because five is such a number that it will afford facility to a very large number of Members to ask their questions every day, and I hope this suggestion of mine will be acceptable to the Government.

Mr. Akhil Chandra Datta: That is already accepted by the Government.

Sir Muhammad Yakub: They did not say that.

The Honourable Sir Nripendra Sircar: Yes, I said that.

Sir Muhammad Yakub: Then, I am very glad indeed.

Then, Sir, another point is about giving notice of questions indicating the particular day on which they are to be answered. This is a very difficult and contentious point, because it means that Members will have to wait for sending their questions until the whole programme of the Assembly meetings has been fixed, and until they have been informed that the Honourable the President has fixed such and such a day for a particular Department. That would mean that the Members will have to send in all their questions, say, only a week before the Assembly Session begins. Besides the difficulty which it would entail upon the Members to send their questions in time, it would also cause very great hardship to the Assembly Department. The work which they now spread over a period of one month or six weeks or two months would have to be done within a week or so, and, therefore, I think this amendment is not at all to the benefit either of the Members of this House or to the office of the Assembly.

Then, Sir, another, and more important, question is the one which is provided for in rule No. 6, to which nearly all the Indian non-official members of the Select Committee have objected, and that relates to starred questions. Now, the proposal is that those starred questions, which are not reached on a certain day, should be treated as unstarred questions. This, I think, would create great resentment and entail great hardship upon the Members, and I feel that some remedy ought to be found out to avoid this difficulty. Certain Honourable Members have moved amendments in regard to this. My friend, Sir Leslie Hudson, has proposed an amendment, and there are other amendments also, and when those amendments are taken up, I think we shall be able to adopt the one which would be most acceptable to all Members of the House.

I am sorry, I cannot agree with my friend, Mr. Akhil Chandra Dutta, when he says that the number of questions which a Member may put in one Session should be restricted to 200 in the Budget Session and to 100 in the Autumn Session. Sir, there may be very many Members who can put more than 100 questions, and by adopting the amendment of my friend, probably the object of improving the system of asking questions would be entirely defeated, and we would find ourselves in the same position in which we are today. If, say, six Members of one party want to block the questions of other Members, they can send in 1,200 or 600 questions, and then the object of improving the present system would be completely lost. Therefore, I cannot support that amendment.

Sir, a great deal has been said that the first hour should be made available for asking questions

Mr. Akhil Chandra Datta: Not should be, but shall be made available.

Sir Muhammad Yakub: Yes, shall be made available for asking questions, but that does not in any way mean that in any case nothing but questions should be asked, or that even if there are no questions available, some should be forged and the first hour must be employed in asking questions. The idea is that generally the first hour of the Assembly should be devoted to asking questions. Now, if the new amendments are accepted, with modifications, then by practice in a week's time, we shall be able to see where we stand. Even now we know usually how many questions are put and answered in a day, and I think it should not be very difficult to make a fair calculation for the office to enter such a number of questions on the agenda as it may be possible to answer all of them, perhaps one or two questions might be left over. The object is that the whole of the first hour should be devoted to answering questions, five minutes may some time remain before all the questions are exhausted, but the calculation of the office will not be far wrong, and, therefore, the danger which has been apprehended by my friend, Mr. Akhil Chandra Datta, is not a grave danger, and we need not worry about it.

Then, Sir, there are other difficulties. If we accept the amendments as they are moved by the Government, they will place the Honourable the President of the House in a much greater difficulty than the Honourable Members. Probably, the Honourable the President will come every day in conflict with the Members of the House. A Member will ask why such and such question was given preference over the question of some other Member, why questions relating to the Home Department were given preference over those relating to the Finance Department, and so on. Therefore, I think these rules should be framed with great caution and precision, and we should not hasten the matter and frame the rules in such a manner as would bring the office of the Honourable the President in perpetual conflict with the Members of the House. Having said this, although generally I am not in favour of postponing any measures until the Members representing the Congress have come in, I think that the question of the amendment of the rules should be postponed until all Members are present. Again, I say, it is only for about a year or so that we want these rules. Therefore, Sir, if it is possible for you, I would request you to postpone this question to a later date, when the opinion of the whole House will be available. It may be said that Provincial Autonomy is soon coming in the provinces, and probably the Provincial Governments would look up to the Central Government for guidance as regards framing of their own rules in the light of the rules which we make today

Mr. President (The Honourable Sir Abdur Rahim): With regard to the suggestion made by the Honourable Member, does he suggest that it is the desire of the whole House that the debate should be postponed to later date? Then the Chair will be in a position to consider it.

Sir Muhammad Yakub: I cannot speak on behalf of the whole House but I think that all the non-official Members of the House, who are present here today, would unanimously agree that the debate should be postponed. What I was submitting is this, that even if the Provincial Governments want a lead in framing their rules, we should not place a defective mod-

before them, because it will not be easy for them to frame new rules every day, and so we ought to frame our rules a little more cautiously. Provincial Governments who would look up to the Central Government for guidance will be benefited only if they can get the opinions of the whole House. Therefore, I submit that we should wait until such time as we can get the benefit of the opinion of the whole of this House. With these few remarks, I resume my seat.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): I do not want to interfere in this debate, because I know very little of the subject. I have been busy elsewhere, but I entirely agree with my Honourable friend, Sir Muhammad Yakub, that this matter should be postponed so that the whole House may be consulted. I have myself been absent from this House, and I am off again this night. I came only yesterday and I am going away again tonight to Madras to work there so that a better type of Members may be returned to the Legislatures. If our suggestion had been accepted by the Government that the elections should be held before the Assembly began, we could have easily avoided all this unpleasantness. All would have been here on the 23rd February and taken part in the discussion. I entirely agree with my Honourable friend, Sir Muhammad Yakub, as regards his opinion about the position of the President under these proposed rules, and I feel very strongly, and I think you will have to give me a certificate that I have always obeyed your orders and never given you any trouble. In these difficult days, when there is so much bitterness in the country, we do not want to add to that bitterness or that the bitterness should go on. The bitterness is growing. I have been touring the whole of India practically, and I have toured round the United Provinces, and let me say that the bitterness is growing, and it is unfortunate for everybody. We want that there should be a better feeling, a better kind of understanding between the Government and the people and it is necessary that every effort should be made to avoid bitterness, and your position we will value a great deal as a judge, an impartial judge, sitting in judgment over all of us, and as a guide who without prejudice can control both sides of the House, and that argument of Sir Muhammad Yakub appealed to me very much. My Party is not here, my Leader is not here, my Deputy Leader is not here, nobody is here, two of us only are here, and if you postpone the discussion, I am sure, you will get a nice set of rules framed which will help everybody. I have myself asked only one question in these two years and you cannot, therefore, blame me for having wasted the time of the House

Sir Muhammad Yakub: That question was disallowed. It was against the rules.

Maulana Shaukat Ali: I do not know the rules. All these rules are a nuisance, and the fewer the rules the better for all of us, without wasting the time on points of order and explanations and other points of order, and so on. We can get on with work then, I am a worker myself, and I know how to work. I think you will find it useful when you consult the Party Leaders, and I beg to support the suggestion of my Honourable friend, Sir Muhammad Yakub, that this question be deferred to a date when there is a full House.

Dr. Ziauddin Ahmad: I find that the present position in the discussion is that the Honourable the Mover has made a certain motion following a certain undertaking. That motion was referred to a Select Committee. The Select Committee's Report is now under consideration. We have also tabled several amendments to the individual clauses, and the discussion is now proceeding practically in the same manner as we follow in the case of a Bill. I do not find any paragraph in this Manual of Business and Procedure which really provides for reference to Committee of any particular motion. Reference to Select Committee of Bills, etc., is possible, but there is no provision in the Manual of Business and Procedure that a particular motion may be referred to a Committee. I am not criticising, but the present position is this.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member calls it a Select Committee or only a Committee.

Dr. Ziauddin Ahmad: A Committee.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will find some precedents for that.

Dr. Ziauddin Ahmad: But still I do not find any provision in the Manual of Business and Procedure. Government have given an undertaking to consult the House, but I hope that they did not give an undertaking to consult an empty House. Whenever you consult any person, you assume that the person whom you are consulting is there. You cannot be supposed to be consulting a person when he is not there. In the matter of voting, you can say that people did not exercise their right of voting, because they were absent and they are themselves to blame, because they did not come here and exercise their right of vote. The House is not to blame, nobody is to blame, but only the absentee Members are to blame when the question is one of voting. But whenever the question of consultation is concerned, that is entirely a different thing. When you are consulting any individual, it is your business to find out whether the person whom you are consulting is there or not. You cannot say you have consulted the House when there is nobody to consult.

Coming to the motion itself, I would very much like to express my individual opinion. The provision now before us is not really the amendment of rules. It is the amendment of Standing Orders. According to the Government of India Act, those provisions cannot come under the rules. They are outside their scope. They should be embodied in the Standing Orders. Those who are charged with the framing of the rules may or may not accept my own individual opinion, but I do feel that the Government of India ought not to introduce all these provisions under the rules; it is really outside their scope according to the Government of India Act. As these rules are now under discussion, let me deal with them on merits. I have not got long experience of the Assembly here, I have been here for only eight years, but I had similar experience in other Councils and I have seen cases of misuse very rarely. I quite realise that in this Assembly there have been some cases of misuse, and I think that some remedy is also desirable. That I admit. I am also prepared to admit some limitations to the number of questions, so that every Member may have the same privilege and may show to his constituency that he is not a sleeping partner. I am prepared to accept the method of

restricting the number of questions of individual Members. It is still open to discussion whether the restriction should be for the whole of the Session as suggested by the Honourable the Deputy President, or it should be for each day, that is, not more than a certain number of questions. Therefore, on this principle I agreed about the merits of the case that there ought to be certain restrictions, but the number suggested—three—is really too small. This has been done according to the practice in Parliament.

Sir Muhammad Yakub: But the Government have now accepted my proposal for five.

Dr. Ziauddin Ahmad: That is something better, though even five is not sufficient. As I suggested last time, according to the simple rule of arithmetic, it ought to be 18. In Parliament, there are 300 Members, and if they are allowed to ask three questions, here, with 100 Members, it ought to be 18. Let us forego a portion of 18. Let us have 15 or 10. My friends say that Parliament sits all through the year. It might help us to know the total number of questions and the total number of sittings, and then we have to determine the number of days in which they have been distributed (*An Honourable Member:* "You yourself proposed six.") to find out what is the maximum number which the Government would accept.

Then, the second point is whether a particular day should be set apart for asking questions. That involves going away from the present procedure. This is to my mind a question of doubtful advantage. Government think that there is an advantage to the Members and future Ministers, but I do not know whether this is really an advantageous thing. Some persons think that it is an advantage to the Members of the Government if they have to come only on one day to answer questions. The idea is that they will be able to absent themselves from the House on days on which their turn does not come. This has two disadvantages. First is that it is not desirable that any person should stand the test of cross examination continuously for one full hour. It would be some kind of relief if other Members of the Government also answer some questions in between and give relief to their colleagues.

The second thing is that Members of the Government, who are not interested in the question hour, will absent themselves and do their office work, but I think it is very desirable that Members of the Government who represent other Departments should also be present to hear what is going on in the other Departments for which they are not directly responsible. This broadens their outlook and removes their aloofness. At any rate, this question of allotting a particular day is a matter of doubtful value, but this is a point on which I am not very keen.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Sir Muhammad Yakub (one of the Panel of Chairmen) in the Chair.

Dr. Ziauddin Ahmad: Sir, I drew the attention of the House to certain constitutional difficulties and, then, afterwards, I wanted to draw attention to the difficulties of these rules in actual working. Taking the

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first clause about the restriction on the number of questions, I said—and here I have also got some experience of their working in this House for eight years and of another House for a similar period—probably there is only one case which I have come across where this rule has been misused. There may have been more cases elsewhere but I only know of one solitary case. Now, for that solitary case, it is not necessary that we should restrict the number of questions; I am not very keen myself on this point, but if a restriction is made, I would certainly like to press that the number should be more than three, and the more, the merrier. In this case, I would like to increase this number; and even from the analogy of the House of Commons, the number is not sufficient on account of the smallness of the size of this House. The second point to which I was drawing attention before Lunch was about the allocation of days for different subjects. I said that this is a question of very doubtful advantage to the Members of the Government themselves. Some persons think probably it is advantageous to them, but I have very great doubts about it and I gave two reasons in support of my doubts. The second difficulty to which I referred and which I would now like to develop is the question of the allocation of questions for different dates. Though it may be easy to describe and easy to write, it is very difficult to carry it out in practice. Firstly, on whom will the responsibility of allocation depend? Will it depend upon the Member himself or upon the Department? That is the first issue we should settle. If the responsibility for the allocation lies on the Member himself, I can picture to myself the difficulties which I would have to face and afterwards I will describe the difficulties of the Departments if they have the responsibility for allocating the different questions for different dates. Suppose the responsibility is mine. When I send a question, I must say that I will ask this question from such and such a Department and on such and such a date. Before I fix any date I would expect that the Assembly Office would supply me every day, not only during the Assembly Session, but from the very moment questions can officially be sent, to tell me every day that so many places have been filled up, and I must have a notice from the Secretary every day, not only during the Assembly Sessions, but from the very moment I am authorised to send questions, showing, for instance, that on the 25th January 25 questions have been notified, that on the 26th January for the Foreign and Political Department seven questions have been noted down: and, then, afterwards, I will make my own choice. So, unless I get a notice from the Secretary from the moment I am authorised to ask questions, it is impossible for me to fix a date,—because I should know what dates are free. I should definitely know what dates are already occupied and by how many questions and I must write all these questions and find out the probable time questions will take on each of those questions and then afterwards I must consider a question which I cannot decide,—whether Mr. Satyamurti will be present on that date, and how many supplementary questions he will ask, and whether my turn will come on that date. All this responsibility will be mine, and I must give at least two hours solid thought before I will fix up a particular date for my questions. The difficulties of the office also will be great because, whenever the responsibility will fall on

them. I will insist that I must be supplied every morning with a list of the questions which have already been sent and what are the number of days for which questions can be put. So this is the first difficulty.

My second difficulty will be that there are certain questions which really touch the border-line of more than one Department: and we the Members, not knowing the inner working of the Departments, will usually fail to allocate the particular Department to which a particular subject belongs. I will mention, for example, a difficulty which occurred in my own case. I wanted to ask something about the Medical Department at Aden, and I was quietly told that this is not now the function of the Medical Department of the Government of India, but of the Foreign Secretary. Really speaking, if I were to put any question I will put it to the Education Department and then when we come here, I will be told: "You made a mistake; the question ought to have gone to the Foreign and Political Department and not to the Education Department." There are series of questions which the Government officers know fully well to which Department they belong and the non-official Members do not know it because they are not familiar with the internal working of the Government. We are not like the Members of the House of Commons where the Opposition has once been the Government and therefore they are familiar with the working of the Government. In this country, the Opposition has absolutely no knowledge of the internal working of the Government and they are left entirely in the dark. Therefore, it will be very difficult for me to decide on which particular date I should fix a question particularly when my question refers to more than one Department. I should now like to develop my third difficulty. I should like to know from office not only how many questions are asked but I should know definitely the wordings of each question because without this information I cannot tell how many supplementary questions could be asked on those particular questions and whether my turn will ever come if those questions are asked. Suppose there are 80 questions put down on the agenda out of which 5 or 6 may exhaust the whole one hour. In that case, my turn will never come. On the other hand, some of these questions may be of a formal nature on which supplementary questions may not be asked. To enable me to discharge efficiently my own responsibility for fixing my questions to a particular date, I must know definitely not only the number of questions but the subject-matter of each question for each day. Besides, I must also have at my disposal some kind of advice to enable me to which Department my questions relate. Of course, it is easy to get this advice when we are in Delhi but when the Members are not here and the Assembly is not in Session, then this advice will not be easily available and the mistakes will be oftener. If I have made a mistake in this connection, I do not know whose responsibility it will be to point it out. Suppose, I say that my question belongs to the Department A while really it belongs to the Department B, then the Department A will say: "Out you go because that question does not belong to me." Therefore, my question will be left out altogether because it was not addressed to the proper Department. These are the difficulties which I will have to face if I am asked to choose myself the dates on which I would like to put my questions. If the choice is left to the Department, then I would pity every Member of the Department because it will become unpopular with every single Member of the House. Whatever their

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selection may be Members will say: "Why, on earth have you put down my question on this particular day because I will not be present on that day? Also, why on earth have you put down my question on this day when you knew that about 200 supplementary questions will be asked on the questions that have been put down before mine?" Therefore, all these difficulties for which I was to be responsible will now fall on the office and they will be exposed to enormous difficulties. They might say that whenever a question comes in they will put it along with certain others on a particular day, but I would like to know in what way will you decide that so many questions will be allotted on one particular day? Will the number of questions be 40, 50 or 60 and who is going to fix this number? Is the President or the Secretary going to fix this number or is it to be fixed by means of Standing Orders and Rules because the Rules have now become so extensive and beyond the intention of the framers of the Government of India Act. This point has not been decided at all and nothing has been said about it.

Then, Sir, there are questions and questions. In our examination papers we say that these questions are not of equivalent difficulty; they are not questions which will take equivalent time to answer. One question may take very great time on supplementary questions, others may take less time. Therefore, in fixing the number of questions, the office must also consider what in their judgment will be the time taken by supplementary questions, and this is a great responsibility which will have to be taken from day to day. On a certain day, it may happen that Members who are anxious to put supplementary questions may be absent and the questions may be finished in half an hour. In that case, Members will blame the office for not putting sufficient questions. On the other hand, on some day it may happen that a large number of supplementary questions may be put on a few questions with the result that some questions are left over. Even then the office will be blamed. So, Sir, if this responsibility falls on the office, they will be no better than the man who was conducting a donkey and a small boy together. In whatever condition he rode the donkey, the man was to blame. If he rode the donkey with the boy, people said how cruel he was to the animal. If he asked the boy to walk, people said he was cruel to the child. If he put the boy on the donkey and he himself walked, then he was blamed for allowing the boy to fall down. So, in whatsoever way the office may arrange questions, their case will not be better than that of the man driving the donkey; they will be blamed for their method of selection. At present they have got a simple rule and nobody can blame them. They put questions in the order in which they are received. So, if the responsibility of the selection of the date falls on the Members, they will have enormous difficulties and they will have to be supplied with all the information which I have mentioned. If the responsibility falls on the office, they will also be placed in a very difficult position as I have just shown and they will become unpopular with every Member of the House. Sir, I have failed to picture in my mind how this rule can actually be worked satisfactorily and I hope that some Members who are very much attracted by these particular regulations will give us the benefit of their wisdom and tell us the method by means of which these rules can be worked. Now, the next difficulty to which I should like to refer is part (6) of this particular proposal,

that is, if questions are left over without being answered on a particular day, they will be changed into unstarred questions. An amendment has been tabled to the effect that Members should be given the choice before the question is actually answered whether they would like to treat those unanswered questions as unstarred questions or to be carried over to the next day. When have I got to make this choice. The question hour begins at 11 o'clock and ends at 12 Noon. Should I write out a chit at 11-30 or 11-45 or just before 12 Noon to the Secretary asking that my questions should be treated as unanswered. This is also very unpractical. I should be obliged to sit here all the time and just at the right moment, I should give notice to the Secretary whether my questions should be treated as unstarred questions or whether I would like to shove them on to some other day. What other day is that to be? Suppose I ask a question on Railways which is set down for answer on Tuesday, but it is not reached. Then supposing the next day allotted for questions relating to Railways is Saturday. Then is my question to be shoved on to Saturday. Will this question have priority over all the other questions already set down for Saturday. I submit this will lead to enormous difficulties because Saturday's programme is already full. Or if the arrangement is to be that questions set down on a particular day and not answered on that day have to be shoved on to the end of the Session when all the other questions are exhausted, then this will be very unfair to my questions which have been delayed for such a long time.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

We have at present a rule of thumb. It is very easy for the office to arrange questions now. The procedure adopted is intelligible to all the Members and nobody has got any complaint. One of my Honourable friends said that by putting the questions into various departments and by the allocation of particular days for particular departments, there will be better chance for all the questions being answered and they will not be long delayed as they are at present. I cannot understand this. If the number of questions is 2,350, in whatever way you may distribute them, they will remain 2,350, whether you take them as 1, 5, 10, 20 and so on or whether you take them in the serial order as 1, 2, 3, 4. Perhaps in certain departments, where the number of questions is very small, say like the Foreign and Political Department, all the questions relating to that Department will be answered quicker. I hope that the time allotted for the Foreign and Political Department will be very small so that other departments which have greater number of questions to their credit will be allotted more time. All the departments should be well balanced and there should be no disparity in the allocation of time. This difficulty of dealing with questions which are left over on a particular day is very enormous. Whatever procedure is adopted, it will be unpopular among the Members. If you treat them as starred questions in the end and then do not answer them at all, in that case, Members whose questions come in the end will begin to grumble. The Member who put down that question might have intended to put supplementary questions if the answer was given orally and he will be deprived of this privilege, if the questions are shoved in at the end of the Session. The first answers themselves are not of much use because they are given in set words and unless supplementary questions are put to clear ambiguities or to give proper

[Dr. Ziauddin Ahmad.]

interpretation of those words, it is no use asking questions. We really get very little out of the original answers, except mere quibble of words. The only way to get the information which a Member wants is to put supplementary questions based on the oral answers given. In this way all the ambiguities and all the double meaning in the answers are cleared. If the privilege of putting supplementary questions is taken away, I would rather not hesitate in giving up the right of putting original questions, because the oral answers to these questions lead us nowhere. It is only the supplementary questions which really convince the world how the whole administration is being carried on because the answers to the original questions are clothed in guarded language that they avoid giving full information, and they do not give all the facts which we want to know. This right of putting supplementary questions is a very valuable right which we do not want to lose. If the nature of the questions is such that Members do not want to put supplementary questions, then they put them as unstarred questions. By this new proposal, we do not like to lose this privilege of putting supplementary questions, because part 6 of the new proposal aims at curtailing the right of Members to put supplementary questions. It is impossible for any human being whether he be the Secretary, or the President or one of the Members of this House to say exactly how many questions will be answered on a particular day with all the supplementaries thereto. Who will calculate how many questions are to be put on a particular day. Who can calculate beforehand how many supplementary questions my Honourable friend, Mr. Satyamurti, will put on a particular day. You must also take into consideration how many Members who usually ask supplementary questions will be present in the House on a particular day and in what temper they would be to ask supplementary questions. All the difficulties which we have calculated about the valuation of the answer books of examinations will all come in in the evaluation of the time which will be spent in asking supplementary questions. This is a problem which nobody can solve. Whenever the question of any particular Member is not answered, then he will immediately complain to the Secretary of the Assembly to the effect, "Oh!, you knew all the time that so many questions will not be answered on this particular day and yet why did you put in so many questions with the result that my questions have remained unanswered and they will be shoved in to the next day as unstarred questions". This is the sort of complaint which the Secretary will receive every day if part 6 of the proposed amendment is adopted. The system that we are going to introduce is very faulty. I think we ought to save ourselves and we ought to save the office from this unnecessary trouble in which we will be landed if part 6 of the proposed amendment is adopted. This consolation that I will get my questions after the lapse of six weeks if the programme is not already full is a poor consolation for me. I would not mind if my question comes on the list on the next day when that particular subject will come up. If you have already 2,000 questions on the list, then if this question is shoved on as the 2,001st question as if fresh notice has been given then in that case, it will be a poor consolation to me. If my question is shoved in to the last, then again I will blame the office as to why they did not give me sufficient information, for lack of which I came to wrong judgment. So the difficulties which are contained in part 6 of the amendment are really very great and there is no easy solution for this. I am

waiting for any Honourable Member to get up and explain how these difficulties could be solved. Without my losing the privilege of supplementary questions to other questions of which notice has been given, which have been approved by the President and which have already come on the agenda, how it would be met I should like to know.

There is one more difficulty to which I should like to refer, and that is with regard to clause 4 which refers to five clear days' notice. At present according to the Standing Order, ten days' notice is necessary. Out of these 10 days, Government take away 5. So only 5 days are left for the office to arrange the whole agenda,—for inclusion, approval, printing, assortment, distribution; and the Member also should know two or three days before. So I do not see how the whole official process is to be gone through in the short period of five days which are left at their disposal. This to my mind is another difficulty in the working of these rules. Therefore, on account of the technical difficulties which I have mentioned, on account of the practical difficulties which I have just mentioned, I think it will be wiser to leave these rules of detail to the Members themselves. It is not desirable for the Governor General in Council or the Secretary of State to take this responsibility on themselves. Let us make these provisions ourselves in Standing Orders and be responsible for their working. The Government should not expose themselves to the risk of being charged every day with making rules which may raise all kinds of difficulties. Therefore, I submit that we should leave this thing over for the present. I have myself realised a difficulty and it is this. If one man puts all the questions my constituency will say that I am a sleeping partner in the Legislative Assembly and am doing nothing. So we should find some way by which the difficulty may be overcome; and perhaps this can be arranged by the President in consultation with the Leaders of various Parties to have some kind of convention by which one Member should not ask too many questions. And some kind of power may be given to the President to regulate the matter.

Therefore, in conclusion, I would again emphasise that we will be wiser in leaving this matter over. It is not an emergent measure in which important questions of administration are at stake. There is nothing lost and nothing gained, and I think my friend, Sir Muhammad Yakub, was perfectly right when he said that it would be better if this thing were postponed.

The Honourable Sir Nripendra Sircar: Sir, I shall try to be as brief as possible and take the Honourable Members in the turn in which they addressed this House. My Honourable friend, Mr. Akhil Chandra Datta, gave us a long lecture about the importance of supplementary questions; as if anybody had suggested that supplementary questions may not be important. He suspected that the idea is to stifle these supplementary questions. Where he has got this from I am not aware, and I am not able to find out. Then he quoted from a book and he told us that, so far as supplementaries are concerned, they are in the nature of a searchlight. But there is nothing in the modifications which we are proposing to dim the incandescence of that searchlight, nor is there.

Mr. Akhil Chandra Datta: Not to dim, but to extinguish.

The Honourable Sir Nripendra Sircar: I should like not to be interrupted. Nor is there anything in the rules which would justify the comment that one hour will not be available for questions. In a very dramatic mood Mr. Akhil Chandra Datta said, "Will the Honourable the Law Member give us an assurance that one hour will be available?" May I ask him this? Where does he find anything to justify a question asking for an assurance? The number of questions which may be put down on the list for a particular day will depend on the judgment of Members and not the President. The matter is really for the Members as to what number of questions will be put for being answered on a particular day. Of course, all human calculations may go wrong at times, just as at the Simla Session, under the existing rules, at the end of the Session, one Member putting 35 questions and another Member putting 15 questions did not turn up at all, and the question hour was finished at 11-40. These accidents cannot be prevented.

Then, Sir, his next point was, he wanted an assurance that 59 minutes and 60 seconds will be available. Sir, we may not be able to give that assurance in that form, but we can give him an assurance that 3,600 seconds will be available for questions. Then, Sir, I do not know why he twice repeated the phrase, "I may be uncharitable in ascribing motives". Sir, I do not understand that statement. No one will accuse Mr. Datta of having been charitable to Government on any occasion; no one will suggest that he is capable of doing that; so that is a wholly unnecessary statement. Then, Sir, I had the honour of being mentioned again by Mr. Datta when he wanted me to give him my experience of fencing witnesses to this House. Yes, Sir, my experience is that in the law Courts you come across witnesses who refuse to give a straight answer and they are said to be fencing with questions. Equally, it is my experience that incompetent pettifoggers go on badgering respectable people, not for doing any good to their clients or for drawing information, but because that gives them an opportunity with the help of a friendly reporter to see their names in the newspapers the next day. There has been no fencing here and no instance has been cited by Mr. Datta.

Then, Sir, these statements of Mr. Datta, however inappropriate and irrelevant they may be, are useful in showing the wrong impression under which he is labouring, and I hope his other friends are not labouring under the same impression. As regards the distinctive functions of a supplementary and of cross-examination, I need not remind an experienced lawyer of my Honourable friend's standing that in cross-examination you are not limited to matters which have been brought out in examination-in-chief. I do not remind my Honourable friend of the authority which lays down that if the witness merely states his name and his age and is asked no further question, he can be cross-examined on all matters which are relevant in that case. What is the function of a supplementary? That is not cross-examination. A supplementary is permissible if it is wanted for elucidation of the answer which has been given, and only in that sense it is cross-examination, but not in the sense in which it is understood by him. He drew a vivid picture of Government Members getting terror-stricken when these questions in the shape of supplementaries are put to them. The nearest parallel which my friend could think of, when a supplementary is put by an Honourable Member from the opposite side to a Government Member, would be in his mind, a low horse-thief being cross-examined by Sir Edward Carson. It is nothing of the kind. We

have survived supplementaries and we shall certainly survive them, and shall have no occasion for fencing as we never had.

To Sir Muhammad Yamin Khan we are very thankful. In his long speech, he describes his yearning for the Congress Members who—according to some, I will not go into the merits of the thing—by being absent are guilty of breach of duty: yet we have from him that he agrees with five of the six sub-rules which we propose. That is a great comfort, because, after all, he is an elected Member; we have been told that the voice of the people is the voice of God: at least one of the 103 gods who are here has spoken for us to the extent of five-sixths. As regards his comments on sub-rule (6), I shall have to discuss sub-rule (6) on Sir Leslie Hudson's amendment and so I shall not take up the time of the House now, except to make a statement that with great respect to my Honourable friend, either he had not the time or the desire to understand that sub-rule. My friend, Mr. Lalchand Navalrai, is conspicuous by his absence at the moment, and so I leave him alone severely. I think there is nothing in the speech of Maulana Shaukat Ali, which needs a reply at this stage. I will not go into Sir Muhammad Yakub's statements about the absence of Congress Members, and so on, except that he has landed himself into this incongruous situation. He asserts that the absentees are guilty of gross dereliction of duty, and, having said that, he accuses the Government of having brought forward this matter when the House is not full: that is to say, if some people by reason of their breach of duty choose to keep away from the House—that is an assertion into the merits of which I am not going at all—then Government's duty is to wait until a sense of duty reappears in the absentees. I submit that is an incongruous situation. I think the same remark applies to my friend, Dr. Ziauddin's complaint of consulting an empty House and also no House can be regarded as empty so long as Dr. Ziauddin is here to give his advice.

I think the procedure we are now going to follow is that these amendments will be severally moved, and if that is so, I do not want to add anything to my speech now, because I shall have ample opportunity of discussing my points very soon. Once more I would like to state what I have said already that we are willing to accept the limit of five questions instead of three and we are equally willing to accept the suggestion of the right of withdrawal or of postponement of questions except that we are not agreeable that this right should be exercisable up to the end of the question hour. Subject to that, I do not think there is anything further which I need say just now.

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

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

Dr. Ziauddin Ahmad: What about Sir Muhammad Yakub's amendment for postponement?

Mr. President (The Honourable Sir Abdur Rahim): It was only a suggestion: no motion has been moved. The question is:

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): (a) is merely consequential, is it not? Sub-rule (3). The Chair may say that these amendments have been discussed, more or less, though not perhaps fully.

Mr. Akhil Chandra Datta: Sir, I move:

“That the proposed sub-rule (3) be omitted.”

On this question I have already made my general observations. I shall say only a word or two with regard to the remarks that have just fallen from the Honourable the Law Member. My case is that the real object of this sub-rule (3) is to stifle supplementary questions; and my further point is that the real object of this is to avoid inconvenient supplementary questions. The Honourable the Law Member has given us an assurance that the Members of the Government will survive these supplementary questions. No greater truth was ever uttered by the Treasury Benches. It is perfectly true that as long as the present Constitution continues, they will survive all supplementary questions, for the simple reason that they are not responsible to those gentlemen of the Legislature who are in the habit of putting supplementary questions. They are irresponsible and irremovable. That is absolutely true. Of course, the witnesses in the box in the law Courts also do survive the cross-examination. . . .

The Honourable Sir Nripendra Sircar: Not always.

Mr. Akhil Chandra Datta: Physically they do survive. I do not know what is my Honourable friend's experience: I have not heard of any witness in the box actually dying under cross examination. . . .

The Honourable Sir Nripendra Sircar: Imprisoned for perjury.

Mr. Akhil Chandra Datta: That is another matter. It is a question of surviving cross-examination. But I do know this, that although they do survive, sometimes they cut very sorry figures; they fret and fume. I do not know what is the experience and impression of the Honourable the Law Member, as to whether the Members of the Treasury Benches do cut sorry figures or not under supplementary questions. . . .

The Honourable Sir Nripendra Sircar: Emphatically no.

Mr. Akhil Chandra Datta: There may be an equally emphatic “no” to the Honourable the Law Member's assertion from this side of the House: it is “no” *verbum* “no”, and that does not improve the position. That does not improve anything. It is said that the object of supplementary questions is not cross-examination, but only elucidation of matters. Only, this elucidation requires a bit of cross-examination; and, therefore, directly or indirectly you must have cross-examination when you put supplementary questions. But one thing is very significant. I was talking of fencing on the part of Members of the Government Benches at the time of answering supplementary questions; and I am very glad to find that that statement of mine has not been repudiated by the Honourable the Law Member although he spoke with a great deal of heat, if not a great deal of passion also.

Now, Sir, as regards the question of restricting the number of questions to three, I should be very glad to know, except the analogy of the House of Commons, what is the basis on which that number three, four, or five is fixed. I don't want to pin the Government down to three, but I want to know what is the scientific basis on which this number three was once fixed and now altered to five. I should also like to know what should be the number fixed in view of the number of Members in the House of Commons and the number of Members here, and also in view of the number of working days in the House of Commons and the number of working days in our House. So that, before the exact number is fixed, I should like to have some idea of the basis on which the number is proposed. Sir, I move.

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

"That the proposed sub-rule (3) be omitted."

Dr. Ziauddin Ahmad: Sir, there are two points which I should like to mention in connection with this motion. The first is that it is not quite clear from the wording of the motion whether a Member can ask 6 questions every day, that is to say, on the day allotted for my questions, my 3 or 6 questions will always be there, or whether I will be restricted to a certain number. I should also like to know whether any further restrictions will be imposed on Members in regard to asking questions, or whether every Member will be at liberty to ask 3 questions every day, whether it relates to one particular Department or to all Departments; or if I have a fair number of questions relating to each Department, my turn will come every day. If this is so, then I cannot understand how you will be able to solve the difficulty we are already faced with. The same difficulty will be present then also; if I can ask many questions, then I shall monopolise three questions every day from the beginning to the end of the Session.

Then, the second point is that the Government suggested that the number should be restricted to 3 for each day, and they have now increased that number to five. I should like to know whether there is any basis or calculation on which they have fixed this number of 3 or 5. Is the number 3 selected, because it is a prime number, or 5 is selected because it is also a prime number or because we have five fingers on our hands, and that is why the number 5 is fixed? Or is there any scientific basis on which this number is fixed? Have they taken statistics, of the last 16 years? My basis was simple. I proposed 18, because if we followed the Parliamentary practice where 3 questions are allowed to every Member, in proportion to the number of Members here, I thought 18 would be a fair number, but the scientific basis on which you fix a certain number can only be obtained by taking statistics, which the Government never attempted. I should like to have an answer to these 2 questions, that is to say, whether I can ask three questions every day without restrictions, and how this number has been fixed. In the absence of complete information on these two points, I shall have no other alternative but to support the motion made by the Deputy President.

Sir Muhammad Yakub: Sir, the defects in the present rules have been pointed by me and by other speakers as well. Now, if any amendments are to be moved, and if any improvement is to be effected, then we must

[Sir Muhammad Yakub.]

restrict the number of questions which a Member should be entitled to put every day, and unless we can debar Members from putting numberless questions every day, no improvement in the rules can be made. Therefore, I oppose the amendment which has been moved by my friend, Mr. Akhil Chandra Datta.

Mr. Lalchand Navalrai: Sir, I support this motion. I have already given my arguments.

The Honourable Sir Nripendra Sircar: Sir, my Honourable friend, Mr. Lalchand Navalrai, has made the briefest speech I have ever heard. (Laughter.) I shall merely follow his example, and say that I oppose the motion.

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

"That the proposed sub-rule (3) be omitted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I move:

"That for the proposed sub-rule (3) the following be substituted:

(3) Maximum number of questions asked by a single member for oral answers shall be limited to 200 in the budget session and 100 in the autumn session:

Provided that when all such questions have been answered before the close of the session and no questions remain, the President may permit any member who has already exhausted his quota of questions for oral answer to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders."

Sir, the last amendment having been negatived, the verdict of the House should be taken to be that some limit in the number should be placed on the asking of questions. The question then arises what should be the form of the limitation,—that is to say, whether we should limit the number for one particular day or for the entire Session. As between these two, I feel that the course suggested in my amendment is the better one to adopt. That does not bring in any complications in our present system. Only the total number is restricted. I am not particular about the precise number I have suggested in the amendment, it may be 200 or it may be 150.

Sir Muhammad Yamin Khan: Or it may be even 20?

Mr. Akhil Chandra Datta: There is a lot of difference between 200 and 20.

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

"That for the proposed sub-rule (3) the following be substituted:

(3) Maximum number of questions asked by a single member for oral answers shall be limited to 200 in the budget session and 100 in the autumn session:

Provided that when all such questions have been answered before the close of the session and no questions remain, the President may permit any member who has already exhausted his quota of questions for oral answer to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders."

Mr. Lalchand Navsarl: Sir, this is a lesser evil, and I support the motion.

Dr. Ziauddin Ahmad: Sir, there is a very important point underlying this particular motion, and I should like to mention it. This motion is not so good as far as the quantity is concerned, as the motion which the Government have accepted, namely, that they would agree to 5 questions a day, because usually in this Session of 11 weeks we have about 50 working days, and if we are given 5 questions a day, then it means that every Member is authorised in theory to ask 250 questions but these 250 questions should cover all the Departments of the Government of India. But the principle underlying this motion is rather an important one, because many Members want to specialise in one particular subject. If I have a right to ask 250 questions, I shall not have the desire to spend all my energy and time to all the Departments, but I shall conserve all my energy to one or two Departments in which I am most interested. So instead of distributing three questions to each Department, I shall be able to concentrate all my time and energy on special Departments. Instead of asking questions on matters about which I know nothing, I will concentrate myself to a few Departments. Therefore, I think, instead of fixing the quota for each day, we should fix the quota for the entire Session, because, then, it will afford an opportunity to every Member to specialise himself in the subjects in which he is most interested, and Members will not dissipate their energies and time in asking questions about all kinds of things about which they know nothing, but probably somebody gave them certain questions and which they merely initialled. So, I think if we give a quota, it will give an opportunity to Members to specialise in subjects, and our work will become more efficient. With these reasons, I support the motion.

The Honourable Sir Nripendra Sircar: I oppose this amendment.

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

"That for the proposed sub-rule (3) the following be substituted :

(3) Maximum number of questions asked by a single member for oral answers shall be limited to 200 in the budget session and 100 in the autumn session :

Provided that when all such questions have been answered before the close of the session and no questions remain, the President may permit any member who has already exhausted his quota of questions for oral answer to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I move:

"That in the proposed sub-rule (3) for the word 'three' the word 'twelve' be substituted."

I only wish to make one small remark. We are only fixing the maximum. It does not follow because the maximum is twelve, therefore all the Members of this House will put twelve questions. As a matter of fact, many Members do not put one single question in the whole Session. There are some Members who are industrious and the maximum is required only for those Members. This is not mandatory; it is only giving the maximum number. In that view of the matter I do submit that twelve should be the number. As a matter of fact, in the first instance the number was limited to eight in the House of Commons. Sir, I move.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'twelve' be substituted."

Mr. Lalchand Navalrai: I thought that the Honourable the Deputy President would have profited by seeing what is going on in the House, and I thought that he would not move any of the amendments or give any opinion at all. I give no opinion on this.

Dr. Ziauddin Ahmad: I know that this is not a Bill which we are discussing. This is really a matter which concerns the Governor General in Council to take action. We are merely giving an expression of our opinion.

Mr. Lalchand Navalrai: Give no opinion. It is useless to give it here in this House.

Dr. Ziauddin Ahmad: When they ask our opinion, we give it freely. We said clearly that we wanted a postponement and pointed out our difficulties. Really speaking, whenever any number is proposed, whether it is twelve or something else, we should like to know what is the argument behind it. If Government give their arguments as to why they choose a particular number, then we will suggest another number and give our reasons for it. Either they say, "All right. What is your opinion? Should there be restriction or not?" We give our opinion whether restriction should or should not be made. If the Government ask, "If restriction, what restriction?" Then we give an expression of our opinion and give our reasons. Here they want to do such and such a thing and ask us to give them our blessings. There is no question of expression of opinion, but what they want is our blessing. Government have given no reasons. We do not know what their reasons are for a particular number. They have not attained at the numbers by statistical consideration. We have placed our difficulties before them, but they have not appreciated even a single one of our difficulties, that is how the whole thing is going on and will go on. In this case one number is as good as the other. Government have given no reason for their three, and Mr. Datta is not required to give reasons for 12. If there is any scientific reason behind the number, it should be eighteen, that is, six times three—the House of Commons has six times the number of this House.

An Honourable Member: Your amendment is six.

Dr. Ziauddin Ahmad: I will give my reason when that is reached. With these remarks, I take my seat.

The Honourable Sir Nripendra Sircar: Sir, I oppose this amendment. There is no mathematical or scientific formula by which the figure can be arrived at. One has got to judge according to the best of one's lights, nor is there any chemical balance in which the thing can be weighed. (Laughter.)

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

"That in the proposed sub-rule (3) for the word 'three' the word 'twelve' be substituted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I move:

"That in the proposed sub-rule (3) for the word 'three' the word 'eight' be substituted."

My Honourable friend, Mr. Lalchand Navalrai, advised me not to move any more amendment. It is obviously a counsel of despair due obviously to a feeling of disgust.

Mr. Lalchand Navalrai: I do not think there is any other go but be in despair.

Mr. Akhil Chandra Datta: In that view of the matter, there should not have been any discussion in this House today. We know the fate of these discussions and the fate of all these amendments. There are no Members on this side of the House and we know the attitude of the Government. Therefore, all discussion is futile, but we must remember that a motion being carried here or negatived today on this matter has got no binding effect; it is merely a suggestion made or opinion expressed by the House. And who knows that when all these opinions are forwarded to the Secretary of State for India, better counsels may possibly prevail and it is only in that hope that we are expressing our opinions. Sir, I move.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'eight' be substituted."

The Honourable Sir Nripendra Sircar: I oppose this amendment. I do not know why my Honourable friend, Mr. Akhil Chandra Datta, referred again to the fact of all the Members not being present. The Congress Party are not here, but as regards my Honourable friend's Party he is here, Sardar Sant Singh has been attending. Mr. Chunder attended here yesterday, Pandit Lakshmi Kanta Maitra and Mr. Som may be sometimes found in the lobbies here, and Dr. Banerjea attended here for two days. Therefore, my Honourable friend need not bring out that fact knowing that the whole of his Party can attend if they like.

Mr. President (The Honourable Sir Abdur Rahim): What about the amendment?

An Honourable Member: He is not opposing.

The Honourable Sir Nripendra Sircar: I oppose it. I started my speech by saying that I oppose the amendment. You can consult the shorthand notes.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'eight' be substituted."

The motion was negatived.

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That in the proposed sub-rule (3) for the word 'three' the word 'six' be substituted."

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

"That in the proposed sub-rule (3) for the word 'three' the word 'six' be substituted."

Mr. Akhil Chandra Datta: I have one observation to make by way of personal explanation. When I referred to the empty benches, I may assure him that I was not referring at all to the responsibility of any Party. I was only replying to my Honourable friend, Mr. Lalchand Navalrai, when he said that it was useless to move these amendments in the absence of the Honourable Members on this side of the House. That was my only object and not to reopen the question.

The Honourable Sir Nripendra Sircar: I oppose the amendment. As regards the explanation of my Honourable friend, Mr. Akhil Chandra Datta, in his last statement, I fully accept what he says. My only disappointment is that my Honourable friend, Dr. Ziauddin Ahmad, has not given us the scientific or mathematical formula by which he arrived at the figure six. (Laughter.)

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

"That in the proposed sub-rule (3) for the word 'three' the word 'six' be substituted."

The motion was negatived.

Mr. F. E. James (Madras: European): I beg to move:

"That in the proposed sub-rule (3), for the word 'three' the word 'five' be substituted."

I understand that the Government are going to be good enough to accept this amendment. I, therefore, do not feel called upon to justify the choice of the number 5, except to remind the House that this number has the peculiarly weighty support of Sir Muhammad Yakub.

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

"That in the proposed sub-rule (3), for the word 'three' the word 'five' be substituted."

Dr. Ziauddin Ahmad: My reasons for pressing the number 6 are the same as the reasons which weigh with the Government in accepting 5, perhaps with this difference that 5 is a prime number and 6 is a composite number. He loves 5, I love 6. That is the only argument that I can think of.

The Honourable Sir Nripendra Sircar: I said in my speech this morning, and I adhere to it, that I accept the amendment of Mr. James which suggests the number. I am not now called upon to show cause why six is not acceptable, nor do I think that it is a particularly unlucky number.

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

"That in the proposed sub-rule (3), for the word 'three' the word 'five' be substituted."

The motion was adopted.

Dr. Ziauddin Ahmad: Sir, I move:

"That after the proposed sub-rule (4) the following be added:

(5) The number of questions allotted for each day shall be determined by the President in the manner to ensure that full one hour is occupied by questions'."

I had very grave doubts as to the underlying idea in the whole motion and I have apprehension that the time allotted for the questions, which is one hour at present, may not be curtailed. Therefore, I think that this should be explicitly mentioned in the rules—that the time allotted for the questions will be one hour, because there may be something here which might be misunderstood. We do not know in whose hands the allotment of the number of questions will be and the questions may be so allotted that the question time of one hour may be curtailed. In order to make the position explicit, I have moved my amendment.

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

"That after the proposed sub-rule (4) the following be added:

(5) The number of questions allotted for each day shall be determined by the President in the manner to ensure that full one hour is occupied by questions'."

As the President is brought in here, the Chair would like to enquire of the Honourable Member in what way he expects the President to fulfil this duty?

Dr. Ziauddin Ahmad: I pointed out in the course of my speech earlier that this is a responsibility which is really impossible to be discharged by any person.

Mr. President (The Honourable Sir Abdur Rahim): Is that why the Honourable Member is moving this amendment?

Dr. Ziauddin Ahmad: You are in the best position to judge. If it is done by the office, they will be subject to blame and we cannot discharge it ourselves. If you ask us to put down a particular number of questions per day, then naturally I will expect that I should be told how many questions have already been put down for that particular day, so that I may know whether I should put down my questions for that particular day or some other day. For example, some Department may not be able to have sufficient number of questions, such as the Foreign and Political Department, on account of the restrictions imposed on us about asking questions relating to these Departments.

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wanted to know from the Honourable Member how he expects the President to discharge this duty. The Honourable Member has given the reason, that it is impossible.

The Honourable Sir Nripendra Sircar (Law Member): As the Honourable Member has explained, this will be throwing upon the Chair a duty which it cannot carry out. Under the rules which we propose, to frame the number of questions will not depend upon the President. That will depend on what days are chosen, how many Members put down questions.

[Sir Nripendra Sircar.]

That will depend upon their discretion and judgment. They will have to watch the notice board, and see how many questions have been put. Whatever it is, under our scheme no burden is thrown on the President. I oppose the amendment.

Dr. Ziauddin Ahmad: Then on whom will this burden fall, for allowing time for each department.

The Honourable Sir Nripendra Sircar: It will be the duty of the Member to choose his appropriate day.

Dr. Ziauddin Ahmad: And the allocation of the different departments?

The Honourable Sir Nripendra Sircar: That will, of course, be notified by the President—the dates.

Mr. President (The Honourable Sir Abdur Rahim): Before putting this question, the Chair would like to know this. Supposing notice has been given of 100 questions on one day, what will happen? Is it expected that all those questions will be answered or those that are not answered will be treated as unanswered questions and the answers will be laid on the table?

Mr. J. D. Anderson (Secretary, Legislative Department): This one hour is available for the answering of questions. If Honourable Members do not exercise good judgment in the selection of the day on which they put down their questions for answer, it will follow inevitably that they cannot expect to get all answers under this system. The balance of questions which do not receive an oral answer will be treated as unstarred and the written reply will be laid on the table of the House, unless they have exercised the right of postponement which also it is proposed to give to Members.

Mr. President (The Honourable Sir Abdur Rahim): Then, does the Chair understand that the Honourable Members will have sufficient notice so that they might be in a position to know whether they should give any further notice or not?

Mr. J. D. Anderson: It is expected that the notices will be posted in the notice board, so that any Honourable Member can ascertain how many notices have been put down for a particular day. That, Sir, is the way in which I regard the position, viz., that there will be a notice board and that Honourable Members will be able to see what other Members have put down questions before them.

Mr. President (The Honourable Sir Abdur Rahim): It is very difficult for the Chair to express any opinion at present. The Chair takes it that it will be made practicable for Honourable Members to know in time whether there are a sufficient number of questions which can be expected to be answered on any particular day.

Dr. Ziauddin Ahmad: Will Government allow travelling allowance to Members if they only come to the Assembly Office to see the notice board?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this question.

The question is :

“That after the proposed sub-rule (4) the following be added :

‘(5) The number of questions allotted for each day shall be determined by the President in the manner to ensure that full one hour is occupied by questions.’”

The motion was negatived.

Dr. Ziauddin Ahmad: Sir, I beg to move:

“That the proposed sub-rule (5) be omitted.”

Sir, my reasons are the same which have just been pointed out in connection with my previous motion. The moment this system is started that a notice board will be fixed in the Assembly, not only the number of questions but the full text of the questions should be given in the notice board because without full text of the questions I cannot find out whether a supplementary question is likely or is not likely to be asked and how many supplementary questions will be asked. If the notice board is to be put in which it is mentioned that such and such Members have given notice of such and such questions, then I must come and see the notice board every morning before I can put a question. Now, so far, it is simple when the Assembly is in Session; I put a certain question and you said that it was out of order at that moment, but it is certainly in order now when I ask what would happen when the Assembly is not in Session? People begin to send their questions immediately after the adjournment of the House, and then how would Members know, when they are at different places, how many questions have already been asked for a particular date? So if I begin to send a question say a month before the Assembly is in Session, I will be entirely in the dark and the office will return it to me saying, “you have not fixed the date on which this question is to be asked”. On this particular plea, all these questions will be sent back. Then we will be in a very difficult position. We will have to fix the date on which our questions are to be asked, and we will not know how many questions have already been put down for a particular date. It is all right in the House of Commons where every Member from any corner of England can come to London in a few hours’ time but in India it takes days and days for letters to come from one’s constituencies to the headquarters of the Central Government and therefore this is not a practical proposition here,—and certainly not a practical proposition when the Assembly is not in Session. It may be suitable for a small island like Great Britain but it is not suited to a vast continent like India where we have to travel long distances, where a letter takes several days to reach the destination, and therefore this particular system which our Front Treasury Benches have devised is absolutely impracticable to work in this country. It may be possible to work it during the Session and even then not without difficulty but it is quite impracticable when the Assembly is not in Session. I should like to know very definitely whether if I send a question from my constituency and without mentioning the date, will that question be admitted or

[Dr. Ziauddin Ahmad.]

not by the Secretary, or will he return it to me? Naturally, I shall expect that information should be sent to me every day as to what are the available dates on which I can put my particular question. Sir, it would be exceedingly difficult to work, and I should like the Members on the Treasury Benches who are responsible for these amendments to visualize in their minds the entire position and to explain to the House how it will work. You are going to ask our opinion but you have given absolutely no reasons as to why you are making these drastic changes, and what is the justification for that, when we have shown that it is impossible to work.

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

"That the proposed sub-rule (5) be omitted."

Sir Muhammad Yakub: Sir, the provisions laid down in this section are really very complicated and very difficult and if these rules are intended to serve as a guide for the new provincial Assemblies, I think it is incumbent upon the Government to explain in detail how these rules will work. Of course these rules will be worked in this Assembly only for a year or so. It is said that these rules are intended really to serve as specimen or model rules for the new provincial Assemblies, and if this is the reason why these rules are being amended and placed before the House at this time, then I would like the Honourable the Law Member to explain fully what is meant by this sub-section, and how it will work in practice, particularly as Dr. Ziauddin Ahmad has pointed out that Members send in notices of questions long before the date for the next Session of the Assembly is fixed; and he should also tell us how many days before the Session begins, they will inform Members what days they have allotted to the different Departments. The whole of this is very complicated, it will place Members, as well as the office and the President, in a great difficulty, and I think the Honourable the Law Member owes it to this House, as well as to the provincial Assemblies, to give us a full explanation of what is in his mind and how this rule will be worked.

Mr. Akhil Chandra Datta: Sir, I support this motion. I object to this sub-rule (5) and my grounds are these. In the first place, there is a double limitation. My second reason is that there is no such rule in the House of Commons. There, the difficulties are less because in the House of Commons one day's notice is necessary, and in the second place notice is to be given during the sitting of Parliament. In spite of this facility there is no such rule in the House of Commons. It is, after all, a matter of untried experiment, and we do not know where we are going. Nobody can visualize the consequences. It may be a leap in the dark. The real object of this change may even now be achieved under our Standing Orders. There is already a provision in our Rules and Standing Orders in which that object can be achieved. I refer to Standing Orders No. 17 and 18. Standing Order 18 says:

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

So, if required, the President may arrange the business in the manner suggested in this sub-rule calling a particular Department for any particular date or a group of Departments for a particular date. That power

is already given to the President under Standing Order No. 18. Then, there is the other Standing Order, No. 17, which 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 made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

There are two clauses in this Standing Order. In the first place, how the questions are to be entered in the list and, secondly, 4 P.M. how the questions are to be called. As regards the order in which questions are to be called, the rule is obligatory and the President must call them in the order in which they stand in the list. But as to how questions should be entered in the list, there is absolute discretion in the President. With regard to this particular rule that we are now discussing, I think even now the President can allocate particular days for particular questions if he deems it necessary. There is nothing to prevent him from doing this under the Standing Orders. Therefore, instead of tying the hands of the President by this rule, he can take advantage of the rules already in force. One fact has emerged from the discussion, namely, the possible result of the working of these rules. It is just possible that the work of the office may be awfully increased. I have no idea myself to what extent the work of the office will be increased, but there can be no doubt that the work will be increased, and I do not know whether it will be necessary to increase the staff or whether the present staff can cope with the work. That is, however, a matter with which we are not directly concerned, but I only suggest that it may be one of the matters which should be taken into consideration in connection with this rule. Sir, I support this amendment and oppose sub-rule (5).

The Honourable Sir Nripendra Sircar: Sir, I think it is my duty to answer the questions which have been put by Sir Muhammad Yakub. I confess I have never been inside the House of Parliament and followed the system of questions and answers, but judging from the information received and from books it happens in the House of Commons that, as a matter of fact, days are announced for the different Departments. One misapprehension which ought to be cleared up is this. Under this rule, there will be nothing to prevent the President, if he so chooses, to fix more than one Department for one day. The President's hands are not tied in this respect at all. The only difficulty which has been pointed out during the discussions on the Select Committee and also in the House, is that, of a Member choosing a wrong date—a wrong date in the sense that it turns out to be a date on which his question has little prospect of being orally answered. This will, I submit, be met by the common parliamentary practice, namely, allowing him to postpone the question if he finds that he has made a mistake in choosing a suitable date. That is all I have got to say.

Mr. President (The Honourable Sir Abdur Rahim): Before putting the question, the Chair would like one matter to be cleared up. The question was asked whether it will be possible for Members to give notice of their questions, say, a fortnight or three weeks or a month, in advance of the Session as is the practice at present. If so, how will that work?

The Honourable Sir Nripendra Sircar: A Member can give notice 15 days or 25 days or 30 days ahead of the Session, but there are two limitations. In the first place, he must mention some date for his question.

Mr. President (The Honourable Sir Abdur Rahim): Should he mention the Department as well?

The Honourable Sir Nripendra Sircar: He has got to address the question to some person. That will depend on the President declaring the days for the Department.

Mr. President (The Honourable Sir Abdur Rahim): Must that be declared beforehand?

The Honourable Sir Nripendra Sircar: Yes, Sir, unless you do that beforehand, office may not know what Department will have to answer questions. As long as the President has stated well in advance that these are going to be the days for these Departments, there is nothing, as I said, to prevent the two Departments being put on the same date, and, if necessary, even more. However, some date is to be mentioned as the date on which the answer is required. In that case, there will be no difficulty. If the Honourable Member, when he turns up here after 35 days, finds that, as a matter of fact, his question has little chance of receiving an oral reply and runs the risk of getting unstarred, then he can exercise his right of postponement and to say that a particular question should not be answered that day.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Chair understands that there will be no practical difficulty in the way of Members giving notice of questions well in advance, say three weeks or four weeks, as is the case at present.

Dr. Ziauddin Ahmad: Will the Members know beforehand how many questions are already asked on a particular day?

Mr. President (The Honourable Sir Abdur Rahim): Not until the notice board is put up.

Mr. F. E. James: How many days before the commencement of the Session will the information as to the number of questions asked on the first five days be placed upon the notice board?

The Honourable Sir Nripendra Sircar: That will depend on the President and not on the Government.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands Government want five days' notice. In that case the notice board cannot be put more than five days before the commencement of the Session.

Dr. Ziauddin Ahmad: Suppose I give notice of a question a month ahead of the Session, how do I know that a particular day is free or not and how many questions are already tabled for that particular day, unless I get daily statistics from the office?

Sir Muhammad Yakub: How many days before the commencement of the Session will the President or the Government decide on what day each Department is going to answer certain questions? These are all very difficult and pertinent matters.

The Honourable Sir Nripendra Sircar: That is a matter really for the President to declare. It can be declared a fortnight ahead as to what dates he will choose for different Departments.

Mr. President (The Honourable Sir Abdur Rahim): He may declare it even earlier than a fortnight.

Sir Muhammad Yakub: In that case, the President will send this information to the Members at their home addresses, because they cannot be required to come here one month before the Session begins.

The Honourable Sir Nripendra Sircar: Yes.

The Honourable Sir James Grigg (Finance Member): I can throw a little light on this matter from the practice followed in the House of Commons. There is a definite order which is perfectly well known and which is maintained unchanged for long periods and which has gone on from Session after Session. If any alterations are made in this order, they are made by arrangement between the various Parties concerned and Mr. Speaker, and that is announced. But, subject to those very rare changes, the order of Departments for each day is perfectly well known. So, once you have made your announcement, that announcement, if the English practice is followed, will remain unchanged possibly for years on end.

Dr. Ziauddin Ahmad: But my Honourable friend is forgetting that in India all the Muslim and Hindu festivals are regulated by lunar months, not by solar months as in Europe where they know definitely on what particular day a holiday falls. In some cases, we do not know even three days ahead whether a particular day will or will not be a holiday. Definite fixtures in places where lunar months do not come into consideration cannot hold good in this country.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Finance Member might also inform the House whether it is the practice in the House of Commons to give notice of questions long before the commencement of a Session.

The Honourable Sir James Grigg: No, Sir, not at all. Notice must be given during the sitting of the House and I think at least 48 hours before the question is put down for answer.

Mr. President (The Honourable Sir Abdur Rahim): Is it the desire of Government to reproduce that practice here?

The Honourable Sir James Grigg: I gather from the Honourable the Law Member that there is no desire on the part of Government to restrict the right of Members to put down questions when the House is not sitting.

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

"That the proposed sub-rule (5) be omitted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I beg to move:

"That in the proposed sub-rule (5), the words 'in rotation', occurring in the second line, be omitted."

Sir, the last amendment having been negatived, this amendment seeks to take away the sting from that amendment. The object of this amendment is not to tie down the hands of the President, but leave him sufficient discretion. If he finds it necessary, he may not stick to rotation, if the circumstances of a particular day so require. Therefore, I suggest the omission of the words 'in rotation'. Sir, I move.

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

"That in the proposed sub-rule (5), the words 'in rotation', occurring in the second line, be omitted."

Dr. Ziauddin Ahmad: Sir, may I know from the Honourable the Mover of the Motion what is the force of the words 'in rotation' because I am not really in a position either to support this amendment or oppose it unless I know exactly what it means. Does the expression 'in rotation' mean that you will always have the first day for this department, the second day for a second department, the third day for a third department and so on. What is the idea underlying these words 'in rotation'?

Mr. J. D. Anderson: Sir, the purpose of the words "in rotation" is only to enable Honourable Members to have a fair chance of questioning every department. If there is no provision of that kind, then the distribution of the time for the different Departments is an arbitrary one and that surely is objectionable. The President will naturally have to group certain Departments together on different days.

Dr. Ziauddin Ahmad: I do not understand this. Does he mean to say that on Monday questions will relate to such and such a department, on Tuesday, the questions will relate to such and such department and so on, or they will be in rotation, say, first Home Department, then a second Department, then a third Department and so on on one and the same day. What is contemplated by this expression 'in rotation'.

Mr. J. D. Anderson: A number of rosters with different orders in order that every Department should have its chance.

Dr. Ziauddin Ahmad: Irrespective of the day.

Mr. J. D. Anderson: Irrespective of the day. It will not be possible to have Mondays always to the same group.

Mr. Akhil Chandra Datta: One result of this rotation will possibly be that some days will be altogether lost to us. Supposing a certain day is fixed for a particular department when it so happens that there will be no questions at all relating to that Department. The result will be that the day will be lost.

The Honourable Sir Nripendra Sircar: Then you may pass on to the next Department.

Mr. Akhil Chandra Datta: It has already been decided that only particular departments will have to answer questions on that day. A new department cannot be brought in.

Mr. President (The Honourable Sir Abdur Rahim): A whole day need not be allotted for one Department, as the Chair understands.

Mr. Akhil Chandra Datta: For that matter, supposing three departments are fixed for a particular day, and supposing on a particular day there are no questions relating to any of those three departments, what will happen? In that case the whole day will be lost. Under this system of rotation a new department cannot be brought in for that day.

Mr. J. D. Anderson: That really depends on the arrangement of the Departments by the President. His experience will I think almost certainly prevent any such catastrophe.

Sir Muhammad Yakub: It is placing too much reliance on the experience of the President.

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

"That in the proposed sub-rule (5), the words 'in rotation', occurring in the second line, be omitted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I beg to move:

"That in the proposed sub-rule (5), the words 'unless the President with the consent of the member of the Government to whose department the question relates' be omitted."

I want to have the discretion of the Department to agree or not agree omitted.

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

"That in the proposed sub-rule (5), the words 'unless the President with the consent of the member of the Government to whose department the question relates' be omitted."

Dr. Ziauddin Ahmad: I do not want to oppose this motion, but I want to understand one point. Supposing a Member of the Government decides that on a particular day a question relating to his department should not be asked, what will happen? Will that question be left over?

The Honourable Sir Nripendra Sircar: He cannot do it. If this amendment is accepted, it will really prevent short notice questions being answered. We cannot waive all these rules except in the case of short notice questions which are answered at once. That will be prevented if this amendment is accepted. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then, this provision is intended to cover short notice questions.

Mr. N. M. Joshi: May I ask whether this means that short notice questions can be asked on any day about any department?

The Honourable Sir Nripendra Sircar: Yes.

Mr. Akhil Chandra Datta: In that view of the matter, I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That the proposed sub-rule (6) be omitted."

Sir, you have seen how reasonable this House is. Whenever we find that there is reasonable argument from the Government Benches, we immediately accept them and withdraw our opposition. So, if any good suggestion comes and any satisfactory explanation is given, then we would accept at once. But the difficulty is this. If we are asked to swallow flies, we can do so, but now we are called upon to swallow buffaloes, elephants and camels. Our stomach is not strong enough to swallow them. This sub-clause 6 is really the crucial point of our objection. Of course we are not in love with the previous clauses but we are definitely opposed to this particular clause because this aims at the curtailment of the privileges of Members to ask supplementary questions. The intention of this clause is that if any question is left over, that should be treated as an unstarred question and the answer may be sent to the Member's rooms or printed in the report. To that an amendment is made and we have got the additional advantage of repeating the same questions again as if they were fresh questions and fresh notice is given on that particular day. In that case I do not visualise how the fresh notice will work. because while a man is sitting in his room he will not know whether those questions will be reached within the allotted time, and about 50 minutes past 11 he realises that his questions are not likely to come up and he must give fresh notice. Immediately he must first rush to the notice board and see what date is available, and by the time he has examined the notice board it is 12 o'clock and he has not been able. . . .

Mr. N. M. Joshi: You must withdraw before the day begins, *i.e.*, before 11 o'clock.

Dr. Ziauddin Ahmad: The position is made still more difficult if the notice is to be given before 11 o'clock. The first question I will put to myself before 11 o'clock is, who are the Members that are likely to attend? Is Mr. Satyamurti, for instance, present today or not, and how many supplementary questions is he likely to put? I must first go to his house and ask him how many questions he is going to put, so that I may judge for myself whether my questions will be reached or not. That is the first thing and it will be. . . .

Major Nawab Sir Ahmad Nawas Khan (Nominated Non-Official): It would be easier for you to speak on the telephone to Mr. Satyamurti.

Dr. Ziauddin Ahmad: If Mr. Satyamurti has not got a telephone, will you supply him with one? The difficulty I am referring to is that I must foresee beforehand whether my particular questions would or would not be reached, and that is very difficult to judge, especially if it is on the border line. Suppose 60 questions are likely to be answered, and my question is No. 65 or No. 70, perhaps I can say at once that my question is not likely to be reached and I may be able to give fresh notice though I may be rather handicapped. I have disadvantage that my notice was given about a month earlier, and I am now pushed back by several weeks. That is one difficulty. But if my question is on the border line where I cannot judge then my difficulty is greater. It is impossible for me to judge beforehand, and I challenge anybody here to judge beforehand, whether question No. 48 would or would not be reached. About the first 40 questions one can safely say that they will be reached, but between 40 and 60 it is absolutely impossible to tell, with any degree of accuracy, whether they will be reached or not. If I calculate that my question will not be reached and give notice to postpone it for six weeks, and afterwards the question is reached, I will surely be very sorry for giving the notice. So, in a large number of cases, it will be impossible for any Member to judge whether that particular question would or would not be reached, and give notice in time either to take it up or postpone it. Then there is a difficulty to which the office will be exposed. If my question comes lower down in the list I will always blame the office for not giving me the correct information at the time I sent the question that so many questions had already been tabled for that particular day, so that I ought not to have tabled those particular questions for that day. Again a further difficulty would arise in my mind. Supposing I saw the notice board and I found that on Wednesday there were only 40 questions and I thought of taking a sporting chance and put my three questions for that particular day; they will be 41st to 43rd. But five other Members were on the same track and they also realised the same thing, and they sent their notices a few minutes earlier. So that instead of becoming 41st to 43rd, my questions really became 56th to 58th. In that case it will be a race between the notice board and the Assembly and to the office and it will always be a question of winning the race by going in first and giving notice first. That is, therefore, the great difficulty. Of course, if the question is not of much importance, it does not matter whether it is asked today or tomorrow. Now, our special privilege of asking supplementary questions is being taken away from us by these rules which the Government of India have no authority to frame. I made no secret of the fact that these rules are *ultra vires*, and I hope the Secretary of State will have more common sense and will not agree to the proposed amendments of rules which are submitted by the Government of India, because he will realise that they are impossible to work and that the difficulties will have to be faced by the non-officials and by the office. Sir, it is a privilege of the Members to ask supplementary questions and we do not like to support any motion by means of which this privilege is taken away, and we find that by these rules this privilege is sought to be taken away. These starred questions on which we can ask supplementaries will now be changed into unstarred questions, and the very object of asking questions is frustrated by this method. We know that the reply to original questions is stereotyped and can be interpreted in many ways, and we can only get the correct interpretation by asking supplementary questions. If this privilege is

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taken away, the answers will be meaningless and will not give the information which the Members putting them desire to obtain. So this is a very important thing and no elected Member who cares for his rights will agree to the curtailment of those rights. If the Government desire to make these rules without consulting us, they can do it; but they cannot expect us to support them in this. I must say clearly that this whole discussion is not according to the procedure laid down in the Manual of Business. We are following on a motion the same procedure which we usually follow in the case of Bills. They say that their only justification is that they gave an undertaking to consult this House. But consultation is different from taking votes on each motion and having a discussion as if it is a Bill, which is a quite different thing. This is not really consulting the opinion of Members. It is really just like the passing of a Bill—motion for consideration, discussion of clauses after reference to committee, and so on, for which though there may be precedent, still there is absolutely no provision in the Manual of Business.

The Honourable Sir Nripendra Sircar: We have had this three times from you already, about this being *ultra vires* and so on.

Dr. Ziauddin Ahmad: This is a matter of privilege in which if I speak repeatedly and make hundred speeches, I cannot be blamed.

Mr. President (The Honourable Sir Abdur Rahim): But not a hundred repetitions of the same argument.

Dr. Ziauddin Ahmad: If questions are put down at the end of the list, Members will blame not themselves, but their informants. Suppose we put down a particular date after hearing from the office—say, on the 10th of December. On getting the information I give notice of certain questions for a particular date where there are fewer questions. But after giving me the information the office may possibly receive a series of notices for questions on that particular date and the office may not inform me—they may keep silent and then naturally I may have a grievance against the office for not having given the subsequent information to enable me to change the date. The difficulties that were expressed in connection with sub-rule (5) will be even more keenly felt in connection with this sub-rule by the elected Members that their right of putting supplementary questions is taken away from them. They would not mind if the questions are merely shelved and taken on another day; but if it means changing from starred to unstarred, then you are taking away a privilege without sufficient justification and without sufficient reason. The whole of this motion is quite unjustifiable, uncalled for, unnecessary at this particular moment, and this last clause makes things still worse and much more objectionable to the opposition. No elected Member will ever agree to this. I move that the sub-clause be omitted.

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

“That the proposed sub-rule (6) be omitted.”

Mr. Akhil Chandra Datta: Sir, this is the last rule that is brought forward at the tail of the list, and the sting is in the tail, because I do feel that of all the changes introduced, this is the most drastic change, a change of far-reaching character, depriving by one sweep the Members of the right of supplementary questions, because, under this sub-rule, a very large number of starred questions will be converted automatically into unstarred questions. Now, apart from the general objection, I have to add this: this rule is not acceptable to any particular group in this House, I mean the non-official groups. It is not acceptable to the European Group either, because I find they are not satisfied with the sub-rule as it stands and they want changes. As a matter of fact, the procedure in the House of Commons is quite different, there is no such rule or Standing Order in the House of Commons. . . .

Mr. N. M. Joshi: What happens there?

Mr. Akhil Chandra Datta: There the Standing Order is this—the Standing Order which Mr. Griffiths was pointing out—[Standing Order 7(5)]:

“If any member does not distinguish his question by an asterisk, or if he or any other member deputed by him is not present to ask it, or if it is not reached by a quarter before four of the clock, the minister to whom it is addressed shall cause an answer to be printed in the Official Report of the Parliamentary Debates, unless the member has, before questions are disposed of, signified his desire to postpone the question.”

I say that one portion of the rule has been adapted from the House of Commons, while another portion has been left out. Full advantage is sought to be taken of the Standing Order of the House of Commons without the corresponding disadvantage—that is the position. A further rule—which I am reading from May's Parliamentary Practice—is this:

“If more than the number of questions permitted appear on the paper, the excess is carried over to the next day.”

That is the rule there. I shall not take up the time of the House by referring to the debates in the House of Commons—I have got many of them here—but it will be tiring and it will take up the time of the House. I will merely give the reference. House of Commons Debates, 1922—Vols. 74, 92 and 113. It appears that the question has been raised and decided by the Speaker in the House of Commons that if there is a question on the paper on a certain day and if it is not reached, then the procedure there is that the excess over the permitted quota is carried over to another day. All these rules are inter-related. If you adapt one, you have got to adapt the other also. But, unfortunately, so far as this sub-rule (6) now proposed here is concerned, it is neither the Indian system nor the House of Commons system; and I should think that we should not go beyond the experience of the House of Commons and put down a rule like this in an unqualified form.

Now, an amendment is proposed to be moved about postponing or withdrawing questions. That is a matter which will be discussed in due course when the amendment is moved, but as the rule stands, I certainly object to it, and I support the amendment.

Mr. Lalchand Navalrai: Sir, I think the House will have by now realised that as we have been going from one clause to another and from one amendment to another, the question is getting more and more complicated, and that it has become so confused that it is getting more and more confounded. I submit, Sir, that even the little rights that are left to Members of putting oral questions and getting replies would be taken away, if this clause were to be accepted and the amendment were rejected. The position at present is this. It is left to the will and discretion of the Member to submit his questions for oral answers or to agree to make them unstarred and get answers placed on the table. That is a right enjoyed by the Members. Now, the Government come forward and say that that right should also be taken away. The result will be this, that questions which are not reached on a particular day will be treated as unstarred questions. That would mean that the rights and privileges of Members to have questions answered orally would be quietly placed on the table of the House. Then, there will be another trouble to go through the answers to see whether they required any supplementary questions to be put as fresh questions, then to give notice of questions, and put the Honourable the President and his office to the trouble of finding out whether our questions should be admitted or not, and in the end the questions may again remain over on a particular day and become unstarred. Sir, I strongly oppose clause 6, and support the amendment.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, in the absence of so many Honourable Members from their places, the duty of those who remain here is enhanced very much. At present we have a threefold duty. There is, of course, the general duty to our electorate, then there is a duty to our successors or those who will follow us in our constituencies and who may be elected to this House, and thirdly we owe a duty to our absent colleagues, because when they return and find that their rights and privileges have been encroached upon or curtailed and that no protest had been made by those elected Members who were present here, we should be answerable to them. Sir, my personal position is a very unenviable one. Being the solitary representative of rather an important party in this House, I think I cannot remain silent when the privileges of the elected Members are being encroached upon and their rights are being taken away. So, Sir, I join in the protest that is being made by all parts of the House, and I think that this right is being taken against the wishes of the elected Members of this House. Therefore, I support the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad.

The Honourable Sir Nripendra Sircar: Sir, most of the objections which have been raised are not really worth answering, for the reason that Honourable Members have proceeded on the footing that the Government are opposed to give any right of postponing the questions to Members. But I made it perfectly clear that however the rule might have been drafted, we would accept the situation, subject to the slight change in Sir Leslie Hudson's amendment which we can discuss when it is moved

Mr. F. E. James: Am I to understand that though there is nothing on the order paper now, Government will in fact make an amendment to the present rules which would give the right to postpone the question at any time before the opening of the Session on a particular day? Is that the idea?

The Honourable Sir Nripendra Sircar: May I answer that question, Sir? My position will be made perfectly clear if I ask my friend to look to the terms of the amendment which stands in the name of himself, Mr. Chapman-Mortimer and Sir Leslie Hudson. The amendment is "and the member asking the question has not before questions are disposed of signified his desire to postpone the question". What we propose to consider is to substitute for the words "before questions are disposed of", the words "before the sitting of the Assembly on the date concerned". I am not giving the exact language, but that is what is in my mind, and that, I think, I made clear in my speech.

Then, Sir, a charge is made that the rights and privileges of Members of asking supplementaries are being taken away. I submit there is nothing in that charge. Of course, if we were to dissociate ourselves from the idea contained in Sir Leslie Hudson's amendment, something might have been said, but as I have said, that point is met. No right of asking supplementary questions by any Member is being taken away. As regards what happens in the House of Commons, I shall satisfy myself by reading only four lines from May's Parliamentary Practice before I resume my seat. I read from page 245:

"If a member does not distinguish his questions by an asterisk, or if he or any other member deputed by him is not present to ask it, or if it is not reached by a quarter to four o'clock, the minister to whom it is addressed causes an answer to be printed in the Official Report of the Parliamentary debates, unless the member has signified his desire to postpone the question before the interruption of questions at a quarter to four o'clock."

Therefore, Sir Leslie Hudson's amendment *plus* what we are proposing by rule 6 reproduces exactly the parliamentary practice. I shall make the point clear as to why we are not accepting the idea of following the parliamentary practice of the time of the withdrawal being extended up to the interruption of questions, because it will be here 12 o'clock instead of 4 o'clock, but in England also those questions which are not reached, unless they are postponed, become unstarred. That seems to be borne out by May's Parliamentary Practice

Mr. President (The Honourable Sir Abdur Rahim): What will be the position of such postponed questions, and will they be postponed to a particular date? How will they be arranged in order? What position will they occupy in the list of questions on the postponed date?

The Honourable Sir Nripendra Sircar: I presume, Sir, they follow the priority of notice.

Dr. Ziauddin Ahmad: Fresh notice?

The Honourable Sir Nripendra Sircar: I am not talking of postponed questions. Suppose notice is given of a question at 11 o'clock, and I want it to be postponed to the 5th of January. That will be taken as a fresh notice, only in the sense that we shall know on what date the question has to be answered.

Mr. A. deC. Williams (Government of India: Nominated Official): The intention was that the notice of postponement should not count as fresh notice, but that on the day the postponed question is put down, it takes rank after all questions of that day which are not postponed questions.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the proposed sub-rule (6) be omitted."

(After the division bell rang, a division having been demanded.)

Dr. Ziauddin Ahmad: Will you, Sir, take votes again on the motion as a whole?

Mr. President (The Honourable Sir Abdur Rahim): Let the Chair dispose of this question first. The question is:

"That the proposed sub-rule (6) be omitted."

The Assembly divided:

AYES—7.

Bhagchand Soni, Rai Bahadur Seth.
Datta, Mr. Akhil Chandra.
Ghiasuddin, Mr. M.
Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.
Parma Nand, Bhai.
Ziauddin Ahmad, Dr.

NOES—42.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mehta, Mr. S. L.

Metcalf, Sir Aubrey.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Parkinson, Mr. J. E.
Rau, Sir Raghavendra.
Roy, Mr. S. N.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain. Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Thorne, Mr. J. A.
Todd, Mr. A. H. A.
Tottenham, Mr. G. R. F.
Verma, Rai Sahib Hira Lal.
Williams, Mr. A. deC.
Witherington, Mr. C. H.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Sir Leslie Hudson (Bombay: European): Sir, I beg to move:

"That in the proposed sub-rule (6), after the word 'day', where it occurs for the second time, the following be inserted:

'and the member asking the question has not before the questions are disposed of signified his desire to postpone the question'."

Sir, if the right to withdraw a question is not allowed up to the end of the question hour, it seems to me that the whole object of the proposed amendment falls to the ground. There are various occurrences in the House which at times lead, if I may use the

phrase, to waste of time during the question hour. There may be some temporary loss of control of temper which, as you, Sir, know, occasionally takes up considerable time in the House. There may be points of order raised which, as you know, have on many occasions taken up a great deal of question time. It will be quite impossible for a Member asking a question to know that such a waste of time was going to occur at question time. He could not possibly know before the question hour that that sort of thing was going to occur at question hour, and it does seem to me that the extension of the time for withdrawing questions until 12 o'clock is justified. Sir, it has already been pointed out that it is a very frequent occurrence that the answer to a question itself is of little value unless one is able to ask a supplementary question and where a question is pushed down to the end of the morning's list it becomes obvious to the Member who has put down a question that he cannot get an oral reply and I do think that this proviso should be allowed that he should be able to withdraw his question at any time during the question hour. Under these rules, considerable curtailment of the right of individual Members has been made, and I think that, if Government would see their way to agree to my amendment, it would be just and right.

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

"That in the proposed sub-rule (6), after the word 'day', where it occurs for the second time, the following be inserted:

'and the member asking the question has not before the questions are disposed of signified his desire to postpone the question'."

Mr. F. E. James: May I say just a word on this amendment? I should like to remind the Law Member that what we are suggesting now is the practice in the House of Commons. I am quite aware that it does not do to stick too closely to the analogy of the House of Commons, but we have moved this amendment on the basis that the real privilege we seek to safeguard is not the privilege of asking questions but the privilege of getting questions answered orally and that the difference between what the Law Member himself has proposed to accept and what we have down on the order paper here is a very material one and one to which we attach the greatest possible importance. I am quite prepared to admit that this may be abused. Almost any rule that you can lay down can be abused. On the other hand, the changes that are being made are so effective that we consider that it is essential—the individual Member feels more strongly on this than perhaps official Members do under the present system of things—that the right of the individual Member to get an oral answer to his question should be preserved and that it should not be interfered with to his detriment by circumstances over which he has no control and for which he may not in the least be responsible. I do ask the Honourable the Law Member to give the most careful consideration to this amendment of ours and to see whether he cannot at this moment accept it or, if he is prepared to think over it, postpone his final decision till tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th February, 1937.