

Saturday, 14th August, 1943

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

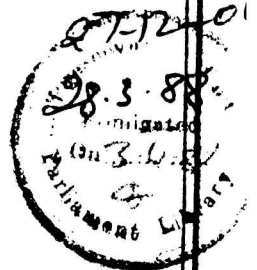
VOLUME II, 1943

(2nd to 31st August, 1943)

FOURTEENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1943



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* COUNCIL OF STATE
Saturday, 14th, August, 1943

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss), in the Chair.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability, which was passed by the Legislative Assembly at its meeting held on the 13th August, 1943.

STATEMENT OF BUSINESS.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Has the Honourable the Leader of the House any statement to make regarding the course of business ?

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : We will meet on Friday next, Sir. Of course, if a meeting is to be held earlier, we will have to circulate a notice to Honourable Members.

THE HONOURABLE THE CHAIRMAN : The Council is adjourned to ——— .

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : I have given you notice of an Adjournment Motion, Sir. I gave it to you, to the Secretary and to the Member in charge.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : As at present advised, I do not think the Chairman has power to admit an Adjournment Motion. He has no power to admit Questions and he has no power to admit Resolutions and an Adjournment Motion is, I believe, the same as a Resolution. So, unless you can show me some authority or precedent, I am afraid I shall have to disallow the Motion till the President is able to be here.

THE HONOURABLE MR. V. V. KALIKAR : Rule 14 on page 6 of the Manual of Business and Procedure says :—

“ Any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules shall be deemed to be references to any such person so presiding.”

This rule is quite clear, Sir. Under this rule, a Chairman who presides over the Council has the same powers as the President when so presiding.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Honourable Members, I do not think this rule will enable the Chairman to admit a Motion of Adjournment of the House, because notice of an Adjournment Motion is to be given before the House meets. Therefore, I do not think this rule refers to anything which has to be done before the Chairman takes his seat in the Council and I am sorry to say that I disagree with the Honourable Member. I do not think I have the power to admit an Adjournment Motion which ought to have been put in before the House meets and then it is for the President to decide whether it is a Motion which can be moved or not.

THE HONOURABLE MR. V. V. KALIKAR : I bow to your ruling, Sir, but may I explain ? The House met at 11 A.M. I gave the notice ten minutes before the House met and under the rule, as the Chairman has got all the powers of a permanent President, I think you have got the power to admit or reject the Motion. That is my submission.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : As the President is here in New Delhi, you can give the notice of the Motion to him and if he agrees you can have it on Monday or Tuesday. Monday probably is a holiday. Honourable Members might care to attend on Tuesday and you can have it on that day. That would be better instead of asking me to do a thing which, even

[The Chairman.]

on your own showing, is of very doubtful validity. I do not think, therefore, I shall be justified in establishing a precedent which has not been established before. Therefore, I regret I am unable to admit the Adjournment Motion. But I leave it to the Honourable Member to approach the President and if necessary he can have a meeting of the Council on Tuesday or Wednesday as he likes ——— .

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-Official) : You can only bring it up on the next meeting day. You cannot have a meeting for the purpose of an Adjournment Motion.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : I do not say you must have. I said I leave it to the President.

The Council is now adjourned to Friday next, the 20th instant, but if the Council is to meet on any other day before that, special notice will be sent to Honourable Members.

The Council then adjourned till Eleven of the Clock on Friday, the 20th August, 1943.