

*Friday,
9th February, 1917*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LV

February 1917

PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

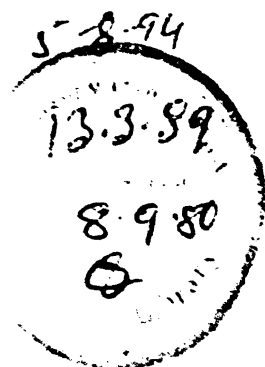
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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915
(5 & 6 Geo. V, Ch. 61).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Friday, the 9th February, 1917.

PRESENT:

The Hon'ble MR. G. B. LOWNDES, *Vice-President, presiding*, and 58 Members,
of whom 51 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Maharaja Sir Manindra Chandra Nandi
asked:—

1. "Have the Government made any recommendation to the Rhodes Trust Estate regarding the disposal of the scholarships formerly granted to enemy aliens? If not, will the Government urge the claims of Indian students upon the Trust for these scholarships?"

The Hon'ble Sir C. Sankaran Nair replied:—

"On the recommendation of the Government of India, the Secretary of State has brought the claims of Indians to the notice of the Rhodes Trustees."

The Hon'ble Maharaja Sir Manindra Chandra Nandi
asked:—

2. "(a) Will the Government be pleased to lay on the table a statement showing the names of the Railways owned by the State, the names of such of them as are managed by the State and by Companies, and the profits earned by each of them, year by year, for the last ten years?"

(b) What is the number of Indians drawing more than Rs 100 a month in each of the Railways managed by the State and by Companies?"

The Hon'ble Sir Robert Gillan replied:—

"A list of Railways owned by the State, showing those worked by the State and by Companies, will be found at the beginning of Appendix 2 in Volume II of the Administration Report on the Railways in India for 1915-16, a copy of which is placed on the table."

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"The profits earned by each of these lines are given in the statistical tables included in Appendix 1 of the same Volume.

"With regard to part (b) of the Hon'ble Member's inquiry, I would refer the Hon'ble Member to the reply given by me on the 7th February to the Hon'ble Mr. Kamini Kumar Chanda's question in regard to the number of Indians in the higher branches of the Indian Railway Service.

"As regards the number of Indians in receipt of pay over Rs300 per mensem in the subordinate branches, I regret that full details are not available. Particulars as to the total number of Indians employed on Railways will, however, be found at pages 550-551 of Volume II of the Administration Report on Railways which is placed on the table."

The Hon'ble Mr. Bhupendra Nath Basu asked :—

Rhodes
Scholar-
ships.

3. "Have Government taken, or do they propose to take, any steps to urge on the Trustees of the Rhodes Scholarships the claims of India to be allotted some at least of the scholarships formerly granted to Germany?"

The Question was by leave withdrawn.

The Hon'ble Mr. Bhupendra Nath Basu asked :—

Placing of
the Imperial
Library,
Calcutta, on
an equality
with the
British
Museum and
India Office
Libraries.

4. "Will the Government be pleased to consider the desirability of taking steps to place the Imperial Library, Calcutta, on an equality with the British Museum and India Office Libraries, in so far as Indian books are concerned, by giving it a statutory right to demand from publishers duplicates of such of their publications submitted to the Local Governments as at any time it may desire to possess?"

The Hon'ble Sir C. Sankaran Nair replied :—

"The point has been under the consideration of the Council of the Library since 1909, but they have hitherto postponed taking action owing to the want of accommodation. Inquiry will now be made from them on the subject."

The Hon'ble Mr. Bhupendra Nath Basu asked :—

Eastern
Bengal
Railway.

5. "Has the management of the Eastern Bengal State Railway been made over to any Company, and, if not, why has the designation 'State' been removed from the public documents of the Railway?"

The Hon'ble Sir Robert Gillan replied :—

"The management of the Eastern Bengal Railway is still controlled direct by the State, and has not been made over to a Company.

The word 'State' was omitted from the designation of the railway in 1915, as its retention was not consistent with the practice on the other Government worked lines, and as it had been considered desirable to retain the word 'State' in the designation of railways owned by Native States and to confine its use to such railways."

The Hon'ble Khan Bahadur Mian Muhammad Shafi asked :—

Separate
communal
representa-
tion in
Municipal
Committees.

6. "(a) In what year was the system of separate communal representation in Municipal Committees first introduced in the Punjab?"

(b) In how many Municipal Committees does that system obtain at present in that Province?"

The Hon'ble Sir C. Sankaran Nair replied :—

"The Government of India have no information on the questions asked by the Hon'ble Member, and it is suggested that they might more appropriately be asked in the local Legislative Council."

QUESTIONS AND ANSWERS; RESOLUTION *RE* ADDITION 247
OF RULE 2-A TO RULES OF LEGISLATIVE BUSINESS.

[9TH FEBRUARY, 1917.] [Mr. Kamini Kumar Chanda; Sir George
Barnes; Pandit Madan Mohan Malaviya.]

The Hon'ble Mr. Kamini Kumar Chanda asked:—

7. “(a) Is it a fact that the recent order of Government increasing the minimum charge of ordinary telegrams from six annas to eight annas is causing hardship to the poorer customers of the Telegraph Department? Increase of
cost of
ordinary in-
land tele-
grams.”

(b) “Will the Government consider the expediency—

- (i) of reverting to the system, which obtained in the time of Lord Curzon, of classification of telegrams into three classes, namely urgent, ordinary, and deferred, and
- (ii) of prescribing a reduced rate for deferred telegrams?”

The Hon'ble Sir George Barnes replied:—

“No complaint has been received, and Government are not aware that the increased charges have caused hardship.

“I would draw the Hon'ble Member's attention to the Press Communiqué, dated the 14th of November 1916, explaining the reasons which led the Government of India to raise the tariff. He will see that, while no assurance can be given that the tariff will be reduced at the end of the war, the question will then be reviewed with special reference to the financial position of the Telegraph Department. In view of the object for which the higher rate was introduced, it is not desirable to make any alteration in the rates charged, nor do the Government propose to increase the number of classes of telegrams.”

**RESOLUTION *RE* ADDITION OF RULE 2-A. TO
RULES OF LEGISLATIVE BUSINESS.**

The Hon'ble Pandit Madan Mohan Malaviya:—“Sir I beg to move.—

‘That this Council recommends to the Governor General in Council that in the Rules for the conduct of the Legislative business of the Council of the Governor General, before Rule 3, the following Rule may be inserted:—

2-A.—The Council shall ordinarily meet at least once in every quarter and once every week from December to March.’

“The reasons which have led me to bring this motion before the Council are briefly these. The Council has undergone a great change. When the first Indian Councils Act was enacted in 1861, the number of Additional Members was very small. They were not to be less than 6 but they were not to be more than 12. Their functions also were limited. They could not discuss any financial questions except when the Finance Minister proposed a new tax, or when some legislation lay immediately before them. They had no power to deal with questions of any other character. When the Act of 1892 was passed, the number of Members was increased and their powers also were increased. Under that Act, up to 16 Additional Members could be appointed and they had power to discuss the Budget annually even when there was no new taxation proposed. The right of interpellation or of asking questions on matters of public interest was also extended for the first time. Under this Act of 1892 the Council worked for many years, until 1909, when, as we know, the Minto-Morley reforms were introduced by which the number of Members was increased from 24 to 62, excluding the Viceroy, and the functions of the Council were further expanded. We were permitted to move Resolutions relating to questions of public interest. The right of asking questions was further extended, and we were given the right of asking supplementary questions.

“Naturally this expansion has increased the business of the Council, and it has become possible for us to have greater opportunities than we had under the old Act of bringing matters of public interest to the notice of the

[*Pandit Madan Mohan Malaviya.*] [9TH FEBRUARY, 1917.]

Government. What should have been naturally expected, therefore, was that the number of meetings of the Council would be increased, but they have not unfortunately been so increased. Before the new Act was brought into force, the Council used to meet, as it does now, in Simla in September, but its meetings in Calcutta began in December—sometimes even in November, and they went on to the end of March. The actual number of meetings was of course regulated by the amount of business that had to be gone through. But the duration of the Session was longer, for, as I have said, the Council began its sittings as a rule in December, and sometimes in November. Since the new reform scheme came into operation, the Council has not, so far as I remember, met in December. It has met sometimes in January, sometimes in February, and of course in March. The meetings have not been regular either. We have not known sufficiently long before the dates of the meetings the actual dates on which they would be held. No doubt the meetings have been fixed by the Legislative Department after considering what would be for the convenience of all; but the dates have been uncertain until a short time before they have been actually announced. This, I submit, is not a satisfactory state of things. We finish our work here in March. From March to September we have no opportunity for bringing any question to the notice of Government; and when we meet in Simla in September there is an unwritten rule, which has been enforced more than once, that questions of a controversial character are not allowed to be taken up in the September Session. Unfortunately, when the Government have found it necessary to introduce any matter of importance in the Simla Session, this rule has not been so carefully observed. But when non-official Members have attempted to bring up questions of public interest, then the rule has been enforced, and we have been prevented from taking up in the September Session questions which seemed to some of us to demand immediate consideration.

“The Simla Session therefore does not count as a full Session. The December meetings have practically become a matter of history. We met in January in one or two years, but now we meet in February, and the days of our meetings in February are very limited. In March only are we practically certain of having a certain number of meetings, as the Act requires that the Budget shall be dealt with in certain prescribed ways, and that cannot be avoided or departed from. I think, Sir, that in this state of affairs it is desirable that the Council should consider what the ends of public interest demand. It is obviously reasonable that the functions of the Council having been enlarged, the opportunities for discussion should also be increased. It may be said that under the existing arrangements sufficient opportunities are provided, and that when notice is given of any Resolution, Bill or any other matter, the Legislative Department does provide an opportunity for dealing with it. But I submit that the opportunities are not sufficient, and the existing arrangement is not satisfactory. When there is a gap between one meeting of Council and another of clear six months from March to September, many questions which ought to be brought urgently to the notice of Government have to be held back for months to the detriment of public interests. If the Council met at least once in every quarter, it would give us the necessary opportunities to draw attention to matters of public interest or importance to which it may be desirable to draw attention at the time. In the next place, as meetings are held at present, they are crowded at times into an unduly short space of time, and the consideration of public questions suffers by this arrangement. If it was known that there would be a meeting of the Council held every week on a particular day that was considered generally convenient, Members would be able to make satisfactory arrangements regarding their other work; particularly lawyers, merchants and other business men will be better able to adjust their own private work, and will be able to serve the public with less detriment to their own personal or private interests. But it is not those interests that are predominant at this moment in my mind. The interests that I have in my mind are the public interests. I believe that if there will be regular sittings

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of the Council week after week, many Members would stay longer and would give more time to the study and discussion of questions of public interest than they do at present. For this reason, Sir, I submit that it is necessary, in the first instance, that there should be a Session hold once every quarter. The numerous problems relating to domestic progress that must arise from day to day in this vast Empire call for more frequent opportunities for discussion, and I submit, therefore, that the least that should be done is that there should be at least one regular Session of Council in every quarter. This is not asking for too much ; and I therefore hope that most Members will agree that it is desirable to have one Session between the March meeting and the September meeting.

“ Then the September meetings will constitute the next quarterly Session. What I would suggest with regard to that Session however is that it should be understood that that Session will be a regular Session, where all public questions which can come up before the Council would, as a matter of right, be open to discussion, and that it should not be a Session where matters of controversy would be excluded. The transfer of the Capital from Calcutta to Delhi has brought about an important change, and we have to take note of it. Delhi does not have, as Calcutta used to have, the benefit of a four months' Session of the Council. For reasons which it is not necessary here to go into, Delhi has not proved attractive even to official Members of Government, not to speak of non-official Members, to the extent that Calcutta used to be. That being so, I can well understand that there is an indisposition among officials to gather early in Delhi and to tarry long. But that makes it all the more necessary that we should prolong the Simla Session and put in as much solid business there as we can. The trip which Members have to make to Simla to attend that Session involves a great deal of public expense, but a corresponding measure of benefit is not derived by the public by reason of the fact that what are dubbed controversial questions are not allowed to be discussed there. So, I submit that it should be ruled that the Simla Session will be a regular Session where all questions which can come before the Council at Delhi will be open to discussion.

“ Then, the third point, I submit, is that between September and the end of the year there ought to be at least one meeting again. Of course it is difficult to say positively what would have happened in any particular set of circumstances, but I feel almost certain that but for the transfer to Delhi, there would seldom have been a month of December in which a meeting of the Council did not take place in Calcutta. If that is so, *i.e.*, if it is practically certain that but for the transfer of the Capital there would have been meetings of the Council held in Calcutta before the end of the year as they used to be before the present Act was brought into force, it is nothing but reasonable to urge that we should have meetings of the Council in Delhi in December. If Delhi will not be very acceptable to the majority of Members, I have not the least objection that meetings of the Council should be held in December in Calcutta. His Excellency the Viceroy has taken kindly to Calcutta, and rightly too, for Calcutta was the seat of Government for 150 years. It is still entitled to consideration, and it may well have the pleasure and satisfaction of welcoming the Viceroy and his Council at least for the December Session, if there is no insuperable objection to this being done. I think that non-official Members will be willing to respond to the call of duty quite as much at Calcutta as at Delhi. If a Session is held in December, it will give an opportunity to Members to bring matters of public interest of any importance or urgency to the notice of Government, and it will enable them and the public to know what important questions are likely to come before the Council from January to March.

“ So far as the regular winter Session is concerned, I submit that the Council should begin to meet in the early part of January as used to be the case in the past, and as it used to be the case for some years even after the reform scheme had come into force. I do not see why we should wait for our first meeting till the end or middle of February. It may be urged that so

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long as the business of the Council is pushed through during the Council Session, we need not worry ourselves in how short a space of time it is disposed of; but, I submit, that is not the correct point of view to take in regard to the work of the Council. The correct point of view would be to consider whether public business does or does not suffer by the time during which it can be done being so limited, and I submit with great respect that it does suffer by being so limited. I mean no disrespect to any of my colleagues—but under existing arrangements every one of us is inclined to come in for the particular date that has been fixed, and many of us make arrangements for a short stay and then we go away. I submit that greater time will be given to Members to exchange ideas about questions which come up before the Council. It is a serious disadvantage at present—and I speak with knowledge and experience of it—it is a serious disadvantage that many of us do not find sufficient opportunity for discussing matters, not only with our official colleagues, but even with some of our non-official colleagues, before our meetings take place. If we had fuller opportunities for an exchange of ideas with official and non-official Members before matters are regularly brought before the Council, I think there will be less divergence and greater unanimity of ideas in dealing with questions of importance than often is at present. Therefore, I submit that the extension of the Session of the Council will be a distinct advantage. Having had experience of several Select Committees of this Council, I may also say that the business of the Select Committees will be better, distinctly better, done if we had a regular Session for a longer period and Members knew that they would have to be in Delhi longer than at present.

“ It may be urged against these proposals that they will entail much inconvenience to individual Members. I do not dispute that if my proposals are accepted, they will entail some extra inconvenience not only to non-official Members, but also to official Members. But as against that, we have to consider the convenience of the public, the advantages to the public, and I submit that that is the true criterion which ought to be applied in dealing with a question of this character. The Councils exist, and we Members are attached to the Councils in the public interest, and I am sure all my colleagues, official and non-official, will agree that if public interests demand that private interests should be subordinated to them, this must be done, whatever the sacrifice it may involve. It is possible that some Members of the profession to which I still have the honour to belong, and some who carry on other business, may find it inconvenient to stay here for four months. But I would request them to consider whether the change I propose will not advance public interests, and if it will, I am sure that they will not allow considerations of personal convenience to outweigh it. It is unnecessary, and it is not very desirable that every Member of Council should attend every meeting of the Council; when there are cases when it is not possible for an individual to attend a meeting of Council, it is permissible for him to be absent. I think it will be possible for a great many Members to meet regularly if my proposal is accepted; and the number of Members who will be able to attend will always be such as will enable the discussion or consideration of public questions to be carried on though the Council may not be fully attended. I need hardly touch on the question of the extra little expense that will be involved in accepting my proposals. That would be a paltry consideration to introduce in the discussion of a question of great public importance. So far as the official Members are concerned, we know from experience that many of them, when they come to Delhi for Council business, have to stay here because they cannot go back to their work for it has been provided for in view of their absence from the Province. Thus many of them have to stay here and cannot help staying. So far as non-official Members are concerned, a great many of us do not belong to professions, the calls of which make it impossible for us to stay here for a length of time. I venture to think that in the case of the majority the proposal, if accepted, will not give rise to any serious inconvenience. We want more opportunities for discussing public questions; we have got many problems to deal with, problems of education, of sanitation, of industrial progress,

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of the improvement of the financial administration of our country, the reduction of expenditure, the raising of our national income, and various other matters which we cannot deal with adequately during the short time at our disposal here. We cannot do justice to them during our present short Sessions. For these reasons, Sir, I commend the Resolution to the consideration of the Council. The Resolution seeks to secure, in the first place, that there shall be more opportunities given to the Council for the discussion of public questions; secondly, that these opportunities should be so distributed that there shall not be too long a gap between one Session and another; thirdly, that there shall be certain days definitely fixed for meetings of the Council, after consulting the convenience of Members both official and non-official, in order that Members may know when they have to attend meetings; fourthly, that so far as the Winter Session is concerned, the meetings shall, as far as possible, take place every week, in order that the Council should be able to devote that amount of time and attention to the consideration of public questions which in my humble opinion these questions demand.

“I commend the Resolution to the consideration of the Council.”

The Hon'ble Mr. M. B. Dadabhoy:—“Sir, I have followed very attentively and with considerable interest the speech of my Hon'ble colleague, but I must state that I still remain entirely unconvinced after listening to the arguments that he has placed before the Council for an alteration of our present business arrangements. I am sorry therefore being obliged to oppose this Resolution. My Hon'ble friend has placed before the Council a proposition which invites a radical alteration in the present practice. Sir, I have been also in this Council for several years. I can claim to be one of the oldest Members. I can therefore speak from some experience, and I must state that I cannot possibly agree with the conclusions of the Hon'ble mover as regards 'want of opportunities,' and our practice of 'rushing through legislations' during the cold weather Session. We generally meet here for about two months, February to March, and during this period non-official Members have ample time and abundant opportunities of bringing forward such measures of public utility and importance as they deem proper. My Hon'ble colleague has strenuously urged to-day that we often rush through business; I confess I find it difficult to follow his line of argument. After this debate we will break up and not meet till the 16th of this month; we shall be sitting idle for four or five days in our Chambers, it is clear, therefore, that my Hon'ble colleague cannot urge with much reason that non-official Members do not get adequate opportunities for representing their views, studying different legislative enactments, or having confabulations with their colleagues in respect of pending legislations. I have however other very serious objections to this change being made. In the first place, we have here busy men, merchants and lawyers of standing and eminence, who have to make considerable sacrifices in order to attend the meetings of this Council, and it will seriously inconvenience them if any change is made in the existing arrangements. I also feel perfectly sure that the Council will suffer in efficiency and status if business men and men of standing and experience withdraw from this Council, if the Legislative Session is to meet continuously from December to March. I feel confident that my Hon'ble colleagues representing the Bengal and Bombay Chambers of Commerce will fully endorse what I have said. In my opinion, a short and continuous Session is always conducive to efficient and prompt despatch of public work. I do not consider that the Council will gain anything by having a Session from December to March, or one Session every quarter or a peripatetic Session as suggested by my Hon'ble friend, Pandit Madan Mohan Malaviya. Sir, then again there is the important question of expense which will undoubtedly be heavy. My Hon'ble friend stated that it will be merely a paltry matter. I do not know whether, in these strenuous times when expenditure is curtailed in every Department, this Council is prepared to put

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Milne.]

the tax-payer to any unnecessary additional burden; moreover in case of a long and continuous Session, it will become necessary for Members to go home more frequently, and that will further entail so much additional expenditure in the way of travelling allowances on the State, and in this time of war I think the State cannot afford to trifle with the general tax-payer's money. Then we must not forget that high Government officials have a lot of work in their offices. It will be improper for us to expect them to sit on the opposite benches from morning till evening for a continuous period of four months; and if this Resolution is accepted what will happen? Public work and the exigencies of the public service are bound to suffer. Conditions in this country are entirely different. We cannot compare our political life with the political life in England. In England, there is a large and well informed leisurely class, which has often no other occupation, which is generally in an affluent condition, and which can devote days and months for Parliamentary work; but things are entirely different in this country, and here people who are called upon to serve on this Council, I mean non-official Members, are all busy business men. They can hardly afford to waste time or remain away from their occupations or homes for a continuously long period. And what will happen if the proposals of my Hon'ble friend receive acceptance? The non-officials of the type that now adorn the Council would not naturally care to serve on the Council, and we shall have in their place a class of people who will not be able to command confidence or respect of the general public, nor will they add to the dignity of the Council. Sir, these are the few reasons which I have to urge. I feel, again, very doubtful whether we have got the power to bring forward such a Resolution before this Council. I would draw the attention of Hon'ble Members to section 64 of the Government of India Act of 1915. It says that 'the Indian Legislative Council shall assemble at such times and places as the Governor General in Council appoints'. It is His Excellency's prerogative to convene our meetings, it leaves the discretion entirely in the hands of His Excellency, and I do not know whether the law makes any provision for the limitation of that power or discretion. For these reasons, I submit that the Resolution of my Hon'ble colleague does not appeal to my mind, and I for one shall certainly oppose and vote against it."

The Hon'ble Mr. J. S. Wardlaw Milne:—"Sir, I desire to say at once that I fully realise the objects which the Hon'ble Pandit Malaviya has in view in bringing this Resolution before this Council, and when he places foremost among these objects the benefits which would accrue to the public service by the alterations he proposes, I find it very difficult to bring forward any arguments which must necessarily arise from questions of private convenience. At the same time, it seems to me that this is a matter in which the question of private convenience must largely be uppermost, and although the Hon'ble Mr. Dadabhoy has already expressed very fluently some of the difficulties which would arise, yet as a personal matter, I may say at once that, in the case of the body which I have the honour to represent, it would be almost impossible to obtain a representative who could arrange to spend one or two days in each week throughout four months of the year at Delhi. It seems to me that the same must be the case with a large number of other Members, whom I am not qualified to speak for. Therefore, from a private point of view, it seems to me that the idea of the Council meeting every week is impracticable, unless we are to have, which I personally trust will never be the case, a professional politician class in India, or (I am sure my friends will not misunderstand me) we pass into the hands of the professional politician lawyer class, who may be the only non-officials who could attend the Council under the proposals of the Hon'ble Pandit.

"I quite appreciate the difficulties which he has mentioned, and I hope that the officials in charge of the Legislative Department will appreciate the

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view he has already expressed regarding the difficulties in getting definite information as to the dates of meetings. Anything that can be done in that connection to help Members, personally I would very much welcome. But I cannot see how public business would be benefited by a system of meeting once a week for a prolonged period. It seems to me that the opposite is the case. In the case of meetings such as we have at present, provided these meetings are regular and can more or less be, on fixed dates, time is given to go into the various points which are likely to arise, to consult the non-official Members and generally to lay out a plan of campaign as to their attitude towards the various points which will arise.

“ Another disadvantage in meeting once a week is, that certain Members at any rate will endeavour to make hurried visits which will make it almost impossible for them to understand what business is being carried on in Council. It seems to me, further, that it would have a contrary effect to the one which the Hon'ble Mover expects, in that it would result in a compression of business. It also seems to me that it would make it extremely difficult for the Council to carry through business in a thorough manner. On the contrary, it would be hurried through, or items would be left over till the following week making it more and more difficult to follow the business of the Council and carry it on to a successful issue.

“ I do not propose to refer for more than one moment to the question of the meetings being held in Calcutta, as it is a thorny question which, I think, it is not desirable for me to enter into. I would only say in this connection that the meetings in Calcutta”

The Hon'ble the Vice-President :—“ I suggest to the Hon'ble Member that the question of meetings in Calcutta is not before the Council.”

The Hon'ble Mr. J. S. Wardlaw Milne :—“ While, therefore Sir, I suggest that this question of weekly meetings should be dropped, and would strongly recommend my Hon'ble friend not to press his motion on those lines, I am in accord with him in anything that he can do to secure a more definite arrangement and get such definite information as to dates, which it is in the power of those in charge of the Department to give, and in this effort, I am quite sure he will have the support of the non-official Members of this Council.”

The Hon'ble Rao Bahadur B. N. Sarma :—“ Sir, when I came to this Council Hall, I did not expect that any discordant note would be struck on the non-official side to the extent and in the manner in which it has been struck by my Hon'ble friend Mr. Dadabhoy. I naturally knew that the personal interests of many of us would be opposed to the arrangement proposed by the Hon'ble Pandit Malaviya, and a certain amount of personal inconvenience would be entailed if these proposals were to find acceptance at the hands of this Council. But, Sir, the Hon'ble Mr. Dadabhoy goes further, and says that the public business would never suffer, has never suffered in the past, and is not likely to suffer to any very large extent if the present arrangement should continue, and that absolutely no case has been made out for a change in the programme of work. Personally, I would have been very happy if I could vote with my Hon'ble friend Mr. Dadabhoy and think in the manner he does, because this Resolution gives a very cruel stab at us who are remotely situated from Delhi. The persons who would be hardest hit would be gentlemen from Madras and Burma. I need not sympathise so much with my friend on the right (the Hon'ble Mr. Rangaswamy Ayyengar) because he belongs to the zemindari class which has got plenty of money and he can afford to have his estates managed and he has got a brother to do that. Nor can I sympathise with my friend on the left (the Hon'ble Mr. Asad Ali) who belongs to the aristocracy and therefore has got, or ought to have, plenty of time at his disposal, and my

absent friend Mr. Sastri is a servant of India and can easily arrange his programme so as to be in Upper India in the cold season, but the hardest hit would be myself as a wage-earner. I therefore tried to wriggle out of this Resolution as much as I could, but honestly I could not see my way to do it for the reasons which I shall place before the Council. My learned friend asked, how is business going to suffer? I shall presently answer him. Take this Public Services Commission which is agitating the whole country which has been published a few weeks ago. Many of us and the constituents whom we represent are very anxious that the Government of India should know the views of the Members of this Council who should express the sense of the country on this matter before any other decision is taken on it. Now, supposing the present arrangements are to continue, have we the slightest opportunity of bringing before the Council or the Government this large vexed question which is agitating the minds of the public, before next February? If we cannot give 15 days' notice, and we cannot, February is gone, March is full of Government work and we cannot take it; September cannot be devoted to controversial measures, that is gone. We are to meet in February next, and until February our tongues are tied and the Government and the country may not know what our views are on this question. Can it be pretended for a moment that public interests would not suffer by a continuance of the present state of things? Take again the question of legislation. My learned friend says legislation has not suffered. I should think legislation has suffered. We know, as a matter of fact, that attempts to set at rest various differences between the several High Courts on the construction of the provisions of Acts relating to the whole of India have been woefully delayed because the Legislative Department has been hard worked, and without assistance from the public or at any rate there has been no opportunity for the public to bring in private Bills, and the people have been allowed to bring up the same point time after time before Divisional Benches and the money of clients has been wasted, whereas if the legislature could come to the rescue of the poor cultivator, the poor merchant, things would have been very much better done, and their time and money saved. I therefore think legislative work could also be more expeditiously done, private Members could help infinitely the Legislative Department of the Government of India, and there would be considerable benefit to the tax-payer by the removal of many anomalies which at present exist, in spite of the very great care, the very great attention, which is bestowed by the Government of India upon these subjects. There are very many Bills which many of us would like to bring forward if there were proper opportunities, but unfortunately we do not wish at this juncture, when the Government is full of other work and troubles, to press them and this may not be an opportune moment. But I think the continuance of these regulations as at present would certainly affect the legislative part of the Council's work.

"Then, Sir, with regard to the Resolutions, naturally the public press, especially the Anglo-Indian Press and several persons of that way of thinking, are aghast at the huge number of Resolutions on the agenda paper, but they do not realise that those 40 or 42 Resolutions are supposed to affect the whole of India, and Hon'ble Members have an opportunity of bringing them forward only once in a year. From last March up to February, the only Resolutions that have been discussed are the Resolutions now before the Council, and surely it would not be too much to say that 40 or 42 Resolutions on public questions are far too many for a Continent like India. Well necessarily Members would be worried, Members would find it very hard to cope from day to day with this arduous work and would be annoyed at listening from morning till evening to speeches on these subjects. Work could be more intellectually done if it could be spread over a longer period. I am not now on the question of weekly meetings, but I am only dealing with the spreading of the Council work over a longer period. In the two speeches that have been delivered by the non-official Members nothing has been said with regard to a Session sitting in June. There have been precedents. This Council sat on former occasions, *e.g.*, in 1908-09, and has sat in July. In

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Madras it is regularly done; there is a hot weather Session in Ootacamund and nobody would suffer, not even the busy lawyer, because he has generally a holiday and he can travel to the hills at Government expense. The same observation would apply to the mercantile class and the official class also who would like to have a holiday then”

The Hon'ble Mr. M. B. Dadabhoy:—“Your statement is incorrect. There is no holiday in June.”

The Hon'ble the Vice-President:—“I must ask my Hon'ble friend to address the Chair.”

The Hon'ble Rao Bahadur B. N. Sarma:—“Then, Sir, coming to analyse the classes affected, the lawyer class, it only affects one lawyer of Madras. Of the other lawyers, two are from the United Provinces. It is only 12 hours run from there and they will not suffer. Punjab lawyers will not suffer, they are very conveniently situated. There is only one Calcutta lawyer and he is a gentleman who can afford to despise work if he cares to, and even if he is situated at a distance the train will bring him here in 26 hours. And my Bombay friends are also within 26 hours, so I do not think this Resolution will personally affect even the lawyer element for whom I should have some sympathy and the Hon'ble Mr. Malaviya should have much sympathy, and we need not in the least grudge if that element should on occasions (this will, I suppose, be cordially welcomed by many people) if that element should be in a minority or in a smaller minority on occasions. Luckily for us the landholders are in a majority; there are about 10 or 12 of them here. They are gentlemen who have considerable leisure; so it would not be correct to say that there is not in India a large intelligent class who have got leisure to devote their time to public work. We have got such a numerous class in India just as they have in England, only they have not hitherto done this, for lack of opportunity, and they will come forward when greater opportunities are offered to them. And I do not in the least object to that class coming up in larger numbers at the expense of the professional classes if that is to be the result of this proposition being carried. Then the mercantile class are only five in number. Two of them are British merchants, and, I think, there need not be any objection to their sharing the responsibility with others for shorter periods. One gentleman might stand for a year; it is not necessary that the same Member should stand for three years. I think therefore there need not be any considerable difficulty even in the way of the Chamber of Commerce representing its interests or the interests of British commerce in this Council. Then, with regard to the officials, the position being analysed comes to this—nine belong to the Government and Executive Council and of the others, 17 belong roughly to the Secretariat or are Departmental heads, such as the Director-General of Telegraphs. They are almost all within reach, and they would have to come very often to Delhi, and apart from their business suffering there is no question of their moving from one place to another. Then with regard to the 10 gentlemen coming from the other Provinces, the real difficulty would be in regard to Burma, and Madras, but I think we need not grudge them a holiday from their hard work. The Hon'ble Mr. Davidson has been very hard worked as an official, I think he deserves a holiday, and inasmuch as the official Members have not got the privilege which we luckily possess of airing our views before this Council, there seems to be no objection whatsoever to their being allowed a holiday. With regard to the composition of the official elements there may be a change, and there seems to be absolutely no difficulty even in that way.

“Then with regard to expenditure, this will not be an insuperable difficulty. It will mean only a transference from one side of the Budget to another, and I think the Hon'ble Sir Robert Gillan would welcome it. It would show

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a larger surplus from the railway point of view. Much more coal would not be expended in carrying a few official and non-official Members, but the receipts would be augmented and they would go into the pockets of the Government of India in another capacity minus the companies' profits. Even from the point of view of trade, there need be no very great difficulty. The real point, Sir, is will public business suffer? Has it suffered in the past? If it has not suffered in the past, it is not likely to suffer in the future. We might just as well agree that one official vote is equal to three non-official votes, if it is a question of inconvenience to the administrative machinery. But some method must be devised whereby the interests of 250 millions of people may be considered in a more convenient manner, with greater deliberation, and that the convenience of the administrative machinery may not be allowed to jeopardise the interests of the whole country. I know perfectly well that transmarine comparisons are generally fallacious, but day after day the House of Commons sit to administer the affairs of 45 millions. Making a rigorous exclusion of the one day's debate devoted to India, the rest of the time is devoted to the interests of 45 millions. Surely 250 millions of people do deserve more than the 17 days devoted to Council work in 1911-12, the 20 days in 1913-14 and the 13 days in 1914-15. I have not got the figures for 1915-16, but I suppose they are the same as those for 1911-12. I think it cannot be pretended that the time that has been hitherto bestowed on this work is sufficient in the interests of the taxpayers, and I hope some reform may be devised. The professional classes may be ignored if necessary, but the work of the country must be carried on more efficiently."

The Hon'ble Khan Bahadur Mian Muhammad Shafi:—

"I regret to have to disappoint my friend the Hon'ble Mr. Sarma in the expectation with which he came into this Council chamber to-day by striking what he has described as another discordant note on the non-official side with reference to the Resolution moved by the Hon'ble Pandit Madan Mohan Malaviya.

"The Hon'ble Pandit took us through a very interesting review of the history of the past development of the Imperial Legislative Council, and the resultant increase in the amount of business transacted in this Council in order, I suppose, to emphasize the point that the business of this Council has suffered in the past, and is calculated to continue to suffer, if the suggestions which he has made in his Resolution to-day are not accepted. Now all that interesting review would have been very opportune indeed if past experience had shown that, as a matter of fact, public business has suffered under the existing conditions. This is not a case in which a new rule of procedure has been introduced into this Council which is calculated to bring about the results which my Hon'ble friend has in view. The reform machinery came into existence in the beginning of the year 1909, and for eight complete years has the working of this Council been carried on with an amount of success and of satisfaction with reference to which I, for one, have not seen any valid objection put forward in any quarter. I know of no single Resolution contemplated by any non-official Member which, during the past eight years, has been crowded out for want of time. I know of no Bill introduced into this Legislative Council which has been either disallowed by His Excellency the President or, having been allowed by His Excellency, has not come on for discussion before this Council, for the simple reason that the time of the Council has been occupied by Government measures or other important work, thus leaving no time for such a private Bill. When, therefore, not a single item of business of any kind whatsoever has, during the last seven years, actually been crowded out for want of time, I, for one, cannot see how the history of the development of the Imperial Legislative Council and the resulting increase in business can be relevant to the question which is now before Hon'ble Members. So much for the first argument advanced by my learned friend.

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“ The next objection put forward was that the Simla Session is merely a Session in name, and that there is an unwritten law that no controversial matter shall be brought forward in the Simla Session. Now, so far as this particular objection is concerned, personally, I see no relevancy in this objection to the actual Resolution which my learned friend has moved in this Council to-day. I could have understood if my learned friend had put forward a Resolution recommending to His Excellency the President that the Simla Session should be made a real Session, that controversial questions should be allowed to be discussed in that Session, and that the Simla Session should be made long enough for some appreciable amount of work to be transacted in that Session. Had my learned friend brought forward such a Resolution as that, I should have been the first to support him. I think that this unwritten law, that no controversial matter shall be brought forward at the Simla Session, has absolutely no substantial ground whatsoever to support it. Moreover, personally, I think that the autumn Session ought to extend over full two months, say, from the 15th August till the 15th of October, and I quite agree with my learned friend that the sittings in the autumn Session should be more numerous than those which are at present held in Simla ; but the argument as put forward by my learned friend with reference to the Simla Session seems to me to be entirely irrelevant to his Resolution as put forward by him to-day for discussion before this Council.

“ The next position adopted by my learned friend was that the holding of a meeting of this Council week after week during the months of December to March will result in this, that Members of this Council will be able to stay longer and will be able to attend to their public duties as Members of the Council with greater attention and to the benefit of public affairs. It seems to me that the introduction of such a practice as is suggested by my learned friend will have exactly the contrary result. The ordinary business of this Council can really be divided into two main branches, firstly, the business connected with the Financial Statement and the passing of the Budget, and, secondly, the business relating to legislation. Now it is obvious—it must be self-evident to every single Member of this Council present here to-day—that the presence in this Council of business men of experience and mature judgment, as well as of professional lawyers of standing and ability, is conducive to the best interests of the country, so far as both these branches of the activities of this Council are concerned. The proposal put forward by my learned friend, if accepted, would exclude both these classes from participation in the affairs of this Council. In the House of Commons the leading positions occupied both on the ministerial side as well as upon the opposition benches are those occupied by men who have spent their life-time in the profession of the law and men who occupy in the business world positions which entitle them to take a leading part in the deliberations of Parliament.

“ Similarly, it is obviously conducive to the best interests of this country that business men of experience and of position, as well as professional men of experience, ability and standing, should have an opportunity of participating in the deliberations of this Council. Should my learned friend's proposal be accepted, both these classes will be excluded from this Council, for no business man of any position, no lawyer of any standing, of any practice, can afford to spend four months from December till the end of March here, and again a couple of months up at Simla, in order to be able to take part in the work of this Council. The Hon'ble Mr. Milne need not be afraid that if my learned friend's Resolution is accepted, the work of this Council will fall into the hands of what he was pleased to call professional lawyers—his expression was ‘professional lawyer politicians’; for I can assure him that if the Resolution put forward by my learned friend were to be accepted, no lawyer of any standing and experience would be able to come into this Council. It would be only briefless lawyers who had no work to do in the Courts where they happened to be carrying on their professional duties, and who possibly have private means of their own, who alone would be able to come to the

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Council. But it is obvious that such men as these would not be able to assist in the work of legislation which is carried on here. It seems to me, Sir, that my learned friend really has put forward a Resolution which, if accepted, will in no way be conducive to the best interests of the country, nor will it help in the work of this Council being carried on with efficiency or to the satisfaction of the public, as well as of those on whose shoulders has fallen the duty of legislating for the welfare of the people. For these reasons, I strongly oppose the Resolution which has been moved by my learned friend."

The Hon'ble Mr. Lionel Davidson:—"Sir, I cannot lay any claim to the experience of the working of this Council, of which such a full measure has fallen to the lot of the last speaker, the Hon'ble Mr. Shafi; but I think my experience of the Legislative Council in the province of Madras may not be altogether irrelevant. My learned colleague, the Hon'ble Rao Bahadur Narasimheswara Sarma, has been good enough to say that I 'deserve a holiday.' May I say that any deserts which I may have in that direction are largely due to the volume of legislative business in the province of Madras. In order to bring out the extreme inconvenience to the administrative machinery which is caused by that business, I should like, if I may, to give a few figures. I propose to compare the volume of legislative business in the Madras Council during the first two triennial periods since the enlargement of the Provincial Councils. In the first triennium, 1910-1912, the Council was summoned on 12 occasions and sat for 22 days; 1,019 questions were put and 53 Resolutions were moved. The growth which has since occurred is strongly brought out by a comparison with the figures of the second triennium. In 1913-1915—I exclude intentionally the last six months of the second Council, which extended beyond the normal three-year period and would not without deduction form a proper basis of comparison—the Council was summoned on 15 occasions as against 12, the meetings lasted for 46 days as against 22 in 1910-1912; the number of questions rose from 1,019 to 1,498, and the Resolutions from 53 to 197. These figures are sufficiently clear, but I should draw the attention of the Council to the fact that they do not include questions disallowed and Resolutions disallowed or—as has happened in numerous cases—Resolutions actually tabled in the agenda paper but afterwards withdrawn, sometimes because of the extreme exhaustion which sets in after many days of continuous Session. I have received this morning—no, the day before yesterday—a copy of the last agenda paper from Madras. To illustrate further, the rate at which the growth of legislative business is proceeding, I may say that this agenda contains 214 questions—for a single meeting—while 28 Resolutions are tabled. When I left Madras, notice had been given of 42 Resolutions, so I imagine 14 have been disallowed or postponed for some reason. How many of those 28 will have been actually discussed during the last few days, I do not know; but all experience goes to show that of the 28 some have probably lapsed from conditions of exhaustion. That exhaustion usually supervenes about the fourth day—the afternoon of the fourth day. The daily Sessions, which ordinarily last from 11 to 5—sometimes from 11 to 6—are in practice very trying to the Members, both official and non-official.

"Now, it may be said that this merely means additional work to the Legislative Secretariat, and that the proper remedy is additions to the strength of the Legislative Secretariat. In the first place, I may say, it is not only the Legislative Department which needs extra staff, but every Department, because the actual framing of answers and the preparing of briefs for Resolutions devolve upon each Department of the administration, and not only upon the Legislative Department. Secondly, no matter how much you may strengthen the Secretariat, you will not get away from the fact of the responsibility of the Member of the Executive Government in regard to every question and every Resolution which concerns the Departments under his control. His

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labours must be greatly increased. Either he must do double work, treble work or even more, or else you must multiply the number of Executive Members in order to ensure that questions and Resolutions in the Legislative Council are adequately dealt with.

“ Now the relevance of what I am saying depends on the fact—I believe it to be a fact—that the more you multiply the number of meetings, the more will the volume of business be. One or two speakers, including the Hon’ble the mover, spoke of compressing the business of the Council into a short space of time. The underlying assumption is, that there is a fixed quantity of business, that you can spread it over a larger or shorter period of time, and that the volume will not be affected by the actual number of meetings. Well, that of course is a proposition which the future alone can definitely decide, but past experience is in point. I have made an endeavour to ascertain whether the interval between successive meetings of Council in Madras has in the past had any definite relation to the numbers of questions and Resolutions brought forward. The result has been entirely infructuous, but some of the figures are not without interest. I found that the number of questions per diem of the interval was at the maximum when the interval was smallest: on that occasion there were only 22 days between successive meetings of Council, but at the later meeting 110 questions were asked, or as many as five for each day of the interval.

“ With regard to Resolutions, on the average during the past five years each meeting has brought forth 10 Resolutions; but that average is discounted by the fact that during the first three years the practice of moving Resolutions was comparatively unpopular. It is very different to-day. Resolutions now come in very large numbers, and I fear there is very little likelihood that they will decrease in the future. The truth is that what regulates the number of questions and the number of Resolutions is the personal equation of the Members. The fact that a Resolution has been moved beforehand, the fact that the same question or a substantially similar question has been put beforehand has relatively little bearing on the matter. There are always Members who want to know exactly how the administrative plant is growing, who insist on the right to have it dug up in order to see what progress has been made during a short period of time, and however much the Government gardener may welcome this increasing interest in administrative botany, he perhaps does not always think it conducive to the proper discharge of his own business. Then, there are Members who think that they are likely, by the repetition of a Resolution, to induce Government to change their position. Possibly the experience of the lawyer in dealing with a jury is in point here: The repetition of the same argument again and again sometimes does convince the doubting jurymen. Again, debates on individual Resolutions are long drawn out by the fact that one Member after another may repeat the arguments already put with sufficient force by a predecessor.

“ Now, the outcome of what I have been saying is that the increasing volume of legislative business makes it increasingly difficult for the administrative machinery to work quickly and effectively. It is not only the Secretariats which are concerned; all departments of the administration feel the same difficulties, for it is to district officers and heads of departments that calls for information are passed on. Now, if the volume goes on increasing—and all our experience indicates that this will be so—what will be the result? So far as Resolutions are concerned, it might become necessary to enforce the system of closure provided by rule 23. We have a similar rule in Madras, but in fact I may say that it has never been found necessary to enforce it; and I do not think that that method of closing discussion would be welcomed here. But failing this, your proceedings will be inordinately lengthened, and you may incur the opprobrium of being likened to a glorified Debating Society. I do not think that is a condition of affairs of which any one in this room would approve. Perhaps, from my parochial standpoint I have exaggerated the risks, but I can only speak from such experience as has fallen in my way, and I cannot shut my eyes to the probability that if

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this Resolution were carried in this Council provincial Councils would soon seek to follow suit, and in the light of the enormous volume of business in Madras I cannot look forward without grave apprehension to future proceedings of that Council of which it might come to be said 'of the moving of many Resolutions there is no end and much answering of questions is a weariness of the flesh.' "

The Hon'ble Mr. Kamini Kumar Chanda :—" Sir, I beg to move an amendment of which I gave notice ; it is a small matter, and is in these words--

'That the words and once every week from December to March' be struck out from the Resolution.'

" Sir, I do not think it requires any explanation. I am in thorough agreement with the Hon'ble mover in his demand that this Council ought to meet more frequently than is the case at present. The intervals of five months and four months which respectively intervene between the termination of the Delhi Session and the beginning of the Simla Session and *vice versa*, are too long and should be curtailed, and that can be done by holding a Session between March and September. If this is done, I think, Sir, we need not go beyond this ; the number of meetings to be held in any particular Session ought not to be fixed by hard and fast rules now ; but it should be determined by the amount and the nature and the urgency of the business that may crop up. I am in agreement with the first portion of the Resolution that there should be more meetings and more Sessions, but I submit that the second part ought to be expunged. "

The Hon'ble Mr. Bhupendra Nath Basu :—" Sir, I recognise that there are difficulties which the adoption of this Resolution moved by my Hon'ble friend, Pandit Madan Mohan Malaviya, will bring about. The question is, are those difficulties such that they must be faced in the interests of the public ? If public interests demand that there should be more meetings than we have at present in the Supreme Legislative Council, then whatever may be the inconvenience to individual Members, either officials or non-officials, the meetings must be held. That is the sole criterion by which we must judge and if, taking that as the test, we come to the conclusion that the Council should meet oftener than at present, then it must be so, whether amateur politicians or professional politicians have to take part in the proceedings of the Council or not. The amateur politician is as great a danger as the professional politician may be. Speaking of my own class, the lawyer politician, I do not wish to enter upon any defence. A gentleman belonging to the profession to which I have the honour to belong holds in his hands to-day the destinies of the British Empire. But certainly the lawyer politician born in India, brought up in India, with his stakes in India, is preferable in Indian interests to the adventurous merchant who comes here to make money and then returns not inaptly compared to the bird of passage. But apart from that, Sir, can it be seriously contended that the vast business, the many questions and problems which must necessarily arise in a Continent like India can be satisfactorily disposed of within the small compass of time to which we are limited by our present arrangements ? The Hon'ble Member sitting in this Council as the official representative from Madras has portrayed in lurid colours the enormous business which is brought forward in the Madras Legislative Council to the great dismay and discomfort and inconvenience of the official representatives of that Government. I can quite appreciate his stand-point ; he certainly would like a state of things for himself and his brethren where the wicked cease from troubling and the weary are at rest. But that is not my stand-point. The official must never forget, what they are often apt to forget, that they are the servants of the public. They are not the masters of the public, and if public interests demand that they should give more time to the proceedings of the Council, to matters which are brought forward in the Council, no matter whatever the inconvenience, they must submit to it. The very fact which my friend from Madras

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has referred to, namely, that by reason of the greater frequency of the Council meetings there have been an enormous number of Resolutions...."

The Hon'ble Mr. Lionel Davidson:—"May I rise to explain, Sir; I did not say that there had been an increase of business owing to greater frequency of the meetings. I said that the increase in business had caused longer meetings."

The Hon'ble Mr. Bhupendranath Basu:—"I accept that explanation. The enormous amount of business to which the frequent sittings of Council may give the necessary opportunity might be the result here. In this Council at present we are, more or less, Members of a happy family, not having much to do or to trouble ourselves with. What otherwise could have been the object of my Hon'ble friend to put before us this mass of proceedings and Resolutions that he has to deal with in his own provincial Council? The argument is this 'Beware!, if you follow the same line as we have unhappily done in Madras, if you have similar Sessions in this Council, in place of the hundred and odd Resolutions that we have in Madras (you have 7 to 9 Provinces) you may have from 900 to 1,000 Resolutions, and in place of 1,400 questions, you may have ten times 1,400." Sir, I do think that Hon'ble Members who come here have some sense of their responsibility to the Council, to Government and to the public, and I believe that, in spite of what may be thought in certain quarters, they are endued with some amount of common sense and that they are anxious to avoid being made the object of ridicule by a superabundance of questions and unnecessary Resolutions. Just imagine, Sir, a few days in winter at Delhi and a few days in the autumn at Simla—are they enough for the business of a great Empire like that of India? for after all it is a great Empire. You have got to deal with questions affecting many provincial administrations, many nationalities, many communities, many classes, and many different and divergent interests. And what is our position? The position of a Member is this, that when he wants to bring forward an important question which is engaging public attention—supposing in the month of April a question to which immediate attention has got to be called, either in the interests of the public or in the interests of Government—a question to which attention may have to be called outside British India, in the United Kingdom—we have got to wait for many weary months until we come up to Simla in September. By that time interest in the question may have abated, it may have disappeared altogether. Does my Hon'ble friend who opposes the greater frequency of these Councils, desire that on burning questions this Council should not pronounce its opinion or raise any discussion? I could mention several such questions, but I shall not refer to them for the present, for that may raise angry contentions. It has so happened in my unhappy province and we have been paralysed for want of opportunities of ventilating them in the Supreme Council of the country. The question may have arisen in other provinces. After all what is the tax that this Resolution, if carried into effect, will put upon the time of Hon'ble Members? I agree with my Hon'ble friend Mr. K. K. Chanda that it will be inconvenient and probably unnecessary, if it was only inconvenient I would not mind, I think it would be unnecessary to have weekly meetings from December to March, but I certainly think that from March to September is a very long interval in the public interests for the Supreme Council to go into hybernation. I do think that we may conveniently have an intervening Session of the Council between the 23rd of March when we disperse and the second week of September when we meet again. I think it may be done without any detriment to official interests, without any inconvenience to official Members and without any large expenditure of money or time. A Session may be conveniently held at Simla or at Delhi—I do not know what sort of place Delhi is in summer. We were told at one time that it would be a very attractive place

[*Mr. Bhupendra Nath Basu ; Sardar Bahadur* [9TH FEBRUARY, 1917.]
Sardar Sundar Singh, Majithia.]

and that the Government would spend a longer time here than they were unable to spend in my native city of Calcutta. But even if not in Delhi, it may be held in Simla ; even merchants, and I am proud to say that I count many of them among my personal friends, European merchants, do leave Calcutta during the summer, and such of them as are on this Council might easily take a trip to Simla. Then we have the September Session and then we have the winter Session. If that could be arranged, and I cannot see why it should not be arranged, our grievances would be met and our legitimate demands satisfied. I think public business would be better transacted, we non-official Members would have more time among ourselves, more time for consulting each other and of discussing the public questions that we should like to bring forward in this Council, and it will give us greater opportunities of ascertaining personally from the official Members of this Council what their views and attitude may be on great public questions. It will afford better facilities for mutual discussion and for a better mutual knowledge of the relative positions of both sides ; in regard to matters of public interest it will be helpful both to Government and to us. Is that a large demand that we are making upon our official friends ? Would that be too much for my friend from Nagpur who no doubt would like to spend the grilling months of summer in Nagpur, but who we would like to see spending some cool days on the heights of Simla ? That would cool his ardour on many points and may prevent him from throwing unnecessary Resolutions over our heads. I think even to him it would not be inconvenient. I will not speak of Calcutta, Sir, for Calcutta, I am afraid, is anathema at the present moment, but whatever it may be, there may be, Sir,—my friend the distinguished Doctor is here, and he will support me,—there may be mental aberrations in individuals as well as in Governments, and you must wait to restore Calcutta or rather the Government to its lost position till the period of aberration passes away. But leaving Calcutta aside, we may easily have the meetings distributed as I have suggested to great public advantage and not to the detriment or inconvenience of the public or of any section of the Members of this Council.”

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia:—“ Sir, I am afraid I cannot support the motion of the Hon'ble Mover of the Resolution, as I think it limits the powers of His Excellency the Governor General in Council who, under section 64 (1) of the Government of India Act, 1915, has the power to appoint the times and places of this Council to assemble in so far that it will make it incumbent upon His Excellency to convene a meeting of the Council at least once in every quarter, whether there is legislative business to be transacted or not. The wordings of the proposed Resolution that the Council should meet once every week from December to March go very far and will make the Sessions unnecessarily long, and may unnecessarily interfere with the tour programme of His Excellency the Viceroy and other Executive Members of the Council. The wording of section 64(1) of the Government of India Act wisely leaves this discretion in the hands of His Excellency the Viceroy, and it will, I am afraid, unnecessarily limit the discretion of His Excellency the Viceroy if he were asked to convene a greater number of meetings than at present.

“ As regards the public interests, I hope it must be conceded that those are as near to the heart of His Excellency as to every one in this Council, and if the exigencies of the occasion demand a larger number of meetings to be convened, His Excellency may be expected to consider the point favourably. I would not therefore advise that His Excellency's powers in this respect should be limited. The question of expenses could not be lightly thrown aside when we are faced with heavy expenditure in connection with the present war, to the successful termination of which all our endeavours should be directed. With these few words, I oppose the motion of my Hon'ble friend.”

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[*Khan Zulfikar Ali Khan; Sir Reginald Craddock.*] [9TH FEBRUARY, 1917.]

The Hon'ble Khan Zulfikar Ali Khan :—“ Sir, the eloquent speeches of my Hon'ble colleagues have left no room for me to logically refute the arguments of my Hon'ble colleague the Pandith Sahib who has moved this Resolution. I therefore do not feel any particular desire or feel stimulated to pull his arguments to pieces by any logical arguments, but there are a few ideas to which I wish to give expression. Whatever claim the Resolution of the Hon'ble Pandith Sahib may have on the consideration of this Council in normal times, I do certainly believe that this is not the time, nor is it an expedient opportunity to propose this Resolution for the consideration of this Council.

“ Sir, many Hon'ble members who have preceded me have given expression in an eloquent manner to the difficulties which will hamper the public spirited men in this country if this Resolution is accepted. I must say that they are men who are extremely busy on account of their different professions in all parts of the country, and who are expected to take part in the deliberations of this Council, and, if unnecessary meetings are arranged and if they are withdrawn from their useful activities, I do think that the welfare of the country, as well as the useful time of the Hon'ble Members, will be wasted. We have all in these days our different spheres of activities owing to the one great object which the whole Empire wants to achieve, and that is, the happy and victorious termination of this world-wide struggle, and those occupations and those activities which we all of us in our different spheres have to perform will not find sufficient workers, and in this way I daresay that the one great object which I have just mentioned will greatly suffer. We can, from the example of the Home Parliament, take a very instructive lesson. In Great Britain, the House of Commons has cut down its meetings to the lowest possible minimum, and the meetings are not arranged unless they are imperative and there is no help for them. Is it not a very instructive and inspiring example which should guide us in our desire to move such a Resolution here? I quite sympathise with the Hon'ble Mover, and I daresay that it is the time-spirit which has moved him to find some activity for his accumulated energies, as they are finding elsewhere, but I must again say that this is not the time, nor the opportunity to push forward those desires on this Council.

“ My Hon'ble friend Mr. Basu has said that it would give additional opportunities for mutual understanding and mutual work which the official and non-official Members have to perform, but he forgets that there will be numerous opportunities after the war when we can cultivate this spirit. With these few words, I beg to differ from the views of the Hon'ble Mover, and vote against the Resolution.”

The Hon'ble Sir Reginald Craddock :—“ Sir, the Hon'ble Mover, whose zeal both in moving and opposing legislation is well known to all, may be described, to use a common expression as ‘ a glutton for work.’ Not only does he adorn a very important and hard-worked profession, but his labours extend to creating and managing a University, and he has been recently engaged on most arduous duties as a Member of the Industries Commission. All these activities, however, do not content him. He is anxious to infect all his Colleagues on the Council with some small measure of his own superabundant energy and indefatigable enthusiasm. He wishes that all his Colleagues, official and non-official, should now gird up their loins, throw off the dull sloth which now besets them, and spend laborious days in Legislative Sessions meeting at least once in every quarter of the year, and once every week from December to March.

“ I am afraid, Sir, that the Government do not see their way to accept his friendly invitation, and from the amendment moved by one Hon'ble Member and the speeches that have been made by various Hon'ble Members, it will have become manifest that some even of the most laborious Members of this Council are reluctant to undertake the toilsome path that he has indicated to

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them. I do not think that many Hon'ble Members, however zealous they are, are prepared to endorse the Hon'ble Mr. Sarma's proposition, that meetings of the Legislative Council are a holiday and something of a rest cure.

"The Hon'ble Pandit criticised the fact that during late years meetings had been somewhat infrequent and of shorter duration than usual, but I should like to point out to him that there are special reasons for this. In 1912-13, that was the year when the move was made to Delhi, the Legislative Chamber itself could not be got ready before a certain date in January, and another reason for the delay was that the outrage on Lord Hardinge caused him to postpone the meeting of the Council until he had recovered sufficiently to open it. In 1914, the Session was of abnormal duration, for it began very early in January and continued to the end of March. In 1915-16 and in the present year, the volume of legislation has no doubt been reduced by the fact that, under Lord Hardinge's understanding with the Council generally, the Government refrained from introducing controversial measures, and Hon'ble Members followed the same practice of not pressing controversial Resolutions. These were special features, and I am somewhat surprised that the Hon'ble Mover himself did not recognise what were the real causes of this reduction of business....."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I rise to a point of order? So far as I remember, I did not say one word about reduction of business in the last three years. I recognise, as does my Hon'ble friend, the conditions under which the Council has been working the last three years, and to the best of my recollection I did not make any complaint that the meetings since the war were less frequent, and my remarks were of a general character asking for larger opportunities for discussions in Council."

The Hon'ble Sir Reginald Craddock:—"Whatever the Hon'ble Member may say, he did criticise the comparatively short period of the duration of the Sessions and did not make any mention of the obvious reasons that had led to that.

"Now the business before the Legislative Council, Sir, may consist of questions, Resolutions, and legislative work proper, but the rules which he seeks to amend are rules for the conduct of legislative business, and it is beyond all question that the main business of this Council is legislative work.

"We had an interesting discussion two or three days ago regarding the question of the time necessary in order to launch proposed legislative measures upon the Legislative Council of the country. As you, Sir, clearly demonstrated on that occasion, the time spent in introducing, considering and discussing a Bill is not one tithe of the time taken up in discussing the case for legislation, in deciding upon the preliminary lines that it should take, in discussing those lines with the Local Governments and often with the public generally, in examining and analysing the opinions elicited, in drafting the measure, and in corresponding about it with the Secretary of State; and it is practically the finished product that is at last presented to the gaze of an expectant Council. Sometimes this labour of months and years is demolished by the hard blows of disapproval, sometimes only a few finishing touches are necessary. But in the vast majority of cases the real work, both in time and labour, has been expended in many official workshops before the manufactured article is exposed to the criticism of debate.

"It may be true that there are numerous legislative projects which the Hon'ble Mover would like us to consider; it is equally true that there are many legislative projects which the Government itself may like to put forward; but the lack of time is generally the lack of time to rough-hew these projects from the raw material and not so much the lack of time to put them through the Council, and if more time were compulsorily made available for active legislation, that time would be in reduction of the period available for fashioning the material. You cannot devote greater time to the later processes of manufacture before the earlier processes have been completed.

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“ A former Secretary of State, Sir Charles Wood, in a notable Despatch of 1861, recorded the opinion ‘ that the Council should not sit permanently for the purpose of making laws and regulations, but should be called together by summons from the head of the Government, when projects of law, prepared by the proper officers under the supervision of the Executive Government, are ready for discussion. It is probable that, by adopting this course, Bills will come before the Council better prepared than when hurriedly framed for a Council in Session, and will be better considered by the Council when brought before them, and thus much unnecessary legislation will be avoided and much public time saved. The adoption of this plan, moreover, will be necessary to secure for you the services of Native gentlemen at a distance, and of those persons whose time, like that of the members of the mercantile communities of the Presidency-towns, is much occupied with their own private engagements.’

“ Now these instructions of the then Secretary of State still hold the ground, and they are embodied in the latest Act of Parliament, that of 1915, as more than one Hon'ble Member has noticed. Section 64 (1) of that Act provides that the responsibility for fixing the times and places for meetings of the Imperial Legislative Council rests with the Governor General in Council. The law makes no provision for any limitation of that discretion.

“ The Government of India are not in favour of, nor do they think it at all probable that the Secretary of State would be likely to agree to, any Parliamentary legislation enabling that discretion to be fettered. There is, therefore, a statutory bar against the acceptance of this Resolution by the Government of India. The Governor General in Council naturally will summon the Sessions of this Council with reference to the legislative programme and the work to be done, and it is quite unnecessary to put in any rules or to bind the Government in any way by particular dates or times. Discretion must remain with the Governor General in Council with reference to the legislative business that is to be transacted, and I would add that we have the testimony of the Hon'ble Mr. Shafi that no complaint has been made that the time allowed has not been sufficient for the consideration of private Bills that are put forward.

“ Now to come to Resolutions. No doubt more meetings of the Council would offer more time for the discussion of Resolutions, but Resolutions must at best be a subsidiary part of the business of the Legislative Council. The power to move Resolutions is granted to Hon'ble Members to draw attention to current questions of importance, but they were never intended to be a substitute for the real work of the Council, which is ordinarily summoned for the consideration of legislative business.

“ Resolutions no doubt do occupy a valuable place in our Council proceedings, but Hon'ble Members will bear me out that sometimes Resolutions are moved which have a strong family resemblance to motions already debated, and towards which the attitude of the Council itself has been one of some tedium and weariness. I do not believe that the general sense of the Council is in favour of multiplying Resolutions appreciably beyond their present limits. It must be remembered that the legislative work of the Government, as has already been admitted by some of the speakers, is only one part, though doubtless a very important part, of its duties. It has to carry on its work and its vast correspondence simultaneously with its legislative business, and the wheels would soon be brought to a standstill if busy officials were subjected to the strain and interruption involved by such continuous legislative activity as the Hon'ble Member desires.

“ While, however, the Government are unable to accept any invitation which would fetter the discretion of the Governor General in Council, they are nevertheless most anxious that the Government should have the full benefit of the advice of the Members of this Council, and that the latter should not feel that the important place in the constitution which they occupy is either belittled or not appreciated. At present, for reasons which were thoroughly sound at the time and have not yet entirely lost all their application, the Simla Session, under the orders of the Secretary of State, has been confined to unimportant

[*Sir Reginald Craddock; Pandit Madan Mohan Malaviya.*] [9TH FEBRUARY, 1917.]

measures, purely non-contentious business, or to preliminary or unimportant stages of measures of which the main work is reserved for the Delhi Session. I know that many Hon'ble Members feel that it is a very long way to come up to Simla for the comparatively unimportant business which is usually transacted at the September Session. While, therefore, the Government of India are unable to accept any Resolution which would fetter the discretion of the Governor General in Council in this matter, they are prepared to consider the expediency of approaching the Secretary of State with proposals which would have the effect of relaxing the restrictions that are now imposed upon the Simla Session, with a view to making that Session perhaps more interesting and more productive.

"This, I fear, is the utmost measure of comfort that I can hold out to the Hon'ble Mover and to those who have supported him. But perhaps, now that I have explained the statutory bar and the other difficulties which stand in the way of our accepting his Resolution, and after he has heard that a good many of his Hon'ble colleagues are not prepared to follow him, he may be prepared to withdraw his Resolution; but if not, then the Government must press its opposition to the motion before the Council."

The Hon'ble Pandit Madan Mohan Malaviya.—"Sir, I feel I must take up some time in answering the objections which have been urged against the Resolution. I will try, however, to be as brief as possible, because I find the day is far gone already.

"I will first take up the question which has been taken up by more than one speaker and has received the support of the Hon'ble the Home Member, namely, the question as to whether there is a statutory bar to my Resolution under section 64 (1) of the Government of India Act. Now, Sir, that section lays down that 'the Indian Legislative Council shall assemble at such times and places as the Governor General in Council appoints.' I fail to understand what there is in my Resolution which conflicts with that provision of the law. All that my Resolution seeks to do, is to make a recommendation to the Governor General in Council to add one rule to the rules which have already been framed for the conduct of the business of this Council. It does not seek to compel the Governor General in Council to accept the recommendation, unless it commends itself to him. It does not seek to take away from him the power which he has to appoint the times and places of meetings of the Legislative Council. I was wondering why a lawyer like the Hon'ble Mr. Dadabhoj took up such an objection, but I am still more surprised that the Hon'ble the Home Member should have lent his support to the objection. I do not wish to take up more time on this point, for I am sure, Sir, that you will hold that there is no statutory bar to my recommendation being considered by the Government of India if it pleases the Council to make that recommendation.

"The second point which I will deal with is the question of the inopportuneness of my Resolution. I am surprised at the suggestion which has come from my friend the Hon'ble Nawab Zulfikar Ali Khan that this was an inopportune time to make a recommendation like the one incorporated in my Resolution to the Government. I do not yield to him or to any other Member in the desire that we should do our duty fully and whole heartedly in the matter of the war. If the recommendation that I make should in the least degree stand in the way of that duty being done, I shall unhesitatingly withdraw my Resolution; not only that, but I shall go further and propose that if the sittings of this Council in any way interfere with the discharge of our duty in the matter of the war, they should be suspended until the war is over. But I really fail to understand how the making of a recommendation to the Government to consider whether a change should not be introduced in the rules of the Council, and which does not say that the change should be brought into force at once, I fail to understand how such a proposal would in any way stand in the way of my Hon'ble friend or any other Member of this Council doing his duty in the matter of the war, with all the fulness of heart and devotion which any one may wish to bring to bear upon it.

"I will now turn, Sir, to some other points. I feel grateful to my friend the Hon'ble the Home Member for the kind manner in which he referred to

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[4th FEBRUARY, 1917.] [*Pandit Madan Mohan Malaviya.*]

my humble activities. I really wish I deserved the compliment he has paid me. However, I feel sure that I am not inviting my colleagues to undertake more work than their own good sense will prompt them to cheerfully undertake. I fully expect that every gentleman who has accepted a Membership of this Council is as much prepared as anyone else amongst us to do his duty as such Member in the fullest manner possible. If that duty demands that we should put aside for a time some of our private or personal business, I am sure every one of us will be prepared to do so. Some Members have spoken of the sacrifice which the acceptance of my Resolution might involve in the case of some of us, particularly of those who belong to the profession of law, and also those who are engaged in trade or commerce. I claim, Sir, that I take a better view of the sense of duty which inspires my friends here than did some of those who based an argument on it against my proposal. I should tell them that it ill-becomes us, in the presence of our esteemed Vice-President, to talk of any little self-sacrifice that may be involved in taking up public duties. Every successful lawyer, if he is worth the name, has to make a sacrifice when he takes up any public office, either official or non-official. Mr. Asquith, Mr. Lloyd George—and a long list of esteemed names can be repeated here—all had to sacrifice large incomes when they took up public offices. And have we not had similar instances nearer home? Have we forgotten our friend the Hon'ble Sir Satyendra Prasanna Sinha, who sacrificed a huge income in order to accept the Law Membership of the Government of India, and have we not had many other instances to which I might refer? I am sorry that any of my lawyer friends should have put forward this argument that lawyers will suffer a loss in their incomes, and will find it inconvenient from the professional point of view to attend meetings of the Council if they were called upon to do so more frequently than at present. I expect that they will willingly respond to the call of duty; and those of them who found that they could not give the time necessary to the discharge of their duties as Members of the Council would resign the office. It is not a Membership of the Council which confers an honour upon any man of worth, but the devotion with which the duties of the office are discharged.

“As regards merchants, and other business men, the Hon'ble Mr. Wardlaw Milne is entitled to say that personal convenience was the important consideration in a question of the frequency of meetings of the Council. But I appeal to him in the way in which I have appealed to my lawyer friends not to allow personal convenience to weigh too heavily against public advantages. If the Resolution is not acceptable on grounds of public advantage, let us all unite in rejecting it. But if public advantage demands that my recommendation should be accepted, I expect every Member of this Council to lend his support to it. The main question is, whether public advantage does or does not demand the change that I advocate. My friend the Hon'ble Mr. Shafi argued that I had not given any evidence, not brought forward any facts to show that public interests have suffered because the meetings of the Council have been so few and far between as they have been. Now I submit that that is a wrong point of view to adopt in regard to a question like this. My contention is that you have not held frequent enough meetings in order that public questions might have been brought to the notice of Government, as they could only have been if the meetings were so frequent. It is no good telling me that I have not cited facts. How on earth is one to cite facts which do not exist and which could only have happened if that had been done which I complain has not been done? One cannot sit down and compile from files of newspapers of many years how many questions would have been brought before Government if the Council had been held every year, say, in June. For the reasons I have indicated, it should be assumed that many more questions of public interest would have been brought to the notice of Government if there had been more frequent opportunities given to us for this purpose.

“My Hon'ble friend was very forceful in some of his remarks, but he was inconsistent; for while he complained that I had proved the necessity for more

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frequent meetings of the Council, he himself suggested that the Simla Session should be prolonged to two months....."

The Hon'ble Khan Bahadur Mian Muhammad Shafi :—
"Sir, may I point out that my objections were mainly directed to that portion of the Resolution in which my learned friend advocates that there should be from December to March once every week a sitting of the Council. So far as the Simla Session is concerned, I quite agree with him that it ought to be made a real Session ; and if my learned friend thinks that my agreement with him as regards the Simla Session is of no value, I have nothing more to say."

The Hon'ble the Vice-President :—" I hope the Hon'ble Member will accept the explanation."

The Hon'ble Pandit Madan Mohan Malaviya.—"I will, Sir, but the explanation was not necessary. All that I submitted was, that while my Hon'ble friend argued that I had not given facts to show that more frequent meetings were necessary, while he urged that I had not mentioned a single Resolution which had been crowded out or which had not found a place on the agenda because of want of time, nor a single Bill which had been held back for the same reason, he went on to urge that the Simla Session should be extended to two months. I submit, Sir, that it was an utterly inconsistent position to take up. Either it was necessary to prolong the Sessions of the Council, or it was not. If it was, my Hon'ble friend's criticism of my proposals generally lost its force. If it was not, then I submit his suggestion that the Simla Session should be extended to two months was futile.

"With regard to the criticism of other Hon'ble Members that it has not been shown that public interests do suffer, under existing arrangements, I submit that in the case of a vast Continent like ours equal to the whole of Europe barring Russia, it is not necessary to cite facts and figures to show that public interests demand that the Supreme Legislative Council of the country, which has to deal with a variety of questions and to discuss numerous problems that must arise from time to time, should meet at least once in every quarter. It should be assumed that in a country of this magnitude and importance, interested in problems so vast and varied, at least one meeting in every quarter, when the representatives of the public may have an opportunity of holding converse with those entrusted with its administration is the very minimum requirement. Some Hon'ble Members have expressed themselves strongly in favour of another Session in Simla, particularly my friend Mr. Basu ; and I hope the Government will reconsider their position in regard to a Session at Simla in June.

"As regards the suggestion that the Simla Session should be made more real, I am very thankful to learn from the Hon'ble the Home Member that the Government of India contemplate making it so. I am sure that when this is done, it will soon prove its utility and advantage to the Government, as well as to the public.

"Then, with regard to meetings being held from week to week in December, I submit, Sir, that here again the question of personal convenience has loomed large, and that has prevented many people from giving the proposal the consideration which it deserves. I do not mean to suggest that a meeting must be held every week, even if there was no business to be done. But I submit that it will be very unlikely that there will not be business enough to be done at the meetings if they will be held every week. I want to make it clear that, though the words used in the Resolution are that a meeting should be held every week, it was not meant that there should be no gap. For instance, I could not be charged with contemplating that there should be a meeting held in Christmas week. I expected that my proposal would be taken with the necessary reasonable qualifications. All I urge is that

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as a general rule from December to March there should be a meeting hold every week.

“Several speakers have urged that business has not suffered under existing rules. The Hon’ble the Home Member has said that legislation does not suffer. I submit that it does suffer and it must when, even after all the rough-hewing to which he has referred, a Bill is brought before the Council and sufficient time is not allowed to Members to consider its various provisions, to take counsel among themselves, to take counsel with official Members, and sometimes to take counsel with those whom they represent and then to decide what attitude to adopt towards it. An emergency measure stands on a separate footing; but in the case of ordinary legislation the greater the time allowed for the consideration of a measure, the better would it be in the public interests; and therefore I submit that if the Session should extend over four months, the legislative part of the business of the Council will have a better chance than it can have when it has to be rushed through in the course of a few weeks as at present. As regards Resolutions, while I agree with my friend the Hon’ble the Home Member, that the legislative part of the Council’s work is most important, I fear that he has somewhat under-estimated the value of Resolutions.....”

The Hon’ble the Vice-President:—“I must remind the Hon’ble Member that he has already exceeded the time allowed for reply. I only ask him to bring his remarks to a conclusion as shortly as possible.”

The Hon’ble Pandit Madan Mohan Malaviya:—“Thank you, Sir, I will. I was going to submit that, constituted as this Council is, being in reality a merely advisory body whose recommendations the Government is not bound to accept, it is by means of Resolutions only that many matters can be brought to the notice of the Government. They are therefore very important from our point of view. And yet how do we stand in relation to them? As a rule we do not know at present when a notice of a Resolution is given to the Government: it is only when His Excellency admits one that it is printed and circulated to other Members. It has often happened that, excepting the Member who has given notice of a Resolution, Members do not receive sufficiently timely notice of Resolutions to enable them to prepare themselves to discuss them properly. In that way our business suffers.

“With regard to questions, it is not necessary for me to detain the Council longer. I have said enough to show that there is need for a meeting of Council once in every quarter, and for more frequent meetings in the Winter Session. If the Government do not think fit to accept my Resolution in the exact form in which it has been put forward, I yet hope that they will consider whether the meetings should not be more frequent, and whether the space between one Session and another should not be shorter than now. With your permission, Sir, I would like to put the Resolution in two parts. I mean the part which proposes that the Council should be held once in every quarter as a separate proposition from the second part.....”

The Hon’ble Khan Bahadur Mian Muhammad Shafi:—“May I point out, Sir, that the proper procedure would be to put the amendment first before putting the Resolution to the vote?”

The Hon’ble the Vice-President:—“I would remind the Hon’ble Member that under the rules it is entirely within my discretion to put the amendment or the Resolution first.

“I propose to read to the Council the Resolution and the amendment and in the ordinary course to put the amendment to the Council first as it deals with a definite portion of the Resolution before the Council. The Resolution is as follows:—

“That this Council recommends to the Governor General in Council that in the Rules for the Conduct of the Legislative Business of the Council of the Governor General before rule 8, the following rule may be inserted:—

“2-A.—The Council shall ordinarily meet at least once in every quarter and once every week from December to March.”

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“To that Resolution the following amendment has been moved :—

“That the words ‘and once every week from December to March’ be struck out.

“I will put the amendment to the Council first, the effect of which will be either to leave the words in or to strike them out.”

The motion for the amendment was then put and agreed to.

“I will now put the Resolution as amended to the Council ; it is in the following terms :—

“That this Council recommends to the Governor General in Council that in the Rules for the Conduct of the Legislative Business of the Council of the Governor General, before rule 3 the following rule may be inserted :—

“ 2-A.—The Council shall ordinarily meet at least once in every quarter.’ ”

The motion was put to the Council with the following results :—

AYES—11.	NOES—42.
The Hon'ble Pandit M. M. Malaviya.	His Excellency the Commander-in-Chief.
„ Dr. Tej Bahadur Sapru.	The Hon'ble Sir R. Craddock.
„ Mr. R. Ayyangar.	„ Sir William Meyer.
„ Mr. B. N. Sarma.	„ Sir C. Hill.
„ Mir Asad Ali, Khan Bahadur.	„ Mr. G. R. Lowndes.
„ Sir Ibrahim Rahimtoola.	„ Sir G. Barnes.
„ Khan Bahadur Allahando Shah.	„ Sir P. Lukis.
„ Mr. M. A. Jinnah.	„ Sir R. Gillan.
„ Mr. B. N. Basu	„ Mr. R. Gamblo.
„ Maharaja Sir M. C. Nandi of	„ Mr. E. H. Bray.
„ Kasimbazar.	„ Sir V. Lovett.
„ Nawab Ali Chaudhuri, Khan	„ Mr. J. B. Wood.
„ Bahadur.	„ Mr. H. F. Howard.
„ Rai Krishna Sahay, Bahadur.	„ Mr. H. Sharp.
„ Raja of Kanika.	„ Sir E. MacLagan.
„ Mr. Mazharul Haque.	„ Mr. R. A. Mant.
„ Captain Ajab Khan.	„ Mr. J. B. Brunyate.
	„ Sir J. DuBoulay.
	„ Maj.-Genl. A. H. Bingley.
	„ Mr. G. H. B. Fell.
	„ Mr. W. M. Hailey.
	„ Sir W. Maxwell.
	„ Mr. F. C. Ross.
	„ Mr. A. H. Grant.
	„ Mr. J. G. Jennings.
	„ Mr. C. H. Kesteven.
	„ Mr. A. P. Muddiman.
	„ Mr. L. Davidson.
	„ Mr. J. S. Wardlaw Milnc.
	„ Mr. F. J. Monahan.
	„ Mr. E. H. C. Walsh.
	„ Mr. A. S. A. Westropp.
	„ Sir J. S. Donald.
	„ Khan Bahadur Mian Muham-
	„ mad Shafi.
	„ Khan Zulfikar Ali Khan.
	„ Sardar Sundar Singh.
	„ Mr. M. B. Dairlabboy.
	„ Mr. J. Walker.
	„ Rai B. D. Shukul Bahadur.
	„ Mr. W. J. Reid.
	„ Lt.-Col. S. L. Aplin.
	„ Maung Bah Too.

So the motion was negatived.

The Council adjourned to Friday, the 16th February, 1917.

A. P. MUDDIMAN,

*Secretary to the Government of India,
Legislative Department.*

DELHI :

The 16th February, 1917.