

11th January, 1922

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

SECOND SESSION

---

OF THE  
LEGISLATIVE ASSEMBLY, 1922



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# LEGISLATIVE ASSEMBLY.

Wednesday, 11th January, 1922.

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

## STATEMENTS LAID ON THE TABLE.

**The Honourable Mr. C. A. Innes** (Commerce and Industries Member): Sir, I lay on the table the information promised in reply\* to a question by Mr. J. Chaudhuri, on the 30th September, 1921, regarding the exodus of coolies from the tea gardens in Assam.

(a) Most of these questions might more usefully have been put in the Assam Legislative Council, and the Government of India are not able fully to answer them. But I give below as much information as possible.

The Government of India of course were kept in close touch with the facts of the exodus from the Surma and Chargola Valleys, and were kept by the Local Governments concerned constantly informed as to the progress of events. When Sir Thomas Holland visited Calcutta in June last, the Government of India asked the Local Governments concerned to send representatives to meet him in order that co-ordinated action might be taken in arranging for the repatriation of labourers who had left Assam. The Honourable Sir William Vincent visited Assam in order to discuss with the Local Government the political situation arising out of the exodus. The reports of both Sir Thomas Holland and the Home Member were in the nature of notes on the file and cannot be published.

(b) The Honourable Member is apparently not aware of the true facts. Section 153 of the Assam Labour and Emigration Act empowers the Local Government in certain circumstances to cancel labour contracts executed under the Act. But the provisions of the Act relating to the execution of labour contracts were withdrawn from the 1st July, 1915.

(c) The Honourable Member is referred to the Press Communiqué issued by the Government of Assam in which the question is fully discussed.

(d) As has already been stated, the provisions of the Act relating to the execution of labour contracts were withdrawn from July 1915.

(e) The Honourable Member is referred to paragraph 4 of the Press Communiqué of the Government of Assam.

(f) Yes.

(g) No such provision exists in the law nor is any amendment of the law on these lines contemplated.

(h) Yes, for the reasons explained in paragraph 7 of their Press Communiqué.

(i) The cost of repatriating the Mahajarins of the North-West Frontier Province was met from Provincial funds and amounted to Rs. 77,379.

(j) The question assumes that the labourers are not able to obtain a living wage, and the Government of India do not admit that this assumption is correct. It is believed, however, that the whole question of wages of tea garden labourers is under the consideration of the Local Government.

(k) The present constitution of the Assam Labour Board is laid down in section 116-A, clauses (1) to (5) of the Assam Labour and Emigration Act as amended in 1915. The answer to the last part of the question is in the affirmative.

\* *Vide* Legislative Assembly Debates, Volume II, page 1296.

[ Mr. C. A. Innes. ]

(2) As I have already pointed out, all the provisions of the Act relating to labour contracts have been withdrawn.

(3) The question is one for the Local Government and is already under their consideration. They will be furnished with a copy of this question and answer.

**The Honourable Sir William Vincent** (Home Member) : Sir, I lay on the table a statement giving the information promised in reply\* to a question by Mr. K. Ahmed, on the 30th September, 1921, regarding the average salary of officers of the Indian Civil Service in 1911 and 1921.

*Statement showing the average salary of officers (on duty) of the Indian Civil Service of 5, 10, 15, 20 and 25 years' service on the 1st July, 1911, and 1st July, 1921.*

Years of service.	Average salary on 1-7-1911.	Average salary on 1-7-1921.	REMARKS.
25	3,002	3,116	
20	2,419	2,500	
15	1,749	2,043	
10	1,235	1,515	
5	779	935	

#### AMENDMENT OF STANDING ORDERS.

**The Honourable Sir William Vincent** (Home Member) : Sir, before we proceed to the next motion, I shall be glad to obtain from you a ruling on a point of order. You ruled with reference to Standing Order 39 that the acceptance by this Assembly of a motion for reference of a Bill to Select Committee means that the Assembly accept the principle of the Bill. A Standing Order made with the consent of the Governor General can only be altered by the Chamber. The provisions laid down in Standing Orders are that draft amendments should be referred to a Select Committee and that when the draft has been referred to a Select Committee the procedure in regard to a Bill should be followed as far as possible. Now when a Bill is referred to a Select Committee, it follows that the principle has been accepted, and I wish your ruling on the point whether a reference to a Select Committee of the amendments which will shortly be placed before the Assembly also involves the acceptance of the principle of them; because, if so, I think that Members generally and certain Government Members, or some of us at least, would like to have more time to consider them. I may say that I myself received notice of these amendments, or some of them—not my own of course—yesterday. If, however, the motion is to allow the Select Committee full liberty to consider the principles of the amendments, then the position will be materially changed.

Another point I should like to know is whether the Select Committee will have power to extend the principle of the draft amendment submitted to it. With reference to the particular amendments that have been put before the Assembly, I shall later draw your attention, Sir, to Standing Order 56 which

\* *Vide* Legislative Assembly Debates, Volume II, page 1305.



prescribes that the actual draft amendments should be referred to a Select Committee.

**Mr. President:** The rule which commits the Assembly to the principle of a Bill on referring that Bill to a Select Committee, does not apply to these amendments. All that the Committee is instructed to do is to examine these proposals with a view to the amendment of the Standing Orders by the Chamber itself after the Committee has reported. The Assembly is therefore not committed to the principle involved in each individual amendment but solely to the proposal that these Standing Orders shall be amended.

I am not quite sure that I appreciate the second point put by the Honourable the Home Member.

**The Honourable Sir William Vincent:** May I put it again, Sir? The question is whether when an amendment has been referred to the Select Committee, it is open to the Select Committee to extend the principle of the amendment—that is, to make the modification of a Standing Order more general in principle than is contemplated in the amendment as proposed.

**Mr. President:** Standing Orders 54 to 57 do not contemplate a roving commission to the Select Committee, but it seems to me to be inconvenient for the Select Committee to be strictly bound by the exact terms of each amendment submitted to it. Therefore, without prejudice to a final decision in the matter, which I think must rest with the Chamber itself after the Committee has reported, I should say that the Select Committee which we are about to appoint should have a reasonable discretion.

#### STANDING ORDERS RE: THE CONDUCT OF NON-OFFICIAL BUSINESS.

**The Honourable Sir William Vincent:** With your permission, Sir, I should like to move the first eight motions relating to the amendment of the Standing Orders in one single motion; these amendments really relate to the same subject and this was in fact the method adopted in giving notice of these amendments; thus, items Nos. 1 to 8 all really relate to one cognate subject and I propose, therefore, with your permission, Sir, to include them in one motion. You have already decided that a reference to Select Committee does not mean that the Assembly is bound to accept the principle of the amendment; so I need not make any detailed statement on that point. If Honourable Members will look at the amendments, they will see that they deal largely with the conduct of non-official business, and, in the first place, I want to draw the attention of the Assembly to the fact that it has now been decided that as far as possible separate dates should be allotted for the discussion of non-official Bills and separate dates for the discussion of non-official Resolutions and the rules have been amended accordingly. I believe that that will be found to be a change which will promote the progress of business and make for the convenience of non-officials. In the past when ballots were held for Bills and Resolutions together, it was found very difficult indeed to ensure a proper despatch of non-official business. Some of the amendments which I propose in Standing Orders are largely consequent on that change in the rules. If Honourable Members will turn to the Standing Orders they will see first that at present a particular precedence is prescribed for non-official Bills on non-official dates in this Assembly. We propose slightly to alter that order; the details will

[ Sir William Vincent. ]

of course be a matter for the Committee and I do not propose to weary the Assembly with the reasons for the various detailed changes which we have made. The general principle, however, is that the more advanced Bills should obtain precedence or priority over Bills less advanced. The only exception that we propose to that is for the presentation of the Select Committee's report on a Bill; and the reason for that is very simple, namely, that this principle is a purely formal business—no speeches are made, and it will not take up any time, whereas if it was put down at the bottom of the day, a necessary but formal item might have to be postponed and the promoter of the Bill would be prejudiced. I do not think there is anything in the amendments of the Standing Orders relating to Bills which the Assembly cannot confidently leave to the consideration of a Select Committee.

As regards Resolutions, the amendments are more comprehensive, and I want to draw particular attention to them. The Standing Orders at present prescribe that precedence should be determined absolutely by ballot. Now, the result of that is, that no matter how important a Resolution is, it often cannot secure a place on the list of business because other Members, with less important Resolutions possibly although they may be personally interested in them, have secured precedence, and the practice has been for Members to come to Government and ask them to give them an official date or on some occasions for Government to approach Members suggesting that the matter is of such public moment that it should be discussed on a particular date. That practice is inconvenient to us and it is inconvenient to Members. It imposes a very unpleasant responsibility upon Government of saying that this Resolution is of such importance that we can admit it and that one is not of sufficient importance. In fact, I remember, during the last Session of the Assembly, complaints were made on this point. What we propose, therefore, to do is to provide a method by which the Assembly itself may secure that priority shall be given to any particular Resolution which has already been admitted upon a date set apart for the disposal of non-official business. The consequence of this will be that non-official business will not be put down on official dates, and we shall be relieved of attacks, such as were made on me yesterday and such as indeed were made on another Member of this Assembly—attacks which, if I may say so, coming from the quarter that they did, I think my Honourable friend, Mr. Iswar Saran, treated a little too seriously. After all, we know what to expect from certain quarters and it is a mistake to take attacks of that character as having any weight at all. Returning to the question of Resolutions, we propose that ballots for Resolutions should be held at least 15 days before the day with reference to which the ballot is held, that is, the day on which the discussion will take place. Further, it is proposed, that within three days of the ballot, Members should be allowed to give notice of a motion to secure priority for a particular Resolution, that is, they are allowed to take their chance first in the ballot, and if they do not succeed in it and the Resolution is one of great importance, they may give notice of this motion . . .

**Mr. President:** Does the Honourable Member mean within three days of the date on which the Resolution will have to be debated?

**The Honourable Sir William Vincent:** No, Sir. I shall explain that later. It is proposed that you should have discretion to admit or reject all such motions. This motion will be taken in the Assembly not less than ten days before the date with reference to which the ballot is held, that is, the date

before the discussion, so that Government may have a reasonable notice of any important Resolution. Before the motion is put, 25 Members of the Assembly must support it and that number, as Members are aware, is the same as the number now required by Standing Order 23. Once priority has been given to any Resolution, no more notices of such motions may be put to the Assembly, because otherwise if you allow a number of such notices, you practically do away with the value of the ballot altogether. That in substance is what our proposal is in regard to Resolutions.

The next point is an amendment proposing that not more than five Resolutions, other than Resolutions which have obtained precedence under Standing Order 7 B (2) or are outstanding from a previous day should be set down in the list of business; and it is on this motion that I particularly ask the consideration of Members of this Assembly. I want to appeal to them for some sympathy with Members of the Government. We are often faced at present with a large number of Resolutions in the list, 19 and 20 sometimes. We do not know how far in the list we have got to go. Sometimes Members are not here, sometimes they withdraw Resolutions and the result is that we are called upon, and I am called upon particularly in the Home Department, because I have to meet a great many difficult Resolutions, to prepare 8 and 10 Resolutions for one day; I hope the Assembly will agree with me that that really is unfair to me and that I cannot do justice to the Assembly or to the Government case if I am called upon to prepare myself on such a number of subjects. We seldom get through more than three or four Resolutions in one day, and I have therefore tentatively suggested that not more than five Resolutions should be put down, exclusive of those which I have mentioned, for one day, and I hope that the Assembly will at any rate allow that proposal to be referred to Select Committee where it will be explained in greater detail.

The only other suggestion which I need refer to in connection with this motion is the proposal to amend Standing Order 9. At present this deals with official as well as non-official business. It is unnecessary to provide in this Standing Order for official business as the precedence of Government business is determined by the Governor General in Council under Standing Order 7, sub-order (1), and under present Standing Order 9, as regards non-official business, it is now provided that any non-official business which has not been begun is included in the list of business for the next day of the Session available for non-official business. Now this means that during the course of the Session we get ever lengthening lists of business which can never be completed. I am sure that Members must have seen many such lists. We therefore propose that this Standing Order should be so amended as to provide that such non-official business which has not been begun shall not be included in the list of business for any subsequent day unless it is entitled to priority on that day under the provisions of the Standing Order, that is, unless it is ballotted for and has been given special priority on the subsequent day. The remainder of the amendments included in this particular motion are, I think, consequential to the proposals that I have made. I now move, Sir, for leave to amend the Standing Orders in the following manner. I do not know if you wish me to read these one by one or whether they can be taken as read:

1. For Standing Order 7 the following Standing Orders shall be substituted, namely:

'7. On days allotted for the transaction of Government business the Secretary shall Arrangement of Govern- arrange that business in such order as the Governor General in ment business. Council may direct.

[ Sir William Vincent. ]

7-A. (1) The relative precedence of notices of Bills given by non-official Members shall be determined by ballot, not less than fifteen days before the day with reference to which the ballot is held, in accordance with the procedure set out in Schedule I :

Precedence of non-official Bills.

Provided that the President may from time to time make such variations in the said procedure as he may consider necessary or convenient.

(2) On a day allotted for the disposal of non-official Bills, Bills which have already been introduced by non-official Members of either Chamber shall have priority over all other business provided that any notice required by the rules or Standing Orders have been given, and such Bills shall have relative precedence in the following order, namely :

- (a) Bills introduced in the Assembly in respect of which the next stage is the presentation of the Report of a Joint or Select Committee ;
- (b) Bills passed by the Council in respect of which the originating Chamber was the Assembly ;
- (c) Bills introduced and passed in the Council ;
- (d) Bills introduced in the Assembly in respect of which a motion has been carried that the Bill be taken into consideration ;
- (e) Bills introduced in the Assembly in respect of which the Report of a Joint or Select Committee has been presented ;
- (f) Bills which have been circulated for the purpose of eliciting opinion ; and
- (g) Other Bills.

(3) The relative precedence of Bills falling under the same clause of sub-order (2) shall be determined by ballot, to be held at such time and in such manner as the President may direct :

Provided that Bills falling under clause (g) which remain over from the preceding Session shall, subject to the provisions of sub-order (2) of Standing Order 4, have priority over other such Bills in the order of the date of their introduction.

7-B. (1) The relative precedence of notices of Resolutions given by non-official Members shall be determined by ballot, not less than fifteen days before the day with reference to which the ballot is held, in accordance with the procedure set out in Schedule I :

Precedence of Resolutions.

Provided that the President may from time to time make such variations in the said procedure as he may consider necessary or convenient.

(2) (a) Notwithstanding the result of any ballot held under sub-order (1), any Member may, within three days thereof, give notice of a motion that any Resolution (the terms of which shall be set out in the notice) which has been admitted by the President shall have precedence on the day with reference to which the ballot was held. The President may, in his discretion, admit or reject any such motion.

(b) The President shall fix a date for the disposal of any motion or motions admitted under clause (a), which date shall not be less than ten days before the date with reference to which the ballot was held.

(c) On the day so fixed the President shall, before allowing any motion to be made, ascertain whether the Member in question has the leave of the Assembly to make the same. If more motions than one have been admitted, the President shall determine the order in which they shall be submitted for the leave of the Assembly.

(d) When the proposed motion is reached, the President shall read it and ask whether the Member has the leave of the Assembly. If objection is taken, the President shall request those Members who are in favour of leave being granted to rise in their places, and, if not less than twenty-five Members rise accordingly, the President shall intimate that the Member has the leave of the Assembly and shall call upon the Member in question to make his motion. If less than twenty-five Members rise, the President shall inform the Member that he has not the leave of the Assembly.

(e) No debate shall be allowed on any motion made under this sub-order except by special permission of the President.

(f) The President may, in his discretion, refuse precedence to any Resolution, in Respect of which a motion under the sub-order has been carried, but, if he does not do so, then :

(i) the Resolution in question shall, if notice has been given as required by the Standing Orders and if the Resolution is not disallowed under rule 22, have precedence over all other Resolutions which have obtained priority at the ballot, and

(ii) no further motion under this Standing Order shall be submitted for the leave of the Assembly on that day.'

2. To Standing Order 8, the following clause shall be added, namely :

'(4) Not more than five Resolutions (other than Resolutions which have obtained precedence under sub-order (2) of Standing Order 7-B or are outstanding from a previous day) shall be set down in the list of business for any day allotted for the disposal of non-official Resolutions.'

3. For Standing Order 9, the following Standing Order shall be substituted, namely :

'9. Non-official business set down for any day and not disposed of on that day shall not be set down for any subsequent day unless it is entitled to priority on that day under the provisions of the Standing Orders:  
Business outstanding at end of day.

-Provided that notwithstanding anything contained in Standing Orders 7-A and 7-B, any such business which has been commenced shall, on the next day allotted to business of that class, have precedence over all other business set down for that day.'

4. For clause I of Schedule I the following shall be substituted, namely :

'1. Not less than seventeen days before each day allotted for the disposal of non-official business, the Secretary will cause to be put up in the Assembly office a numbered list. This list will be kept open for two days and during those days and at hours when the office is open any Member who wishes to give notice, or has given notice, of a Bill or Resolution, as the case may be, may have his name entered once only against a number.'

5. In clause 2 of Schedule I for the words 'on the third day a ballot' the words 'the ballot' shall be substituted.

6. In clause 4 of Schedule I after the words 'all the numbers' the words 'or, in the case of a ballot for priority of Resolutions, five numbers' shall be inserted.

7. For clause 5 of Schedule I the following shall be substituted, namely :

'5. Priority on the list will entitle the Member to have set down, in the order of his priority for the day with reference to which the ballot is held, any Bill or Resolution as the case may be, of which he has given the notice required by the Rules or Standing Orders.'

8. Clauses 6 and 7 of the Schedule shall be omitted.

The motion was adopted.

#### STANDING ORDER NO. 23 RE : MOTION FOR ADJOURNMENT OF THE HOUSE.

The Honourable Sir William Vincent : I now move for leave to amend Standing Order 23. This Standing Order provides that motions for the adjournment of the House must be taken before 4 p.m. The amendment\* would permit of such motions being taken at an earlier hour at which the business of the day may terminate. It is however provided that the consent of the Members of the Government concerned should be

\* 9. In Standing Order 23, after the words 'at 4 p.m.' the following words shall be inserted, namely :

'Or, if the President, with the consent of the Members of the Government concerned, so directs, at any earlier hour at which the business of the day may terminate'.

[ Sir William Vincent. ]

necessary to such a course, and I think that is a reasonable requirement, because if a motion is made at, say half past 11, the Member for Government must have one or two hours to get his papers together and refresh his memory as to the facts. Further, the Assembly is aware that the Governor General has power to disallow a motion for adjournment of the House, and it is necessary again that reasonable time should be allowed to the Member for Government to enable him to approach the Governor General on that subject should that course be found necessary, I am glad to say that it has never been found necessary in the past. At the same time, it is very inconvenient sometimes to close the ordinary business at 3, and then to adjourn till 4 after wasting an hour's time. I think there is no doubt whatever that this amendment will commend itself to the Assembly.

The motion was adopted.

#### STANDING ORDERS NOS. 31, 34, 38, 39 AND 40.

**The Honourable Sir William Vincent:** Sir, if it will suit the convenience of the House, I will move the remaining three amendments\* together having regard to the manner in which the previous amendments have been received.

*Amendment No. 10.*—The proviso to section 67 of the Government of India Act provides that Standing Orders may provide for the meetings of Members of both Chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two Chambers. Such a provision has been made under Legislative Rule No. 40. It is clear, I think, that these meetings contemplate divergent decision having been previously reached in the two Chambers. The object of the meeting is to establish some *modus vivendi*. But Standing Order 31 really would at present prevent this, because a motion once having been rejected cannot be brought again before the Assembly in the same Session. It is accordingly proposed to amend that Standing Order so as to allow such motions as would be barred by Standing Order 31 if made as the result of a conference held under Rule 40.

*Amendment No. 11* is purely formal. When we deal with Legislative Rules and Standing Orders, we should definitely refer in the case of the rules to rules and sub-rules, and in the case of the Standing Orders to orders and sub-orders. At present in Standing Order 34, the word 'sub-rule' is used in two places and the reference is merely to sub-orders. It is proposed to rectify this.

\*10. To Standing Order 31 the words 'unless such motion is made as the result of a conference held under Rule 40' shall be added.

11. In Standing Order 34 for the word 'Sub-rule' in both places where it occurs, the word 'Sub-order' shall be substituted.

12. (a) In clause (3) of Sub-order (1) of Standing Order 38 the words 'Composed of such Members of the Assembly as he may name in his motion' shall be omitted.

(b) In Standing Order 40:

(a) to Sub-order (1) the words 'and it shall not be necessary to include their names in any motion for appointment of such a Committee' shall be added; and

(b) in Sub-order (2) after the words 'is made or' the words 'in the case of a motion made by way of amendment under clause (a) of Sub-order (2) of Standing Order 39' shall be inserted.

*Amendment No. 12* relates to Standing Orders 38, 39 and 40 which deal with motions for the appointment of a Select Committee. It is proposed to amend Standing Orders 38 and 40 so as to provide that the Members of a Select Committee shall be nominated when the motion for reference to a Select Committee is made save in the case when this motion is moved as an amendment to another motion under Standing Order 39 (2) (a). In such cases it is thought, that though the Assembly might very well be prepared in connection with a particular Bill to accept the proposal that the Bill be referred to a Select Committee, a Member would not have had time to ascertain whether all the Members whom he wishes to select for that Committee would be willing to sit. Nor, indeed, would he have had time to consider who would be the most suitable Members for that Committee. At the same time you, Sir, have held, following the practice in the House of Commons, that before a Member can nominate anyone to serve on a Select Committee, he must ascertain whether the Member is prepared to serve on it; this amendment is designed to obviate the difficulty and I think the amendment will commend itself to the House.

The motion was adopted.

#### REFERENCE TO A SELECT COMMITTEE.

**The Honourable Sir William Vincent:** Sir, I move that the amendments which I have just proposed be referred to a Select Committee.

The motion was adopted.

#### PROCEDURE IN PROPOSING AMENDMENTS TO STANDING ORDERS.

**Mr. F. McCarthy** (Burma : European) : Sir, I beg to move for leave to amend the Legislative Assembly Standing Orders in the manner set out in to-day's List of Business. Perhaps Honourable Members would like me to read them out in detail.

**The Honourable Sir William Vincent:** May I inquire, Sir, whether the Honourable Member from Burma proposes to move his amendments in one batch or separately. If he proposes to do the former, one or two difficulties will arise in reference to some of them.

**Mr. President:** It is hardly necessary to embark on a detailed discussion of each individual amendment in view of the ruling I gave that the Assembly is not committed to the principle of each amendment. I am aware, for instance, in cases where a proposal is made to omit a Standing Order, that it has been made to enable the Select Committee to discuss certain proposals in relation to that order of which definite amendments have not been made. All the Honourable Member from Burma need do to satisfy the requirements of our procedure, is simply to move that the amendments be referred to a Select Committee. It is highly undesirable to have a Committee stage discussion on each particular amendment at the present moment.

**The Honourable Sir William Vincent:** I do not suggest a Committee stage discussion on each amendment, but I should like to raise one general point. I have always understood, on my reading of the Standing Orders, that a Member who wishes to put forward an amendment in this House, has to put forward a substantial amendment in order that Members of the

[ Sir William Vincent. ]

Assembly may have some line as to what change exactly is proposed. Thus we should know exactly what change is proposed by the Honourable Member's amendments in the Standing Orders as they now exist and it is with reference to that point that I address the Assembly. For instance, amendments Nos. 6, 7 and 13 propose that Standing Orders Nos. 32, 34 and 70, respectively, shall be omitted. Now, on my reading of the Standing Orders of this Assembly the proper course to adopt is to put forward before the House a substantial proposal as to what amendments it is proposed to make, and not merely to ask us here now to refer to a Select Committee a proposal that the closure procedure, for instance, should be omitted without any explanation. That is the effect of one amendment and I do take exception to this procedure.

There are other details in these amendments on which, if they were moved singly, I should like to make some remarks to Members of the Assembly. But the main point I seek to make is that we are entitled here to know what amendment of the new Standing Orders the Honourable the Mover really proposes to make in regard to those Standing Orders which he at present moves merely should be omitted.

**Mr. President:** The Honourable the Home Member is aware that amendments are made in Bills without previous reference to the Assembly, and it seems to me eminently reasonable, that discretion should be left to the Standing Orders Committee in its report to propose certain amendments and on proposing them, to produce substantial reasons. I may say that I am more or less responsible for the proposal in regard to Standing Order No. 32, because I was unable, owing to lack of time at the moment, to suggest any form of wording which would adequately meet the position which has arisen as to whether a Member has a right of reply, especially a Member of Government, in the event of the closure being moved. It would be open to the Honourable Member from Burma to move a perfectly empty form of words in order to open the subject for discussion before a Select Committee, but I do not think the Honourable the Home Member is entitled to take objection to the *form* of omitting which is *merely one* way of raising the point.

The amendments proposed now commit no one to anything, not even the Mover of the amendment, because he has asked for the judgment of the Select Committee on them. Where he cannot particularise these proposals, as in the case of Standing Order 32 and the right of reply under the closure, it seems perfectly reasonable to leave it to the Committee to pronounce a judgment upon it. Otherwise he would find himself in the position, where an important question like that was raised, of having to throw open the whole procedure of the Standing Orders again and to go to the Select Committee and come back to the House for further authority which is highly undesirable.

**The Honourable Sir William Vincent:** Well, Sir, it is a matter entirely within your discretion. But this is what the Standing Order lays down :

'Unless the President otherwise directs, not less than ten clear days' notice of a motion for leave to amend the Standing Orders shall be given'.

I don't know what notice the Legislative Department received, but I received one day's notice only.



**Mr. President:** But notice is not given to the Honourable the Home Member. It is entirely in the authority of the Chair.

**The Honourable Sir William Vincent:** Then, I received one day's notice under the authority of the Chair. The notice ought also to be accompanied by a draft of the proposed amendment. I still submit very respectfully that Members of the Government and Members of this Assembly are entitled at least to know the line which it is proposed to take when an amendment is proposed to omit certain Standing Orders. When I proposed my amendments, I attempted to give my reasons and I submitted them entirely to the information of the House and they will now be examined by the Select Committee. But at least I indicated what amendments I was moving and the reasons for which I suggested them. Here the House is asked to agree.

**Mr. President:** I must point out to the Honourable Member that the House is not asked to agree to anything but the proposal to appoint a Committee to amend the Standing Orders.

**The Honourable Sir William Vincent:** The House, if I may say so, is asked to agree to a reference to a Select Committee on amendments to Standing Orders which include the omission of certain important Standing Orders without any explanation of the reason which led to that or of the exact line it is proposed to take or even the words it is proposed to alter.

**Mr. President:** Does the Honourable the Home Member object?

**The Honourable Sir William Vincent:** I should prefer to have the amendments taken singly, Sir.

**Mr. President:** I am quite prepared to do that. Will the Honourable Member move his amendments singly?

#### STANDING ORDER 11.

**Mr. F. McCarthy:** I beg to move for leave to amend Standing Order 11 in the following manner:

'That in Standing Order 11 after the word 'Secretary' the words 'and signed by the Member giving notice' shall be inserted.'

The motion was adopted.

**Mr. F. McCarthy:** I beg to move:

'That the amendment which I have just proposed be referred to a Select Committee.'

The motion was adopted.

#### STANDING ORDER 15.

**Mr. F. McCarthy:** I beg to move for leave to amend Standing Order 15 in the following manner:

'That in Standing Order 15 the word 'and' at the end of clause (5) shall be omitted and shall be re-inserted at the end of clause (6), and after clause (6) the following clause shall be added, namely, '(7) It shall not quote anything from a newspaper or mention the name of a newspaper.'

The motion was adopted.

**Mr. F. McCarthy:** I beg to move:

'That the amendment which I have just proposed be referred to a Select Committee.'  
The motion was adopted.'

STANDING ORDERS 18, 25, 31, 32, 34, 39, 54, 56, 59, 61, 70 AND 75.

**Mr. F. McCarthy:** I beg to move for leave to make the following amendment:

'That Standing Order 18 shall be omitted.'

**The Honourable Sir William Vincent:** I should be glad to hear some reason for this amendment and some indication of the new Standing Order which it is proposed to substitute for it, Sir. 'The notice shall be accompanied by a draft of the proposed amendment' is what the Standing Orders prescribe. And I submit that we are entitled to know what at least the intention of the Honourable Mover in this amendment is.

**Mr. President:** Does the Honourable Member object?

**The Honourable Sir William Vincent:** Without notice, Sir, and without some explanation as to what is intended, I do object.

**Mr. President:** Does the Honourable Member wish to substitute a discussion on the floor of the House to-day of the proposals made in each individual amendment for the procedure of the Select Committee?

**The Honourable Sir William Vincent:** No, Sir. I have not suggested that. What I have suggested and what I do suggest is that this Assembly is entitled to know the main lines on which the amendments proceed and the reasons for it. That is the procedure which I have tried to adopt myself. If I am in error in that the House has only once to vote me down and I will sit down. But I do ask for some reason for the amendment.

**Mr. N. M. Samarth** (Bombay: Nominated Non-Official): May I ask, Sir, would not the Honourable Member, who has moved this, place his reasons before the Select Committee?

**The Honourable Sir William Vincent:** He would.

**Mr. President:** The Honourable Member is really asking the Assembly to usurp the functions of the Select Committee?

**The Honourable Sir William Vincent:** Sir, I must very respectfully protest against that statement. I am not attempting to usurp anybody's functions. I am merely asking that the House should have a general statement of the reasons for this amendment and what it is proposed to do before the amendment is referred to a Select Committee. I demur very respectfully, Sir, to the suggestion that I am attempting to dictate to anyone. I have said once before that if the House considers that my attitude on this point is unreasonable I shall withdraw my objection.

**Mr. F. McCarthy:** Sir, it is not a question of being unreasonable. It is a mere question of convenience. Are we to spend hours in discussing elaborate details of Standing Orders or shall we refer these points, all of which are familiar to Members who have studied the working of the Orders to the Select Committee, and after which the Assembly will have ample opportunity for discussing them? It is simply a matter of convenience.

**The Honourable Sir Malcolm Hailey** (Finance Member): Sir, I must say from my experience of the House, I think, that this is the first time I have seen a proposal of this kind without a single word of explanation or any reason whatever as to why it is put forward. If the Honourable Member would merely have the courtesy to tell us by way of explanation why he wants this amendment made we should be perfectly satisfied.

**Mr. President:** As these proposals to omit various Standing Orders were made at my suggestion and as I have already explained the position, the House will forgive me for repeating my explanation. There are various questions where no particular amendment presented itself on the first examination and it was thought that the easiest way to put the question before the Standing Orders Select Committee was to suggest the omission of the whole Standing Order. There was no intention to make that an operative motion. It is a well-known parliamentary procedure to raise a question by doing that and therefore the suggestion was made that that was the easiest way in which to do it. There are a number of suggestions relating to the procedure of question and answer on which I think the Select Committee under Standing Orders might well be asked to pronounce if it is not asked to propose specific amendments to the Standing Orders. As my Honourable friend from Burma has pointed out and as I should have thought Government would have been well aware, this House is not asked to discuss each individual to a Bill before a Bill is referred to Select Committee. The discretion for the amendment of a Bill is left to the Select Committee and though the procedure under the Standing Orders prescribes that amendments shall be placed before the House in relation to Standing Orders before they are referred to Select Committee, that part of the procedure seemed to me entirely formal.

If the Honourable Member preferred, no doubt my Honourable friend from Burma (Mr. McCarthy) could have put down a long memorandum, discussing the problems arising out of question and answer and those arising out of the right of reply under closure and so on. But if the Honourable the Home Member thinks that it is desirable to preclude the Select Committee from discussing such questions unless specific amendments are placed before the House, then, I am afraid, the Chair cannot uphold his contention.

**Mr. W. M. Hussanally** (Sind : Muhammadan Rural): Sir, I will only refer to one point in connection with this debate, and that is that notice for all these amendments were received only yesterday and I dare say that many of us here have not had sufficient time to consider each and every amendment that has been proposed by the Honourable the Home Member or any other gentleman here. If it is wished by the Honourable the Home Member that a Member should give detailed reasons for every amendment that he has been proposing, I think we shall require time to consider all these amendments in detail before they are brought up for discussion here. I suppose many of my Honourable friends have come prepared here only to refer all these amendments to the Select Committee for consideration. If that is not the procedure to be adopted to-day, I propose that the whole consideration of all these amendments be postponed until we have had sufficient time to consider whether we should refer all or any of these amendments to the Select Committee or not.

**Mr. President:** I cannot accept that proposal. It is, as I say, usurping the functions of the Select Committee. It seems to me highly

[ Mr. President. ]

undesirable that this Assembly should attempt to forestall the decisions or discussions of the Select Committee. It is much more desirable that this stage should be purely formal and that the Select Committee should be given discretion to take up these questions and deal with them as they appear to them.

**Mr. Harchandrai Vishindas** (Sind : Non-Muhammadan Rural) : I propose that the question be now put.

The motion was adopted.

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

‘ That leave be given to make the proposed amendment.’

The motion was adopted.

**Mr. F. McCarthy** : I beg to move :

‘ That the amendment I have proposed be referred to a Select Committee.’

The motion was adopted.

**Mr. F. McCarthy** : I beg to move for leave to amend the Legislative Assembly Standing Orders in the following manner and that the proposed amendments be referred to a Select Committee.

4. In Standing Order 25 :

(a) after the word ‘count’ the words ‘being demanded by a Member’ shall be inserted ; and

(b) the following proviso shall be added, namely :

‘ Provided that when a count has been taken, no demand for account shall be made within one hour thereof.’

5. To Standing Order 31 the following provision shall be added, namely :

‘ Provided that, unless the President otherwise directs nothing in this Standing Order shall apply in the case of a motion for the amendment of a Bill on which a decision has been given at an earlier stage of the Bill.’

6. Standing Order 32 shall be omitted.

7. Standing Order 34 shall be omitted.

8. After Standing Order 39 the following Standing Order shall be inserted, namely :

‘ 39-A. Where any motion under Standing Order 38 or 39 that a Bill be circulated for the purpose of eliciting opinion thereon is carried, the Assembly shall not be held to be committed to the principle of the Bill.’

9. In sub-order (1) of Standing Order 54 for the word ‘ten’ the word ‘twenty’ shall be substituted.

10. To Standing Order 56 the following sub-order shall be added, namely :

‘ (3) The Select Committee shall, unless the Assembly otherwise directs, have authority to propose amendments other than those of which notice has been given, and the report of the Select Committee shall contain a full explanation of all such amendments.’

11. For the proviso to Standing Order 59 the following shall be substituted, namely :

‘ Provided that no Resolution shall be admissible unless it is clearly and precisely expressed and raises a single definite issue.’

12. To sub-order (2) of Standing Order 61 the following shall be added, namely:

‘Unless any other Member, authorised in writing by such Member, moves the Resolution:

Provided that the President may in his discretion allow the Resolution to be moved without the written authority of the Member in whose name the Resolution stands.’

13. Standing Order 70 shall be omitted.

14. In Standing Order 75 for the words ‘Governor General’ the word ‘President’ shall be substituted.

The motion was adopted.

#### STANDING ORDERS NOS. 7, 18 AND 60.

**Rao Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Sir, I beg to move for leave to amend the Legislative Assembly Standing Orders. I have got various amendments.\* The first amendment I suggest relates to Standing Order No. 7 and explains itself. As a matter of practice, no doubt the Secretary gives us notice, but I want that the Secretary should prepare a list of business likely to come up before the Assembly before each Session, so that we may come prepared with the subjects which are likely to come up before the Assembly. That is the object of this amendment, and I hope it will commend itself to the Assembly.

**Mr. President:** The question is that leave be given to amend.

\*1. *Standing Order No. 7, rule 22.*

Add as clause 1 the following:

‘A list of business of the Assembly, Government and non-official, likely to come up before each Session shall be prepared by the Secretary and a copy thereof shall be circulated for the information of every Member at least a fortnight before the commencement of each Session.’

and re-number present clauses 1, 2 and 3 as 2, 3 and 4.

2. *Standing Order No. 13, rule 29, Proviso, clause (1).*

Add ‘other than that relating to the liberty of person or the security of property of any British subject residing within the limits of such state.’

3. *Standing order No. 13, rule 29, Proviso, clause (2).*

Add after the word ‘chief’ and before the word ‘and’ the following ‘other than that relating to the liberty of person or the security of property of any British subject residing within such territory.’

4. *Standing Order 58, rule 109, clause 1, sub-clause 1.*

Add ‘other than that relating to the liberty of person or the security of property of any British subject residing within the limits of such state.’

5. *Standing Order 58, rule 109, clause 1, sub-clause 2.*

Add after the word ‘chief’ and before the word ‘and’ the following:

‘other than that relating to the liberty of person or the security of property of any British subject residing within such territory.’

6. *Standing Order 18, rule 36.*

Add after the words ‘at the request of’ and before the word ‘the’ the following:

‘any Member who holds a written authority from such absent Member or of’.

7. *Standing Order 60, rule 112, clause 2.*

Add ‘unless some other Member is authorised in writing by such Member to move the Resolution or the President allows it to be moved at the request of any Member.’

**The Honourable Sir William Vincent:** Sir, I think that the Honourable Member means Standing Order No. 8 and not 7. I think he has misquoted the Standing Order to be amended.

**Mr. President:** There are certain respects in which the amendments proposed by Mr. Rangachariar cannot be admitted by the Select Committee at all, because they are *ultra vires*, that is to say, they are amendments of the Rules. But they appear here on the paper because notice has been given.

**Rao Bahadur T. Rangachariar:** I will explain that. As regards the 2nd, 3rd, 4th and 5th amendments standing in my name, they are more or less amendments of the Rules and not amendments of the Standing Orders. The amendment of these Rules has become necessary. They relate to the powers of this Assembly to put any question or to move any Resolution in respect of any action taken against a British subject in the Indian States. Sometimes they are deprived of their liberty; sometimes they are deprived of their properties, and we cannot get any information, because, as the rules are now interpreted, we cannot elicit information in the shape of questions with regard to these British subjects who are deprived of their liberty and property in Indian States, and we cannot move any Resolutions upon them. I think it is highly essential that this Assembly should have the right to get information about those British subjects who are so dealt with in Indian States and also should have the power to move Resolutions if necessary. I think, Sir, that it will be competent to the Select Committee to make suggestions to the Assembly to make recommendations to the Governor General in Council to amend the Rules. In that way, I think, the Select Committee will be competent to deal with the matter.

**Mr. President:** That is beyond the scope of the Select Committee on Standing Orders. The Statutory authority for the Rules is the Imperial Parliament, and I am afraid that what the Honourable Member is inviting the Select Committee to do is to have an academic discussion upon the amendment of the Rules. It is perfectly true that the Honourable Member will be entitled to move a Resolution recommending to the Governor General in Council an amendment of these rules, but . . . .

**Rao Bahadur T. Rangachariar:** I quite realise that, Sir. I only wanted to fortify myself with the opinion of the Select Committee whether the Assembly should take such a step or not. It is rather an important question and I did not want to take the responsibility of rushing the Assembly with a Resolution of that sort, and therefore I thought that it would be much better discussed in the Select Committee whether it is desirable to move such an amendment or not. In that view I do not know whether you will rule it altogether out of the powers of the Select Committee to consider whether any such recommendation should be made.

**Mr. President:** The Honourable Member is a very skilful lawyer and I am not. As Chairman of the Select Committee I should be bound to rule that it is outside the scope of the Select Committee to consider an amendment of the rules. Whether it would be outside the scope of the Select Committee to consider an ingenious reference made by the Honourable Member I am not sure.

**Rao Bahadur T. Rangachariar:** In that view I do not propose those amendments. Items 6 and 7 in my name are already anticipated by the

motion of Mr. McCarthy and I would also move them so that they may be considered by the Select Committee.

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

'That leave be given to amend\* the Legislative Assembly Standing Orders and that the proposed amendments be referred to a Select Committee.'

\* 1. *Standing Order No. 7, rule 22.*

Add as clause 1 the following :

'A list of business of the Assembly, Government and non-official, likely to come up before each Session shall be prepared by the Secretary and a copy thereof shall be circulated for the information of every Member at least a fortnight before the commencement of each Session.'

and re-number present clauses 1, 2 and 3 as 2, 3 and 4.

6. *Standing Order 18, rule 36.*

Add after the words 'at the request of' and before the word 'the' the following :

'any Member who holds a written authority from such absent Member or of.'

7. *Standing Order 60, rule 112, clause 2.*

Add 'unless some other Member is authorised in writing by such Member to move the Resolution or the President allows it to be moved at the request of any Member.'

The motion was adopted :

**Rai Sahib Lakshmi Narayan Lal** (Bihar and Orissa : Nominated Non-Official) : I move for leave to amend the Legislative Assembly Standing Orders in the following manner.† They may be taken as read :

(At this stage the Honourable Member began to read the amendments.)

**Mr. President :** The Honourable Member need not read them all out unless there is anything in his proposed amendments which requires special explanation.

**Rai Sahib Lakshmi Narayan Lal :** In my opinion no explanation is required of any of the proposed amendments, and so I move all my amendments.

† (1) *Section 3 (3).*

In section 3 (3) the following be added after the word 'direct' :

'provided that the Assembly may make any such change in the arrangement as it thinks fit.'

(2) *Section 4 (1).*

(1) The following should be substituted for section 4 (1) :

'All pending questions and Resolutions shall be taken up, according to the rules, at the next Session.'

(2) In the proviso to section 4 (2) the following should be substituted for the words from 'unless' to 'Bill' :

'Unless any other Member of the Assembly takes up that Bill.'

(3) *Section 6.*

In section 6 the following should be substituted for the words from 'ordinarily to 4 P.M.' :

'not commence before 11 A.M. and shall not continue after 6 P.M.'

[ Rai Sahib Lakshmi Narayan Lal.]

(4) Section 7 (2).

The following proviso be added at the end of clause (2) of section 7 :

' Provided also that the President, with the consent of the Government Member concerned, may take up any of the non-official Bills or Resolutions, without any ballot, on Government business days, after due notice.'

(5) Section 8 (1).

In section 8 (1) the following should be substituted for the words from 'made to Member' :

' circulated to every Member at least 48 hours before the sitting for the day '.

(6) Section 9.

In section 9 the words from 'but' to 'day' should be dropped.

(7) Section 10.

Section 10 should be dropped.

(8) Section 12.

(a) In section 12 (1) the following should be substituted for the words from 'make' to 'Member' :

' Circulate to each Member, at least 48 hours before the sitting for the day fixed for the purpose.'

(b) Section 12 (2) should be dropped.

(9) Sections 17 to 20.

Sections 17 to 20 should be dropped and substituted by the following :

' Written answers shall be circulated to the Members in respect of all questions which have not been disallowed.'

(10) Section 21.

In section 21 the words 'after questions and' should be dropped.

(11) Section 23.

In section 23 the words '4 P.M.' should be substituted by the words 'after the recess'.

(12) Section 32 (1) and (3).

(a) In section 32 (1) the following be added at the end after the word 'debate' :

' At least 24 hours before the sitting for the day fixed for any subject, any Member (other than the Mover) may inform the President of his intention to speak on that subject and of the time (not exceeding 10 minutes) that he requires for the purpose; the President may allow such time as he thinks fit to as many Members as practicable to speak in the order fixed by the President; intimation of this shall be given to the Members before the commencement of the proceedings for the day.'

(b) In section 32 (3) the words from 'and' to 'replied' be dropped.

(13) Section 38 (1).

In section 38 (1) the words from 'and' to 'made' in the proviso be dropped and substituted by the following words :

' for three days before the day on which the motion is made.'



*(14) Section 41 (3).*

In section 41 (3) the following should be added at the end after the word 'final':

'The final report shall give reasons for differing from the (invited) opinions arranged and classified under the different sections to which they relate.'

*(15) Section 44 (a).*

In section 44 (a) the words from 'Provided' to 'consideration' dropped and substituted by the following:

'Provided that a copy of the report has been made available for the use of the Members for 7 days.'

*(16) Section 62.*

'Ten' should be substituted for 'fifteen' and 'twenty' for 'thirty'.

*(17) Section 61 (2).*

In section 61 (2) the following should be added at the end after the word 'withdrawn' 'unless some other Member takes up that Resolution'.

*(18) Section 65 (2).*

In section 65 (2) the words 'if time permits' should be omitted.

*(19) Section 67 (2).*

Section 67 (2) should be dropped and substituted by the following:

'All the amendments which have been brought forward shall be first put to the vote in the order in which they stand on the list of business; those for which 2 days' notice has been given shall have priority over others.'

The original Resolution shall be put to the vote after all the amendments have been disposed of.'

*(20) Section 69.*

In section 69, the words from 'it' to 'withdrawn' should be dropped and substituted by the following:

'shall be taken up, according to the rules, at the next Session.'

*(21) Section 71.*

In section 71 the following should be added at the end after the word 'Assembly':

'A copy of the Budget speech and all the papers connected therewith should be circulated at least a fortnight before the dates fixed for the discussion of the grant.'

## SCHEDULE I.

*(22) Section (1) of the Schedule I.*

In section (1) the following may be added at the end after the word 'Member':

'and may authorize the Secretary (without specifying a number) in writing to enter his name on the list'.

*(23) Section (6) of the Schedule I.*

In section 6, line 7, the following should be inserted between the words 'down' and 'and':

'unless he has already intimated to the Secretary in writing about the same'.

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

'That leave be given to amend the Legislative Assembly Standing Orders and that the proposed amendments be referred to a Select Committee.'

The motion was adopted.

#### NOMINATIONS FOR SELECT COMMITTEE.

**Mr. President :** Nominations for this Select Committee in the form provided for under the Standing Orders will be admissible up to 4 P.M. to-morrow and election will be held on Monday. The Committee, as Members are aware, is composed of the President, the Deputy President and seven Members elected by the single transferable vote.

#### SUPPLEMENTARY AMENDMENTS TO STANDING ORDERS.

**Mr. J. N. Mukherjee** (Calcutta Suburbs: Non-Muhammadan Urban) : I have submitted to the Honourable the President a letter suggesting two supplementary amendments, one with reference to the amendment of section 8 proposed by the Honourable Sir William Vincent and the other with reference to another amendment of Rai Sahib Lakshmi Narayan Lal which suggests a forty-eight hours' previous notice, and I pray that my two amendments may be put to this House. I pray that the President may be pleased to dispense with the ten days' notice provided in section 54 of the Standing Orders and the House may give me leave to introduce my two amendments. The amendments I propose are :

'(a) To Standing Order No. 8 the following words be added at the end of the 1st paragraph thereof :

'At least twenty-four hours before the commencement of the sitting for the day fixed for the transaction of such business by putting up such list on the notice board, also by forwarding a copy thereof to every Member so that it may reach in time his registered address in the town where the Session is being held.'

The amendment proposed will make the matter more specific, and my object in putting it forward is that the Select Committee may have an opportunity of considering it. The next amendment I propose is :

'That to clause 1 of Schedule I after the amendment, as proposed by the Honourable Sir William Vincent, the following words be added :

'Provided that where the commencement of the said period of seventeen days falls on a date prior to the date of commencement of a Session of the Assembly, such numbered list shall also be forwarded by post to every Member at least twenty-one days before the first date allotted for the transaction of non-official business during such Session.'

My submission to the House is that these points are well worth considering, and I hope the Honourable the President will dispense with the ten days' notice and the House will give me the necessary leave, so that these may go before the Select Committee.

**Mr. President :** I agree that the Honourable Member has not been able to give ten days' notice because he has not been able to consider whether he wishes to amend the proposed amendments, but I am prepared to give him an undertaking that the Committee will consider the amendments to the proposed amendments which he has suggested. I do not think it is necessary

to put them to the House. If he will accept that undertaking, I will guarantee that the Select Committee will consider the suggestions he has made.

### RESOLUTION *RE* : POLICY OF REPRESSION.

(The President called out the name of Munshi Iswar Saran whose Resolution *re* the Policy of Repression was next on the President's List of Business. Munshi Iswar Saran was not present in the House.)

**The Honourable Sir William Vincent** (Home Member) : Mr. Iswar Saran has just come into the House.

**Mr. President** : I now call upon the Honourable Member to move his Resolution.

**The Honourable Sir William Vincent** : I think it was the wish of the House yesterday that this Resolution was to be postponed and not be moved at all to-day. That is what I understood and I see that in my copy of the List of Business this item is cut out.

**Mr. President** : The Resolution appears in the List of Business which has been placed on my table this morning and I must go by that. I was perfectly well aware that the House was to postpone the discussion on this Resolution, but I may point out that under Standing Order 61 if the Member who has a Resolution standing in his name is absent, the Resolution shall be deemed to have been withdrawn. I do not know whether the Honourable Member wishes his Resolution to disappear from the List of Business.

**Mr. Harchandrai Vishindas** (Sind : Non-Muhammadan Rural) : We are not prepared to deal with the Resolution after the decision arrived at yesterday. The List of Business that is supplied to us has this item cut out altogether, so we were under the impression that this business was not coming on to-day.

**Mr. President** : The Honourable Member does not seem to be aware that I am dealing with a different point. The decision made yesterday was made on a motion without any relation to the List of Business. The List of Business on my table contains this item and in order to protect the rights of the Honourable Member from Allahabad I was bound to call his name, so that, if he chose, he could get up and ask that this motion be postponed. Otherwise the Resolution would disappear not only from the List of Business but out of existence.

**Munshi Iswar Saran** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, in view of the decision arrived at yesterday, I beg to ask for permission not to move this Resolution to-day but to have it postponed till some future date.

**Mr. President** : The question is that permission be granted.

**Mr. Jamnadas Dwardadas** (Bombay City : Non-Muhammadan Urban) : Before this motion is put to the vote, I want to say a word or two. I wish the Honourable the Home Member would give us some idea as to the date on which this Resolution will be taken up. I am aware, Sir, that the Government

[Mr. Jamnadas Dwarkadas.]

have tried their best to meet the wishes of the Members, especially those who had sent notices for motions of adjournment, but unfortunately the House yesterday decided to postpone the debate. I wish, however, Sir, that the Government would find it convenient to mention the date now. So far as I am concerned I came specially from Calcutta, where I was engaged in the work of the Fiscal Commission, to take part in the debate on this Resolution. It is very inconvenient not to know when the debate is coming on and I must go back and join the Fiscal Commission. I think that is the state of many Members here. They want to go and join various Committees on which they are and unless the date is known to them, it is impossible for them to know when they should come.

**The Honourable Sir William Vincent :** Sir, I rise to a point of order. Standing Order 61 provides that the Member in whose name a Resolution stands on the list of business shall, when called on, either (1) withdraw the Resolution in which case he shall confine himself to a mere statement to that effect ; or (2) move the Resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business. The present motion is thus strictly speaking not in order. I do not want to press the point, however, as I understand that the Resolution was not in the list of business before Members and, therefore, the present motion is really unnecessary. But with reference to the remarks of Mr. Dwarkadas I think the Honourable Member will give me credit for having invited a debate on this subject at the earliest moment. It was not Government that avoided this debate. It was the Honourable Members of this Assembly who were anxious not to have it to-day. We were quite ready for the debate and we had nothing to conceal. As to giving another date, Honourable Members will remember that the days fixed for Government business are very limited. We have given increased facilities this Session for non-official business and there is a great deal of official work to be done. As I said, our time is limited and I cannot, without leave of His Excellency, to whom I shall take this matter personally and whose personal orders I shall obtain in this matter, make any definite statement at present, but I have no doubt that Government will do their best, having regard to the importance of the question and to the performance of Government business, to afford facilities for the debate if this is possible. I cannot however say when the debate will be taken up because it will depend upon other business.

We have given one day, which has not been accepted.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Sir, Friday or Saturday next will be very convenient. If

12-20 P.M.

His Excellency will see his way to give sanction to the Honourable Home Member, it will be suitable for us. I am sure, the Honourable Home Member will get that sanction. And this can be done in a few minutes if my Honourable friend will kindly go out of the Assembly Chamber for a little while and bring a suitable message from His Excellency the Viceroy that we may deal with the subject, Sir, either on Friday or Saturday. On both days, Sir, I think we have nothing to do, and that will be a convenient date, which will suit both the Honourable Home Member and all of us.

**The Honourable Sir William Vincent :** Sir, I always understood there was one clear religious duty for Muhammadans on Friday and I am surprised to hear that Mr. K. Ahmed has nothing to do on that date. I am not, in any case in that fortunate position nor are the other Members of Government. Everyone knows next Friday is a day prescribed for the Executive Council. As I have said, I will consult my colleagues and His Excellency, but I can give no kind of undertaking that we shall find a day for this debate. Nor can the Members of this Assembly, I think, legitimately ask me to do it. I was willing to give an early opportunity for the debate to-day, but for various reasons Honourable Members were not prepared to take up the challenge.

(Mr. K. Ahmed rose to speak.)

**Mr. President :** Order, order.

**The Honourable Sir William Vincent :** In the circumstances I really cannot be asked now to fix on any special date for this debate. I simply must decline to do it.

**Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) :** I move that the motion be adjourned to the 19th January.

**Mr. President :** Secretary explains to me that there was no time actually to print the new notice, but, having printed the list with this item upon it, it was officially struck out. I was not aware of that. The Honourable Member will understand that I had to call it, with the notice appearing before me. However, the motion which he has moved need not now be proceeded with, namely, for postponement, because we may take it that technically this notice does not appear on the paper.

**Sir P. S. Sivaswamy Aiyer :** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I should like to ask, on a question of procedure, whether you consider yourself so far bound by a clerical error in the preparation of the agenda that you should adhere to the agenda in spite of the fact that it contains an obvious mistake of which you and ourselves are aware, and whether you should take up the erroneous item and propose it for consideration. Now it so happens that Munshi Iswar Saran is present, but he might have gone back yesterday to Allahabad, or some other Member might, on the strength of the decision, have absented himself. I wish to know whether you would consider yourself so rigidly bound by all the mistakes committed by the office in the preparation of the agenda that you feel you ought to adhere to the agenda nevertheless and insist upon it.

**Mr. President :** I should certainly not consider the Chair bound by clerical errors of the Department or of the printer; and I do not want to allow the suggestion to pass that it is due to a mistake of the office. After all, the Assembly made up its mind somewhat in a hurry yesterday, and it was not very easy to get a list printed 3 or 4 days ago corrected in time. It is entirely due to accident and circumstances of the moment that this appears on the list at all. As I understand, in some cases it has been scored out, and in some cases it has not been scored out, but I assure the Honourable Member that neither the Chair nor the Assembly are bound by any such errors.

**Munshi Iswar Saran:** Sir, I may be permitted to explain that it was by mere chance that I came into this Chamber just now. I came to mention a different matter to one of my colleagues. I was all along under the impression that this Resolution would not come up to-day. Had it not been for the fact that I had to consult a friend of mine, I would not have come into the Chamber at this moment and I would have been working on the Committee on the Income-tax Bill.

**Mr. President:** This House now stands adjourned till Eleven of the Clock to-morrow, the 12th January, 1922.