

13th February, 1922

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

SECOND SESSION

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OF THE  
LEGISLATIVE ASSEMBLY, 1922



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# CONTENTS.

---

	PAGE
<b>TUESDAY, 10TH JANUARY, 1922</b>	
New Year's Greetings.	
Oath.	
Statements laid on the Table.	
Questions and Answers.	
Unstarred Questions and Answers.	
Address of Welcome to H. B. H. the Prince of Wales.	
Statement of Government Business.	
Resolution <i>re</i> : the Abandonment of the Policy of Repression.	
Congratulation of Honours.	
Panel of Chairman.	
Committee on the Functions of the Deputy President.	
Ruling on Standing Order No. 38.	
Notice of Motion under Rule 11.	
Motion for Adjournment.	
The Indian Electricity (Amendment) Bill.	
The Indian Factories (Amendment) Bill.	
<b>WEDNESDAY, 11TH JANUARY, 1922</b> . . . . .	1489-1512
Statements laid on the Table.	
Amendment of Standing Orders.	
Resolution <i>re</i> : Policy of Repression.	
<b>THURSDAY, 12TH JANUARY, 1922</b> . . . . .	1513-1560
Oath.	
Resolution <i>re</i> : Indigenous Systems of Medicine.	
Resolution <i>re</i> : Indian Mercantile Marine.	
Resolution <i>re</i> : Prevention of Overcrowding in Railways.	
<b>MONDAY, 16TH JANUARY, 1922</b>	1561-1612
Oaths.	
Questions and Answers.	
Unstarred Questions and Answers.	
Statement laid on the Table.	
Address of Welcome to H. R. H. the Prince of Wales.	
Select Committee on Standing Orders.	
The Code of Criminal Procedure (Amendment) Bill.	
The Delhi University Bill.	
• Vol. II—Pt. II.	

TUESDAY, 17TH JANUARY, 1922 . . . . .	1613-1656
Unstarred Questions and Answers. Select Committee on Standing Orders. The Civil Marriage (Amendment) Bill. Message from the Council of State. The Civil Marriage (Amendment) Bill. The Mussalman Waqfs Registration Bill. The Code of Criminal Procedure (Amendment) Bill. The Code of Civil Procedure (Amendment) Bill. The Interest Act 1839 Amendment Bill.	
WEDNESDAY, 18TH JANUARY, 1922 . . . . .	1657-1736
Oaths. The Civil Marriage (Amendment) Bill. The Indian Emigration Bill. The Indian Income-tax Bill. Resolution <i>re</i> : abandonment of the Policy of Repression.	
THURSDAY, 19TH JANUARY, 1922 . . . . .	1737-1789
Unstarred Questions and Answers. Ballot for Bills. Statement of Government Business. Resolution <i>re</i> : Committee on certain sections of the I. P. C. and C. P. C. Resolution <i>re</i> : Elected Standing Committees with the Government of India.	
FRIDAY, 20TH JANUARY, 1922 . . . . .	1791-1813
Governor General's Assent to Bills passed by the Legislature. The Civil Marriage (Amendment) Bill.	
TUESDAY, 24TH JANUARY, 1922 . . . . .	1815-1889
Questions and Answers. Unstarred Questions and Answers. Messages from the Council of State. Resolution <i>re</i> : Committees on Currency and Exchange. Resolution <i>re</i> : the abolition of Impressed Labour, Conveyance and Provision.	
WEDNESDAY, 25TH JANUARY, 1922 . . . . .	1891-1941
Statement laid on the Table. The Code of Civil Procedure (Amendment) Bill. The Delhi University Bill. The Indian Income-tax Bill.	

THURSDAY, 23TH JANUARY, 1922

Situation in Guntur.  
Statement laid on the Table.  
Questions and Answers.  
Situation in Guntur.  
Statement of Government Business.  
Governor General's Assent to Bills passed by the Legislature.  
Resolution *re* : Votable and Non-votable items in the Budget.  
Resolution *re* : Export of Manures and Oil Seeds.  
Message from the Council of State.

SATURDAY, 28TH JANUARY, 1922 . . . . . 1991-2050

The Delhi University Bill.  
The Indian Income-tax Bill.  
Amendment of Standing Orders.  
The Police (Incitement to Disaffection) Bill.  
The Civil Procedure (Amendment) Bill.  
The Indian Emigration Bill.

TUESDAY, 31ST JANUARY, 1922 . . . . . 2051-2073

Questions and Answers.  
Unstarred Questions and Answers.  
Arrangement of Government Business.  
The Code of Criminal Procedure (Amendment) Bill.  
The Land Acquisition (Amendment) Bill.  
The Code of Criminal Procedure (Amendment) Bill.

WEDNESDAY, 1ST FEBRUARY, 1922 . . . . . 2075-2102

Bills passed by the Council of State.  
The Indian Lunacy (Amendment) Bill.  
Resolution *re* : Women's Franchise.

FRIDAY, 3RD FEBRUARY, 1922 . . . . . 2103-2151

Questions and Answers.  
Statement of Business.  
Resolution *re* : Examination of the Indian Penal Code.  
Resolution *re* : Reduction of Madras Contribution to Central Government.  
Resolutions withdrawn.  
Resolution *re* : Separation of the Andhra Districts from the Madras Presidency.  
Resolution *re* : Committee of Inquiry on Expulsion from Cantonnments.  
Presentation of Report of Select Committee on Standing Orders.  
Resolution *re* : Committee on Retrenchment.



	PAGE
MONDAY, 6TH FEBRUARY, 1922 . . . . .	2153-2220
Questions and Answers.	
Unstarred Questions and Answers.	
Motion for Adjournment.	
The Civil Procedure (Amendment) Bill.	
The Benares Hindu University (Amendment) Bill.	
The Indian Emigration Bill.	
TUESDAY, 7TH FEBRUARY, 1922 . . . . .	2221-2243
The Indian Limitation (Amendment) Bill.	
The Code of Civil Procedure (Amendment) Bill.	
Resolution <i>re</i> : Suppression of Traffic in Women and Children.	
The Code of Civil Procedure (Amendment) Bill.	
Discussions in Select Committee.	
WEDNESDAY, 8TH FEBRUARY, 1922 . . . . .	2245-2282
Presentation Ceremony and Royal Durbar.	
The Indian Lunacy (Amendment) Bill.	
Resolution <i>re</i> : Committee on New Arms Rules, 1920.	
Disturbances in the United Provinces.	
Resolution <i>re</i> : Withdrawal of Martial Law in Malabar.	
Disturbances in the United Provinces.	
THURSDAY, 9TH FEBRUARY, 1922 . . . . .	2283-2312
Oath.	
Question and Answer.	
Unstarred Question and Answer.	
Statement of Business.	
Resolution <i>re</i> : Improvement of Medical Education in India.	
Resolution <i>re</i> : Equality of Status for Indians in Africa.	
SATURDAY, 11TH FEBRUARY, 1922 . . . . .	2343-2366
Questions and Answers.	
Unstarred Questions and Answers.	
Governor General's Assent to the Benares Hindu University (Amendment) Bill.	
Resolution <i>re</i> : Indianisation of the Services.	
MONDAY, 13TH FEBRUARY, 1922 . . . . .	2393-2428
Oath.	
Questions and Answers.	
Unstarred Questions and Answers.	
Motions for Adjournment.	
The Civil Procedure (Amendment) Bill.	
The Delhi University Bill.	
The Special Laws Repeal Bill.	
The Indian Criminal Law Amendment Repealing Bill.	
Amendment of Standing Orders.	
Time for Balloting.	

WEDNESDAY, 22ND FEBRUARY, 1922 . . . . . 2499-2498

Questions and Answers.  
 Unstarred Questions and Answers.  
 Message from the Secretary of State.  
 The Indian Limitation (Amendment) Bill.  
 The Civil Procedure (Amendment) Bill.  
 The Delhi University Bill.

THURSDAY, 23RD FEBRUARY, 1922 . . . . . 2499-2558

Questions and Answers.  
 Government Policy in regard to Non-co-operation Movement.  
 Governor General's Assent to Bills.  
 Statement of Legislative Business.  
 Resolution *re*: Technical Training of Indian and Anglo-Indian  
 Youths.  
 Resolution *re*: E. and P. Service and Military Officers in Judicial or  
 Administrative Posts.  
 Messages from the Council of State.

MONDAY, 27TH FEBRUARY, 1922 . . . . . 2559-2615

Statements laid on the Table.  
 Questions and Answers.  
 Unstarred Questions and Answers.  
 Amendment of Standing Order.  
 The Indian Income-tax Bill.  
 The Indian Ports (Amendment) Bill.  
 Resolution *re*: India's participation in the British Empire Exhibi-  
 tion.  
 Resolution *re*: Prohibition of Traffic in Mipur Girls.

# LEGISLATIVE ASSEMBLY,

*Monday, 13th February, 1922.*

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

## MEMBER SWORN :

Mr. George Bridge, M.L.A. (Assam ; European).

## QUESTIONS AND ANSWERS.

### ABOLITION OF POSTS OF DIVISIONAL COMMISSIONERS AND SUPERINTENDING AND SANITARY ENGINEERS.

190. \***Beohar Raghbir Sinha**†: Will the Government be pleased to state if they have considered or are considering the advisability of the abolition of the posts of Divisional Commissioners, Superintending Engineers and Sanitary Engineers?

**The Honourable Sir William Vincent**: As regards Divisional Commissioners, the subject is under consideration. The question of abolishing posts of Superintending and Sanitary Engineers has not been considered.

### RULES GOVERNING THE CONDUCT OF VISITORS TO ANCIENT MAUSOLEUMS AND SACRED BUILDINGS IN LUCKNOW, AGRA, ETC.

191. \***Prince Afsar-ul-Mulk Mirza Muhammad Akram Hussain Bahadur** : (1) Will the Government be pleased to state what authority is responsible for the framing of Rules of Conduct for visitors to

(a) Husainabad Imambarah at Lucknow,

(b) Asafud-Dowla's Imambarah at Lucknow,

(c) Shah Najaf at Lucknow ; also the sacred tombs and ancient historical buildings at Agra, Ajmere, Fatehpur Sikri and Delhi ?

(2) Is the Government aware that visitors to ancient mausoleums and sacred buildings in Lucknow, Agra and probably in other places are required, if Indians and in Indian dress, to take off their shoes, while Europeans are allowed to go in with shoes ?

(3) Is the Government aware that such rules have for many years been silently producing in the Indian public mind a feeling of resentment and of distinct inferiority ?

(4) Will the Government be pleased as a central supervising body to advise and direct the authorities concerned through the Local Governments to revise the Rules governing the conduct of visitors so as to have a uniform

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† The Honourable Member being absent, the question was put by Mr. Pyari Lal Misra.

set of rules for all visitors alike in keeping with the Indian sentiment of respect?

(5) Will the Government be pleased to lay on the table of the House the replies received, when the communication asked for is made, to show what action, if any, the respective authorities concerned propose to take in the matter?

**The Honourable Sir William Vincent:** (1) Government have no precise information on this point.

(2) The practice varies in different places. Government are not aware what rules are in force in the places specified.

(3) Government are not aware of the existence of any such general feeling. They understand that, when rules are framed to regulate the admission of visitors, due consideration is given to local religious feelings.

(4) and (5). Government see no need to take the action proposed, but they are prepared to send copies of this question and answer to Local Governments for such action, if any, as they may think necessary.

#### MR. HORNE'S MISSION TO AMERICA.

192. \***Rai Bahadur S. P. Bajpai:** (a) Will the Government state if Mr. Horne of the Patna University has been sent to America on a special mission?

(b) If the reply to part (a) is in the affirmative, will the Government state what is the object of the mission?

(c) Will the Government state whether the Government of India or Bihar Government will bear the expenses?

(d) What amount has been allotted for the purpose?

(e) What instructions, if any, have been issued to him to carry out the objects of his mission?

**The Honourable Sir William Vincent:** I would invite the Honourable Member's attention to the reply given by me on the 6th February to a question by Rai G. C. Nag Bahadur on this matter. I have nothing to add to that reply except that the cost of the deputation will be met by the Government of India.

#### VOTABLE AND NON-VOTABLE ITEMS IN THE BUDGET.

193. \***Rai Bahadur S. P. Bajpai:** (a) Will the Government state if the result of Mr. Ginwala's Resolution regarding votable and non-votable items in the Budget has been cabled to the Secretary of State for India?

(b) Will the Government state what steps have been taken to obtain the opinion of Law Officers of the Crown on the interpretation of section 67 (A) (B) of the Government of India Act?

**Mr. G. G. Sim:** (a) The reply is in the affirmative.

(b) The Secretary of State has been asked to obtain the opinion of the Law Officers of the Crown on the point at issue.

UNSTARRED QUESTIONS AND ANSWERS.

MALABAR RELIEF MEASURES.

265. **Beohar Raghbir Sinha**: (a) Have the Government made any contribution to the Malabar Relief Fund managed by Mr. Devadhar of the Servants of India Society? If so, how? If not, will the Government make a suitable contribution for this laudable object?

(b) Has the Government adopted any independent relief measures there? If so, what are those?

**The Honourable Sir William Vincent**: This question relates to matters which are not primarily the concern of the Governor General in Council, but I will arrange to have a copy of it together with a copy of this reply sent to the Government of Madras.

As regards part (a) of the question, I may say that it is not usual for Government to contribute to charitable funds of this nature.

As regards part (b), the relief measures taken by the Local Government, which include the provision on a very large scale of accommodation for refugees, have been described in the public press.

UNSATISFACTORY ARRANGEMENTS FOR THE ACCOMMODATION OF HONOURABLE MEMBERS.

266. **Beohar Raghbir Sinha**: (a) Will the Government be pleased to state the amount spent on the construction and furniture of Eastern and Western Hostels and other quarters allotted to the Honourable Members of the Legislature?

(b) Are these intended for the accommodation of the Members as a permanent arrangement?

(c) Were the Members ever consulted as to the plan and other requirements?

(d) Are the Government aware that they are dissatisfied at the scantiness of accommodation available at Eastern Hostel and the higher rents charged for in comparison to greater accommodation at and lesser rents charged for Windsor Place quarters and Metcalfe House?

(e) Are the Government also aware that on account of the above reasons many Members have left and are leaving the Eastern Hostel to occupy more suitable habitations, and some have not turned up simply because they could not arrange for suitable accommodation?

**Colonel Sir S. D'A. Crookshank**: (a) (i). Construction and furnishing of the East and West hostels—Rs. 18,60,000.

(ii) Construction and furnishing of the Orthodox quarters—Rs. 3,87,000.

(b) Only, and after the transfer to the New Capital has been made, in the event of sufficient Members of the then Councils desiring that the existing arrangements should continue.

(c) The hostels were designed and part completed before the present Councils came into existence. The question of the amount of accommodation to be provided in them was referred to a Committee of non-official Members of the old Legislative Council in February, 1920, and orthodox opinion in connection with the remodelling of the East Hostel for the purpose of providing semi-orthodox quarters therein was elicited during its construction. The design of the new orthodox quarters was placed before, and approved by, a meeting of the House Committee of the Legislature held in March, 1921.

(d) The Government of India are not aware of any general dissatisfaction either as regards the accommodation provided or the rents charged. A few individual complaints have been received and will be given due consideration.

(e) No. It is not possible, nor was it ever contemplated, to provide in the hostels the extensive family accommodation which some Members may desire, and these must necessarily make their own arrangements.

## MOTIONS FOR ADJOURNMENT.

### THE RAILWAY STRIKE.

**Lala Girdharilal Agarwala** (Agra Division : Non-Muhammadan Rural) : Sir, I beg to move for leave to adjourn the business of the Assembly for the purpose of discussing an urgent matter of public importance, namely, the strike on the East Indian Railway. Sir, I have given notice to you for the purpose, and I think it is a matter of very urgent importance. From a notice printed in the 'Leader' of the 13th instant, that is, of to-day's date, on page 9, you will find that a large number of trains have been stopped, and this shows that the matter has become very serious. For these reasons, I submit, that this is a matter which should be discussed by this Assembly as soon as possible. A more important reason is that, as His Royal Highness the Prince of Wales is coming in our midst, we do not want that there should be any such thing to be seen here. That is the reason why I wish to move that the business of the Assembly be adjourned for the purpose of considering this question.

**The Honourable Sir William Vincent** (Home Member) : Sir, the position in regard to the strike has already been explained by the Honourable the Mover ; I only want to remind Members that many of them have made other important engagements for this afternoon, so that, if any discussion that may be necessary were held either before 4 O'clock or on some other day, it might suit the convenience of Members of the Assembly. That is, however, a matter for them to decide.

I only wish to deal with one other point, namely, the suggestion that this discussion will affect the position *vis-a-vis* His Royal Highness' arrival. Sir, as His Royal Highness arrives to-morrow, it seems a little difficult to imagine that any discussion in this Assembly to-day will be able to effect any change in the situation in time to minimise the inconvenience possibly attendant on the strike during his visit.

**Mr. President** : A Railway strike is, of course, a matter of public importance, but the provisions of the Standing Orders, providing for the adjournment of the business of this Assembly to discuss a matter of importance, are

designed to give Government an opportunity of making a statement, which would not otherwise arise.

Now, a statement by Government in this House is not the direct means for dealing with such a matter (as) Railway strike. It is more a matter for administrative action, and perhaps the Honourable the President of the Railway Board may be in a position now to make a statement which would obviate the necessity for a discussion, if the Honourable Member from Allahabad were to put him the question now.

**Lala Girdharilal Agarwala:** Will the Honourable the President of the Railway Board be pleased to say what is the real cause of the Railway strike and how do the authorities concerned propose to meet the situation?

**Colonel W. D. Waghorn** (President Railway Board): Sir, all the facts and developments in connection with this strike have been very fully published in the papers, and the Government have very little to add. As Honourable Members are aware, the strike commenced on the 2nd instant owing to the alleged assault on an Indian fireman, Ram Lal by name, by his driver and the first fireman. Independent inquiries have been held by both the Police and the District Magistrate, and in both these inquiries the result has been to show that the assault was a gross misrepresentation. I will read here a statement from the report received from the Commissioner of Agra:

'The strike of Indian Railway employees at Tundla still continues. The alleged assault on a fireman, Ram Lal, has been investigated by the Police and District Magistrate. Ram Lal has been discharged from hospital and his story proved to be a gross misrepresentation. There was some slight friction between him and the engine driver at night work in the yard; Ram Lal left the engine and threw himself down near the office complaining that he was hurt. He was sent to hospital by the European Loco. Foreman but no definite signs of injury could be found. He is weak with chronic malaria and dysentery, but the medical opinion is that Ram Lal could return to work if he wished.'

These, so far as the behaviour of the fireman is concerned, I believe to be absolute facts of the case. As regards the behaviour of the strikers since then, it is understood that they have now raised the question of preferential treatment and that they have been endeavouring to get out the rest of the staff.

The situation as regards the East Indian Railway is that, on the main stations from Moghalsarai to Ghaziabad, inclusive, and at Ambala and Kalka, the Indian loco. running staff are out. They have been endeavouring to get out the traffic and engineering staff, and, in the Allahabad district, they have got a certain amount of the staff at the wayside stations to come out. The rest of the staff have been reinforced from other stations and the traffic are working, I understand, all the mail trains, and No. 6 Down and 7 Up passenger trains. Other passenger trains have been taken off in order to make way for goods trains which must be got through. Troops have been sent to certain of these stations where efforts are being made to intimidate those who are remaining loyal and standing by the railway, and the position has been unchanged for the last few days. We have heard nothing later as to further developments, and I do not think there is anything that can be done at the present moment. So long as the staff are not intimidated, they will remain loyal and by degrees we shall be able

[ Colonel W. D. Waghorn.]

to replace those who are out on strike now and improve the conditions of working. I do not think there is anything further that we can do at present.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadan) : Sir, may I ask the Honourable the President of the Railway Board whether any action has been taken against the assailant of this man, Ram Lal. It seems to me that, if prompt action had been taken to mete out condign punishment to the assailant, the strike which has taken place would probably not have been so extensive as it is ; and further, if any prompt action is taken now, it will have some effect upon this strike.

**Colonel W. D. Waghorn** : I would like to make it quite clear—and it is quite clear from the papers and the report I read—that the inquiries held were quite independent—the Police inquiry and the Magistrate's inquiry. The result of those inquiries was to show that there had been no criminal assault whatsoever. There was no mark of injury, and the man had made a fraudulent complaint.

There was no assault : that has been inquired into. We could not, therefore, dismiss a man for making an assault which was not proved.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : May I ask where Ram Lal is at the present moment ?

**Colonel W. D. Waghorn** : To the best of my belief, he is at his quarters in Tundla.

**Mr. K. Ahmed** : I have been inquiring last night from different people all the way from Moghalsarai to Tundla, but nobody could give me any clue as to the whereabouts of this man. Is the Honourable the President of the Railway Board in a position to enlighten the House as regards his whereabouts.

**Colonel W. D. Waghorn** : I am afraid I cannot say. I heard he was taken round and shown to the staff at Tundla as being uninjured and capable of going back to work.

**Mr. K. Ahmed** : Is it not a fact that he has been transmitted to a certain hospital in Calcutta, and that he is lying in some hospital there under the treatment of a doctor ?

**Colonel W. D. Waghorn** : No. I think I can deny that absolutely. He was taken to hospital at Tundla, but he is not in hospital now. He has been removed and he has been taken round Tundla to show that he is capable of going back to work.

**Mr. K. Ahmed** : Is he working there ?

**Colonel W. D. Waghorn** : No, he is not.

**Mr. K. Ahmed** : Has he resigned ?

**Colonel W. D. Waghorn** : He will be discharged. That will be the next thing.



**Mr. K. Ahmed:** Then, Government is not in a position to enlighten this Assembly as to whether he is in service or whether he is being kept somewhere?

**Mr. President:** I think the Honourable Member must give notice of this question.

**Mr. N. M. Joshi (Nominated : Labour Interests):** May I ask whether the Government knows that one of the conditions of the strikers is that Ram Lal should be shown to them?

**Colonel W. D. Waghorn:** He has been shown to them. I understand at Tundla he was taken round.

**Mr. N. M. Joshi:** When was that?

**Colonel W. D. Waghorn:** I cannot give you the date but it was a few days after the alleged assault.

**Mr. N. M. Joshi:** I read in to-day's '*Leader*' that that is still one of the conditions.

**Colonel W. D. Waghorn:** I will make inquiries.

#### CONFIDENCE IN MR. MONTAGU.

**Mr. Jamnadas Dwarkadas (Bombay City : Non-Muhammadan Urban):** Sir, there is another matter of public importance on which, although I am not sure whether I am technically right in moving an adjournment, I should like to move an adjournment, because I find there is no provision in the rules whereby I can otherwise bring the subject up for discussion in the Assembly. I know that, so far as that subject is concerned, the Government of India are not at all responsible, but, as I said, I do not see any other way of bringing about the discussion of that subject in the Assembly.

Sir, as you are probably aware and as this House is probably aware, an attempt is being made in England to pass a vote of censure on the Right Honourable Edwin Montagu. As a matter of fact, Sir Jocynson Hicks, a Member of Parliament, has already given notice of a vote of censure which is to be discussed in Parliament to-morrow. So far as the feeling in India is concerned, I make bold to say that any attempt at passing a vote of censure on Mr. Montagu will be met in India with the greatest opposition, for I think I am expressing the views of the Members of this Assembly, and not only of the Members but of a large portion of the public, when I say that, in the opinion of India, Mr. Montagu has proved the greatest Secretary of State, that it is due to Mr. Montagu that England and India have been drawn closer and that to-day, if the sensible opinion has rallied round Government and if the sensible opinion in India has shown itself willing to work the constitution for the purpose of achieving responsible Government, it is mainly because of the confidence that they have in Mr. Montagu's policy. Only the other day, in this House, we discussed the subject of Mr. Churchill's speech. We find Mr. Montagu answering Mr. Churchill and saying that he will support the view of the Government of India and of the Indian people. Mr. Montagu has gone further

[ Mr. Jamnadas Dwarkadas. ]

and said that neither riot nor revolution will interfere with his policy of Reforms in India. We will only be acting in our own interests if we avail ourselves of this opportunity of expressing our sense of satisfaction at Mr. Montagu's splendid work for India. We know that his heart beats for India as much as the heart of the most patriotic Indian and that we have perfect confidence in Mr. Montagu and his policy.

**Sir Deva Prasad Sarvadhikary** (Calcutta : Non-Muhammadan Urban) : Sir, I share my friend's doubts as to whether a motion like this would be in order or not. But sometimes the right has to be done in the wrong way, and, as this is the only opportunity open to us, this Assembly ought to show in the most unmistakeable manner that any movement to discredit the Secretary of State at the present moment is actuated not by what the authors are pretending but by a desire to discredit and discount the Reforms and all that they stand for. If Mr. Montagu suffers, he will be suffering in his person on account of us. We in India are not so much exercised and perturbed about passing events as our amiable friends in England are, in the same manner, I suppose, as we get perturbed now and again on account of Irish and South African things that we read of in the morning papers, about which the Irish themselves and the English are not so much perturbed and which furnish no occasion for censuring Mr. Churchill or the Irish Members. Newspaper enterprise and big-headline leaderettes are sometimes apt to mislead people; and that is what may be happening in England at the present moment.

We do not desire to minimise the serious troubles with which we are faced, but we are confident that the Government of India are taking all necessary steps in the matter, steps that will be fully effective if they are not already beginning to be so. We desire to assure our friends that they need not exercise themselves in the way that they are doing, and that things would have been a great deal worse but for Mr. Montagu's and Lord Reading's efforts and personality. Sir, recent happenings—riots, troubles and all, are put down to the credit or discredit of the Secretary of State and that is what some are trying to voice in the House of Commons, ignoring what Mr. Montagu's long-headed and right-hearted sagacity has achieved. I do not believe that anything that we may say here will affect what may be said or done in the House of Commons and I am unconcerned, for I also believe that Mr. Montagu is fully able to take care of himself, and us. I have no doubt that he will do so. At the same time, I think from this Assembly and on behalf of those whom we represent, the clearest possible message should be sent to England that we have the fullest possible confidence in the Secretary of State and the Viceroy, who though seriously handicapped are manfully fighting our cause, the cause of right progress and justice.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadan) : Sir, subject to the same reservations as regards the power of this House to discuss the question which the Honourable Mr. Jamnadas Dwarkadas has raised, I wish to associate myself cordially with the expression of sentiments which have fallen from my friends, Mr. Jamnadas Dwarkadas and Sir Deva Prasad Sarvadhikary. Mr. Montagu is the author of the Reforms and we sit here as the fulfilment of the pledge which Mr. Montagu gave in the House of Commons on that memorable day in August 1917. If there have been riots and disturbances in this country, we wish to convey to the House of Commons

our sense of feeling that these riots and disturbances would have been redoubled and would have been of a more extensive character had it not been for the timely Reforms which were given to this country. With these Reforms, have come into the existence the two Houses of the Indian Legislature, and, as you know, Sir, these Houses of the Legislature have been striving to do their duty to achieve the purpose which those Reforms have in view. Mr. Montagu, as one of the previous speakers had said, is well able to take care of himself : but we, who represent the Members of the Assembly, we, I submit, should collectively send forth our voices to the House of Commons and convey to that august House our united wish and desire that Mr. Montagu's position as Secretary of State should in no way be impaired by the discussion which is to take place there. We wish to convey to the Cabinet in England that we have the amplest and fullest confidence in Mr. Montagu and will not only look upon him as the Secretary of State for India, but as the founder of this House, as the well-wisher and friend of India, and I submit, Sir, any vote of censure moved in the House of Commons and voted by, for party purpose, will be used in this country for the purpose of not only discrediting the Reforms but all the good work that the reformers in this country are striving to do. The snap vote in the House of Lords on the Punjab debate has given to this country its most . . . . .

**Mr. President :** The Honourable Member is going far from the point and I think I must reply now to the point raised by the Honourable Member from Bombay.

**The Honourable Sir William Vincent** (Home Member, : May I say one word, Sir ?

**Mr. President :** If Dr. Gour wishes to address himself strictly to question whether this motion is in order, I am prepared to hear him.

**Dr. H. S. Gour :** I submit, Sir, I was going to conclude by saying that the question as to what should be our attitude towards the Secretary of State in the coming debate, of which notice has been given in the House of Commons, is a question of vital public importance and that you should rule, Sir, that it is in order and that we should be permitted to discuss the question.

**The Honourable Sir William Vincent :** Sir, I am not quite clear as to the rule or standing order under which this debate has proceeded so far and, for obvious reasons, the Government is very unwilling to even put the matter to the Chair. I gather that it is the desire of the speakers—and indeed from the applause with which the speeches were greeted I might well say that it is the desire of the large majority of this House—that a communication should be sent to the Secretary of State expressing the full confidence of this Assembly in him in view of the amendment that is being now moved in Parliament on the Reply to the King's Speech. Perhaps it might meet the case if I undertake to-day to send a clear-the-line wire, communicating that opinion to the Right Honourable the Secretary of State for India, for use in such a manner as he might think possible. The Honourable Member will see that it will be quite impossible for a Member of the Government, who is in fact a subordinate of the Secretary of State, to take any part in this matter, and I understand that, in taking the action we are doing, we would merely be expressing the opinion of the great majority, if not the whole of the non-official Members of this Assembly\* (Cries of 'All' and 'No

[Sir William Vincent.]

dissentient'), and thus avoid the necessity of a debate which might become a little acrimonious.

**Mr. Jamnadas Dwarkadas:** Sir, in view of the remarks that have been made by the Honourable Leader of the House, I do not press the motion for adjournment. At the same time, I wish that a full report of the proceedings on this question should be cabled to the Secretary of State.

**The Honourable Sir William Vincent:** I will engage to give effect to what the Honourable Member wishes.

**Mr. President:** Before the incident closes, I must point out that, in the first place, this is not a matter for which the Governor General in Council can assume responsibility, and, in the second place, the amendment of a private Member, is not one for which the Imperial Government will take responsibility, unless the House of Commons compels it to do so. Therefore, I cannot say that the subject brought forward by the Honourable Member from Bombay is one on which he can move the adjournment. In view of the circumstances, I have allowed a certain amount of latitude which, I hope, the House will not take as a binding precedent.

**The Honourable Sir William Vincent:** Sir, I think the House will be glad to know what the decision is in regard to the other motion for the adjournment of the House.

**Mr. President:** I passed from the question raised by the Honourable Member from Allahabad, because I understood that, for the moment, the reply given by the President of the Railway Board satisfied him. On the actual point of order, I am still in doubt as to whether he has succeeded in bringing the subject within the real meaning of the Standing Order.

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#### THE CIVIL PROCEDURE (AMENDMENT) BILL.

**The Honourable Sir William Vincent (Home Member):** Sir, I move for leave :

'To present the Report of the Select Committee on the Bill further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in order to provide for the award of costs by way of damages in respect of false or vexatious claims or defences in civil suits or proceedings.'

We have now further amended the Bill and attempted to meet all the criticisms of the Honourable Members who proposed modifications in it on the last occasion when it was considered in the Assembly.

The motion was adopted.

**The Honourable Sir William Vincent:** Sir, I present the Report.

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#### THE DELHI UNIVERSITY BILL.

**Mr. H. Sharp (Education Secretary):** Sir, I beg to move for leave :

'To present the Report of the Joint Committee on the Bill to establish and incorporate a unitary teaching and residential University at Delhi.'

Standing Order No. 41 lays down that the Report of a Select Committee should not be made sooner than three months from the date of the first publication of the Bill unless the Assembly orders the report to be made sooner. The Standing Orders do not specifically apply this provision to a report made by a Joint Committee. But, as the procedure is largely the same and a Report is presented by a Joint Committee, it was thought desirable to give the House an opportunity of putting itself right in this matter in order that there might be no question of the validity of the procedure in future.

The motion was adopted.

**Mr. H. Sharp:** Sir, I present the Report.

### THE SPECIAL LAWS REPEAL BILL.

**The Honourable Sir William Vincent** (Home Member) : Sir, I beg to move :

‘ That the Bill to repeal certain special enactments supplementing the ordinary criminal law, as passed by the Council of State, be taken into consideration.’

I think Honourable Members are familiar with the genesis of this Bill. It is based on the Report of a Committee which was appointed by Government in pursuance of a Resolution carried in the Council of State on the motion of the Right Honourable Srinivasa Sastri on the 14th February, 1921. If Honourable Members will examine the *personnel* of that Committee, they will be satisfied that it contained an adequate number of non-official representatives of worth and merit. There were only three officials on it, myself, Dr. Sapru and Mr. Hammond. Of the non-officials, two were Members of the Council of State and five were Members of this Assembly. In a Resolution of the 19th September, Government accepted the Report of the Committee and announced that steps would be taken, as soon as possible, to introduce legislation to give effect to the recommendations of the Committee. The present Bill is the first instalment of that legislation. It repeals two Regulations and four Acts. The Bengal State Offences Regulation of 1804 is the first Regulation affected. That was the Regulation which was used when Martial law was put in force in the Punjab in 1919. It was found at that time defective in many respects, and it is proposed to repeal it. I believe that Honourable Members are aware that, when the Government found it necessary to enforce Martial law in Malabar recently, a different procedure was adopted, and His Excellency promulgated a special Ordinance. The second Regulation, the Madras State Offences Regulation, 1808, is of the same character. The third measure is that of the State Offences Act XI of 1857, which provides special punishments for rebellion, waging war against Government or for harbouring or concealing persons guilty of such offences. It also empowers Government to appoint Commissions for the trial of such offences or other serious crime against the State. The fourth was the Forfeiture Act, 1857, which provides for the forfeiture, by order of Court or other authority after inquiry, of the property of the person who has committed treason. That was the Act to which, I think, Mr. Rangachariar referred on a previous occasion in this Assembly. Then there is the Defence of India Act on which I need not dilate here. The provisions are well known to all Members of the Assembly. And, lastly, there is the Anarchical and Revolutionary Crimes Act, 1919, commonly known as the Rowlatt Act, for the introduction of which,

[ Sir William Vincent. ]

in the predecessor of this House, I was responsible. It is perhaps a curious irony of fate that I have to move for the repeal of that Act, but, at any rate, I can claim this on behalf of Government that, in taking the action they have taken to-day in relation to this and other measures, they have gone a great way to meet the wishes and demands of this Assembly and of the public as well in this matter. (Hear, hear) Having regard to the facts I have stated, I hope that it will not be necessary for me to renew old griefs and re-discuss that much debated measure.

The motion was adopted.

**The Honourable Sir William Vincent:** I move, Sir, that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### THE INDIAN CRIMINAL LAW AMENDMENT REPEALING BILL.

**The Honourable Sir William Vincent (Home Member):** Sir, I move :

‘That the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, as passed by the Council of State, be taken into consideration.’

The origin of this measure is the same as that of the Bill which the Assembly has just accepted. The Act was originally passed to deal with anarchical crime in Bengal and Eastern Bengal in 1908. Wide-reaching conspiracies were then rife, the main methods of the conspirators being assassination of officials, English and Indian; murder and assault of witnesses, and terrorising of all who opposed them. There were also regular organizations for dacoity on a large scale. Part I of the Act under discussion was designed to supply more expeditious methods of dealing with seditious conspiracies. It empowered the Local Governments, with the sanction of the Governor General in Council, to prescribe a special procedure for the trial of certain cases which were to be committed direct to a special Bench of the High Court. I believe it was used altogether about 25 times, but I have not been able myself to trace any case in which it has been used since 1911. I may be wrong on this point, but that is my recollection. The Committee which was appointed to examine what are called the Repressive Laws recommended to the Government of India that this portion of the Act of 1908 should also be repealed, and it is to give effect to that recommendation that I make the present motion.

The motion was adopted.

**The Honourable Sir William Vincent:** I move, Sir, that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### AMENDMENT OF STANDING ORDERS.

**The Honourable Sir William Vincent (Home Member):** Sir, I move :

‘That the report of the Select Committee on the Standing Orders may be taken into consideration.’

All these amendments have been debated before. There is before the House the Report of the Select Committee, which explains all the changes.

which have been recommended by that body. In these circumstances, I do not think that it is necessary for me to detain the House by discussing all the changes made, unless any specific point is raised.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

‘That the Report be re-committed to the Select Committee.’

I can assure the House that it is in no spirit of obstruction that I have brought forward this amendment. My intention is to draw the attention of the House to certain observations made by the Select Committee on Standing Order 18. It will be seen that reference is made to five questions, which have cost Government a very large sum in printing their answers to, and the Committee recommend that the President should apply a strict interpretation of Standing Order 16 and exclude such questions from the Question Paper. They observe that they do not attempt to prescribe any procedure to meet the difficulty which might arise by the exclusion of such questions under the discretion of the President. While they admit that the purposes for which these questions are put are quite legitimate in themselves, they do not propose any alternative remedy. They simply say that it is for consideration whether a procedure of the kind that obtains in the House of Commons under which information of a lengthy or expensive character is supplied separately in a White Paper, should be taken recourse to. I want to draw the attention of the House to certain instances in which difficulties may arise on account of the fact that Government may find it difficult to answer a question without placing a large mass of papers on the table. It is not always the questioner who is at fault, but it is sometimes the case that the Government are responsible for the expensive character of the answers. Take, for instance, item No. 3 in the list given at page 2 of the Report of the Select Committee. I find that Mr. Kamat asked a question as to what action Government had taken in regard to certain specific recommendations made by the Jails Committee. In reply to that, Government placed on the table a paper running to a length of 28 pages, which was a copy of a letter they had addressed to Local Governments in the matter. Well, Sir, I do not know if, under the new dispensation, the President will allow or disallow such a question. So far as we are concerned, I do not think there is any *prima facie* impropriety in such a question, and in fact, it is very difficult for the Member who puts the question to find out as to what the answer will cost in the end. So, I should have liked the Select Committee to provide for another expedient for meeting such a difficulty in connection with any such question. I should think that we cannot curtail our right of asking questions, without at the same time seeing that a proper procedure is laid down for meeting the difficulties that may arise in such cases. I may draw the attention of the House to the importance that is assigned to questions in the House of Commons. Mr. Delvin once speaking on the subject said that questions were the most important business of the House, and in this view Mr. Bonar Law agreed. I, therefore, think that this is a matter of great importance, and that the Select Committee should go into this matter and see what can be done with the object of meeting the difficulties to which Members may be put by the disallowance of questions involving lengthy answers.

**Mr. President** : Amendment moved :

‘That the Report be re-committed to the Select Committee.’

[ Mr. President. ]

The Honourable Member's amendment would mean, if carried, that the whole business of amending the Standing Orders would be re-opened. I do not know whether that is his intention or not, but it would be better, if he wishes, to define it by saying : ' be re-committed to the Select Committee in respect of the amendment of Standing Order 18 '.

**The Honourable Sir William Vincent :** Sir, I doubt whether it will be necessary for the Honourable Member to press this matter if I explain what our intention is, and in any case, I think the House will be very unwilling to re-commit the whole of these Standing Orders to a Committee which has spent a good deal of time and labour in examining them, merely because of a particular alleged defect. Indeed, I rather wish the Honourable Member had suggested some alternative himself. But there is a great deal of justice in his complaint regarding the question relating to the Jails Committee, and indeed I am sorry that this matter was mentioned in the report in the form adopted, because the printing of all this matter was really due to our fault. I am quite ready to admit it, and I will explain how it happened. Honourable Members will remember that about that time we were asked, when possible, to avoid coming to decision on Reports of Committees before submitting them to the Chamber. Sir, I was not quite sure how far we had observed that condition in respect of this particular Report. I had intended at one time to secure the assistance of a small Committee to examine the Report but had not done so. So, later, I took the opportunity of the question from the Honourable Member of placing the correspondence showing the action taken by us on the Report fully before the Assembly. I will admit that the blame on that occasion was more mine than his, if that is any satisfaction to him. But, in truth, many of the questions that we are asked do involve a great deal of expenditure, of money and time. We often have to have inquiries made—though we have refused to do so on more occasions than one recently—at times even from every district and every sub-division and every police station. Take, for instance, a question we were asked about the number of Arms licenses of all kinds. Try to imagine what the work involved in preparing an answer is and what the cost is. I remember a question being asked in the days of the old Council about the number of Australians or New Zealanders, I think it was, in the country. We had to spend thousands of rupees in telegrams in finding out the facts and the result was nothing when we got the information. We had to wire all over the country. We wired to Local Governments, Local Governments wired to Commissioners, Commissioners to Collectors, Collectors to Sub-Divisional Officers and the Sub-Divisional Officers had to go further on in some cases before we got the required information. This is really what we seek to avoid. What we intend to-day is not to refuse the information where it is available, because, in that case though we shall not table it, we shall offer it to the Honourable Member who put the question and to any other Member who wants to see it. I think Honourable Members will remember that that has often been done in this Assembly instead of burdening the proceedings of the Chamber with long statements which are of really no public interest. But there is this further question of collecting information for the Assembly which is not necessary when demand is not reasonable. If the benefit to be derived from the collection of the information is not commensurate with the labour and expense involved, then we do hope that the Assembly will support us in refusing to collect such information.



**Mr. President :** As Chairman of the Committee that was responsible for the Report, I should say a word here.

The Honourable the Home Member has described the situation from the point of view of the answerer to a question. I think in this case the questioner and the answerer are equally responsible for the items referred to in the Report. There was no intention on the part of the Committee to censure either any individual or the non-officials as a body or the Government as a body. We were dealing with the business of the Assembly as a whole and we wished to draw the serious attention of the Assembly to these particular items which happened to have been brought to our notice. Under the present practice, it may be necessary on occasion to include long statements in the printed proceedings, and there is nothing as yet in the Standing Orders to prevent that. As we were not then prepared to propose a definite scheme, such as the House of Commons possesses in the 'Motion for a Return', the Committee preferred to leave it to the present practice under which the Member of Government answering a question can either place the answer in such a way that it must be printed in the proceedings, or supply it privately to the Honourable Member who asks the question. It ought to be taken as a rule that, where long statements including many statistics are required, they should not in the first instance necessarily appear in the Report of our proceedings. The point raised by the Honourable Member is legitimate and important, but I hope he will see, from what the Honourable the Home Member has said, that it is perhaps unnecessary for him to press it.

**Mr. K. C. Neogy :** In view of the statement made by the Honourable the Home Member and by you, I do not propose to press my amendment.

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

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

'That the Report of the Select Committee on the Standing Orders be taken into consideration'.

The motion was adopted.

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

'That the following Standing Order be substituted for Standing Order 7 :

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

The motion was adopted.

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

'That the following be inserted as Standing Order 7-A :

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

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 has 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 ;'

[ Mr. President. ]

- (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 opinions ; 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.

The motion was adopted.

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

That the following be inserted as Standing Order 7-B :

7-B. The relative precedence of notices of Resolutions given by non-official Members shall be determined by ballot, to be held, in accordance with the  
 Precedence of Resolutions. procedure set out in Schedule I, on such day, not being not less than fifteen days before the day with reference to which the ballot is held, as the President may direct :

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

**Mr. Harchandrai Vishindas :** (Sind : Non-Muhammadan Rural) : May I inquire whether there is any necessity for a double negative (or is it a misprint in my copy) in the words 'not being not less than 15 days' ? There ought to be only one negative. I find that repeated elsewhere also.

**The Honourable Sir William Vincent :** I think it is a misprint, Sir.

**Mr. President :** It is obviously a misprint.

**Mr. Harchandrai Vishindas :** It occurs in the previous one also.

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

That the word 'not', where it occurs for the second time in line 4 of Standing Order 7-A, be omitted.

The motion was adopted.

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

That the word 'not', occurring for the second time in the fourth line of Standing Order 7-B, be omitted.

The motion was adopted.

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

That Standing Order 7-B, as amended, be inserted.

The motion was adopted.

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

That in Standing Order 8 :

(a) in sub-order (2) for the words 'No business' the words 'Save as otherwise provided by the Rules or Standing Orders, no business' shall be substituted; and

(b) after sub-order (3) the following sub-order shall be added, namely :

'(4) Not more than five Resolutions (in addition to any Resolution which has been commenced on, and is 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.'

**Mr. Harchandrai Vishindas :** With regard to this, I want to bring to the notice of the House that, at the time the Select Committee was appointed for amending these Standing Orders, a question arose as to whether or not some means should be devised for giving priority to a Resolution of great importance (for which the present procedure is for the Government to allot an official day) as an intimation had been received by the House from the Honourable the Home Member that it might not be possible for Government in future to allot an official day for non-official Resolutions. I find that that matter has been referred to in the Report of the Select Committee, but the intention of the House at the time has (I am speaking subject to correction) not been carried out.

The answer has been given that the present procedure ought to continue and the means to be adopted for achieving the object we have  
12 NOON. in view would be rather for Members to concentrate on the ballot of a Resolution. I submit, Sir,—and I speak subject to your ruling as to whether I am quite in order—that such provision be made in Standing Order 8 as to provide for priority being given to Resolutions just outside the Order, provided that the Members, whose Resolutions have precedence over that particular Resolution, give their consent. I don't think there will be any incongruity or offence to public interests if the procedure suggested be adopted. If I am quite in order, I move that as an amplification of Standing Order 8.

**Mr. W. M. Hussanally** (Sind: Muhammadan Rural) : Sir, I would mention that a case of this kind actually arose last Session. On that particular day, there were a certain number of Resolutions, and it was decided by the Members that a particular Resolution should be given priority to. The President, however, thought that he could not give priority at that time, although the House was agreed that priority should be given. I think nothing would be lost if, on all Members consenting, such priority is given, and I think that provision to that effect might be made in this rule.

**The Honourable Sir William Vincent :** Sir, I find some difficulty in opposing this amendment, because it much resembles an amendment that I myself put forward in the Assembly. I think, however, that, if the Honourable Member wanted to bring up the question, he should have put down a regular amendment in proper form, and that we should not hold back consideration of all these amendments for the reasons advanced by him. As to the merits of his proposal, the objections to it were put very forcibly before the Committee by persons more experienced in Parliamentary procedure than myself, and it was urged very strongly that it was necessary that this House should learn the proper Parliamentary practice in effecting the object which is

[ Sir William Vincent. ]

intended by the Mover. It is within Member's power to get any Resolution discussed if all of them put their names down for it in the ballot. Indeed, if a dozen Members were to do that, it is quite certain the Resolution would get a place. If the House would like an example, I may mention the case of the Resolution on the Bihar and Orissa Executive Council last year. There were a number of people who plumped for that Resolution in the ballot and it came on for discussion at the very earliest opportunity; therefore, what the Honourable Mover really seeks to attain can be achieved in the manner suggested under the Standing Orders as they exist, and, on a careful consideration of these facts at the time, the majority of the Committee thought that this was the proper procedure, and I hope it will meet with the approval of the House, although I had myself proposed a different procedure before.

**Mr. N. M. Samarth** (Bombay : Nominated Non-Official) : Sir, I have some difficulty in connection with this matter. I know that, if more than fifteen or twenty Members are really keen on a Resolution, they can give—all of them and each of them—notice of that Resolution, so that the chances of their getting a ballot early in the business of the day are greater. But take a concrete case. Take fifteen Members who give notice of a Resolution, and somebody gets the ballot. He does not know much about the Resolution. He has to move it; probably he simply moves it, and leaves it to the man more conversant with the subject to go on with the debate. But what about the right of reply? The man who knows all about it cannot reply, and the man who is nominally the Mover has to reply, and he cannot reply to the arguments which are put forward so eloquently by Members of the Government, especially my friend, the Honourable the Home Member. In such a case, then, the debate suffers and is bound to suffer. That is a difficulty we cannot solve by the procedure prescribed.

I do not wish to detain the House by holding back the passing of the Standing Orders, but, at the same time, I hope that my point will be taken into account. Another difficulty that it raises is this. Supposing that no more than five Resolutions are set down in the list of business, it may be—and we have had experience of this—that the Members do not turn up, and the Resolutions may or may not be taken up that day. One whole day is missed. Why not continue the present practice of having many Resolutions? Never mind if they are not reached: they will lapse. I don't think there should be any rigidity in this matter. Personally I am against any Standing Orders or Rules being so framed as to be rigid. There must be elasticity; there must be discretion, otherwise the rigidity makes the rules absolutely impracticable on certain occasions.

**Mr. T. V. Seshagiri Ayyar** (Madras : Nominated Non-Official) : Sir, if I am in order, I would move that this particular amendment be re-submitted to the Committee to report with reference to the objections that have been put forward. It has been pointed out by the Honourable the Home Member that persons conversant with Parliamentary practice suggested that, in order to acquire real Parliamentary knowledge of how to debate an important question, the procedure should be for a large number of Members to ballot for the same Resolution so that it may be debated. Those who are acquainted with Parliamentary practice, perhaps do not know that we are living in places two thousand miles apart, and it would not be easy to communicate with each

other. When we are in Session, we may be able to do so ; but, supposing we are not in Session, we will have to communicate with people at very great distances, and it may not be possible to get these people to look at matters in the same light. Whereas, if we happen to be in Session, a large number of us could meet and discuss the matter and come to a decision that one of the Resolutions should be supported, and that it should have precedence over others. Some such provision should be made, otherwise there would be great difficulty in bringing forward important Resolutions. The procedure for the adjournment of the House would not meet the case always ; there are some important Resolutions which unfortunately have a tendency to go down in the ballot, and, in those circumstances, if some such procedure is adopted by which an important Resolution can be debated when it really has the support of a large body of Members, I think it would meet with the approval of the House. I accordingly move that this Resolution be re-submitted to the Committee with a view to these suggestions being embodied in it.

**The Honourable Sir William Vincent:** Sir, the objection raised by, I think, one of the speakers, Mr. Samarth, could be easily met without recommitment to the Committee, and I should have no objection to add in the Standing Order the words used in another part of the Standing Order, ' unless the President otherwise directs.' That would meet the objection now put forward. In fact, my recollection is that I did propose something of the kind once before.

The other point under discussion is a matter of greater importance. I myself was rather impressed with the necessity for enabling a majority of the Members to bring a particular matter of importance before the Assembly at one time, but, as I say, the Committee, after a full discussion of the question, decided otherwise. I submit that the House would be well-advised if they took the rule as it is with that small amendment that I have made now, and leave it to Mr. Seshagiri Ayyar, to Mr. Harchandrai Vishindas or any other Member to propose any new amendment, which they think would meet the case, subsequently, and not to delay the passing of these present amendments for that object.

Mr. Seshagiri Ayyar has suggested that important Resolutions always find a very low place in the ballot list. I do not suppose that they can really be more unfortunate in that than other Resolutions, but, in any case he will do me the justice to admit that we have always endeavoured, and generally successfully endeavoured, to find a place for important Resolutions, when necessity arose, on official days.

**Mr. B. A. Spence** (Bombay : European) : Mr. President, would it not meet the wishes of several of us if an amendment was made substituting, say, the word ' seven ' for the word ' five ' in this paragraph 4 ? We have had very few Resolutions debated in this House this Session and the last Session, because of the length of the speeches made on them, and it is, I think, the desire of many Members of this House that debates on Resolutions should not take as long as they have done. There have been, if I may be permitted to say so, as one who has made many of them, a large number of irrelevant speeches or speeches of far too great length. If we, as a House, can get down to business propositions and debate these Resolutions at far less length than we have done in the past, we ought to be able to get through far more than

[ Mr. R. A. Spence. ]

five Resolutions in a day. I think, Sir, that five Resolutions is too little, if this House is going to deal with them in a more business-like manner than we have done in the past, and I hope that, it will commend itself to this House, if, instead of the word 'five', say the word 'seven' were substituted.

**Mr. Harchandrai Vishindas:** I think we were discussing quite another point, namely, the precedence to be given to important Resolutions.

**Mr. R. A. Spence:** My amendment has reference to the point mentioned by Mr. Samarth.

**Mr. Harchandrai Vishindas:** I do not know whether the words 'unless the President otherwise directs', suggested by the Honourable the Home Member, would meet the situation properly. I think it would be better to have some such words as 'with the consent of the Movers of previous Resolutions, priority can be given to a Resolution which is down on the list.'

**The Honourable Sir William Vincent:** I did not suggest that amendment.

**Mr. Harchandrai Vishindas:** I would support Mr. Seshagiri Ayyar's proposal that it be referred back to the Select Committee.

**Mr. President:** The proposal made by Mr. Seshagiri Ayyar refers to the new sub-order (4) of Standing Order 8, which does not deal with the precedence of Resolutions. The precedence of Resolutions is dealt with in the new Standing Order 7-B, and that has already been passed. I may say, with regard to the point raised, that I am not of opinion, as an unprejudiced spectator, that, on the whole, the length of speeches is excessive. I may tell the House for their information that I kept a tally of 150 speeches delivered on non-official Resolutions during the Delhi Session, last year, excluding the speeches of the Mover and the speech of the Government Member, and the average time occupied was  $7\frac{1}{2}$  minutes, exactly half of the time allowed by the Standing Orders. It is quite true—and I add it by way of corrective to our self-esteem—that there is a slight increase in the length of the speeches this Session.

The question that I have to put is :

'That sub-order (3) of Standing Order 8 be referred to the Select Committee.'

The motion was negatived.

**Mr. President** (to Mr. R. A. Spence): Does the Honourable Member move?

**Mr. R. A. Spence:** If I am in order, Sir, I move :

'That in sub-order (4) for the words 'not more than five Resolutions' the words 'not more than seven Resolutions' be substituted.'

I know that this means that the Government might have to prepare to answer seven Resolutions instead of preparing to answer five, but they would probably know, by the class of Resolutions that was on the paper, whether there was any chance of our getting to numbers 6 and 7. Therefore, I do not think that they would have to prepare answers to Nos. 6 and 7 in these cases; but it does not seem to me as though it is an excessive number to ask that seven Resolutions might be allowed to figure on the agenda paper.

**The Honourable Sir William Vincent:** Sir, the Honourable Member (Mr. Spence) is in error in supposing that the Government is always in a position to say whether Resolutions will come on or not on any date. Indeed, I think many Members of this House must remember a very noteworthy example recently when we did not receive any intimation until the night before the debate was to come on that a Resolution would not be moved. Now, such notice is too late to be of any use. We do not always leave the preparation of replies to Resolutions to the last moment, and it is not possible to do so. Much more work is put into the preparation of replies to these Resolutions than possibly is appreciated. But, on the merits of the proposal, I want to put it to the House, as practical men, that I have never known of an occasion in this Assembly, or in its predecessor, when more than five Resolutions have been discussed. (*A Voice:* 'Not more than three'.) 'Not more than three' a gentleman behind me says, but I myself cannot remember any occasion on which more than five have been discussed. I am quite prepared to provide for cases in which from the character of the Resolutions it may be apparent that all the Resolutions will not take long, not indeed to substitute 'seven' for 'five' but to insert at the beginning of the Standing Order the words 'unless the President otherwise directs:' and leave it to the President to say if more than five Resolutions shall be put down on any one day.

**Mr. N. M. Samarth:** That would be all right in the case of different Resolutions, but what about the case where 20 men have similar Resolutions?

**The Honourable Sir William Vincent:** Then the President would be in a position to add to the list.

**Mr. B. A. Spence:** I would accept that amendment in place of mine.

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

'That the Honourable Member (Mr. Spence) have leave to withdraw his amendment :  
'That in sub-order (4) for the words 'not more than five Resolutions' the words 'not more than seven Resolutions' be substituted.'

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

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

'That sub-order (4) be amended by the introduction of the words 'unless the President otherwise directs' at the beginning of the sub-order.'

The motion was adopted.

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

'That in Standing Order 8 :

(a) In sub-order (3) for the words 'No business' the words 'save as otherwise provided by the Rules or Standing Orders, no business' shall be substituted ; and

(b) after sub-order (3) the following sub-order shall be added, namely : '(4) Unless the President otherwise directs, not more than five Resolutions (in addition to any Resolution which has been commenced on, and is 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.'

The motion was adopted.

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

'That for Standing Order 9 the following Standing Order 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 has gained priority at the ballot held with reference to that day :

[ Mr. President. ]

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

The motion was adopted.

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

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

The motion was adopted.

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

'That Standing Order 11, as amended, stand part of the Standing Orders.'

The motion was adopted.

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

'That in Standing Order 15, the word 'and' at the end of sub-order (5) be omitted and be re-inserted at the end of clause (6) and after clause (6) the following clause be added, namely :

'(7) It shall not quote anything from a newspaper or mention the name of a newspaper.'

**Rai Bahadur Pandit J. L. Bhargava** (Ambala Division : Non-Muhammadian) : Sir, may I know the reason for this amendment? It was not given at the time this amendment was proposed nor is it given in the Report of the Select Committee.

**Mr. President :** The Honourable Member will see from Standing Order 15 (2) that, where a statement is made by a Member in a question, he shall make himself responsible for the accuracy of the statement. It is, therefore, better that facts related in any question should be brought forward on the Member's sole responsibility and that the name of any outside authority should not be brought in. The Standing Orders Committee discussed this question and decided—if I am not mistaken, unanimously—that it was undesirable to give quotations from newspapers for the purpose of conveying information or of asking information. It is the practice in the House of Commons to forbid quotations from newspapers in any question, and I think, to make sub-order (2) of Standing Order 15 really effective, it is better that the Member should assume the sole responsibility for any statement which occurs in his question. It is on that ground that the amendment was proposed to the Standing Order.

**Mr. R. A. Spence :** Would it be impossible then for any Member of this House to draw the attention of the House to a grossly exaggerated, inaccurate or false statement made by a newspaper. We have seen, unfortunately, far too many of them in the country of late; but would it, under this new rule, be impossible to ask that the Government should take some steps to contradict libellous statements made against Government in a paper?



**Mr. President:** Well, in that case, Government is no doubt the best protector of its own interests. As far as the Chair is concerned, I object to the list of business being used to give gratuitous advertisement to those who are not connected with this House.

**Mr. T. V. Seshagiri Ayyar:** Supposing a newspaper writes something libellous about the President or about the Members of this House, cannot this House draw the attention of the Chair or of the Government to the fact that these statements have appeared, namely, grossly libellous statements about the President or about a Member, and that the paper should be dealt with in a proper manner?

That is one difficulty. Another matter is, even after your explanation, I do not see why the name of a paper should not be mentioned. I am familiar with the practice in the High Court where the Judges do not accept a particular report as being authorised. In such cases, the practitioner can use as his own the ideas contained in the report and as if it were his own language. I can understand that; but I cannot understand why it should be sacrilegious to mention the name of a newspaper. You may not take a statement from a newspaper without verification, because the editor of the newspaper cannot be brought before this House; but I cannot understand why the name of a newspaper should not be mentioned.

**Mr. Harchandrai Vishindas:** I think there is also another utility in mentioning the name of a newspaper and that is if you raise a question based on something which has appeared in a newspaper, the Government Member may not see the basis of that particular occurrence, whereas if you mention that particular newspaper he will do so at once.

And as regards giving an advertisement to a newspaper by merely mentioning its name, I do not think that in practice that has ever occurred and that the sale of a newspaper has risen simply because it has been mentioned in this House.

Another thing is whether the responsibility of the Member would in any way be lessened by his shifting it on to the shoulders of a newspaper. I think that will not arise, because, according to another part of the Standing Order, even if a Member mentions the name of a newspaper he is not exonerated from the responsibility which attaches to him, and that should remain. For the reason Mr. Spence has adduced, I think the original provision should remain, and this provision should not be inserted. A newspaper's name may be mentioned; there is no harm in that.

**Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor: Non-Muhammadan Rural):** Sir, this question of mentioning the name of a newspaper was discussed, and the arguments against allowing a newspaper to be quoted seemed to me to be very sound. There are newspapers and newspapers. All newspapers are not of the type which would deserve quotation in this Assembly. Supposing a newspaper publishes a libel against a public servant, if you base your question upon an extract from that newspaper, you, in the first place, libel the public servant in a place where he has not the chance of defending himself. That is the first thing. And, then, that paper may be an unknown one, and, when you mention its name here, that name is telegraphed all over the country. That name is published in official proceedings, and the existence of that paper comes to the knowledge of a large

[ Rao Bahadur C. S. Subrahmanayam. ]

number of people who otherwise would not have heard it. Knowing as we do the taste of the reading public, that is, of a large section of the reading public which revels in being offered libels, slanders and exaggerations—sensational news as it is called—is it not wise to keep out the names of 'all newspapers impartially, whether they are good or bad, from the precincts of this House? That consideration ought to outweigh all the others that may be brought forward in support on the other side.

There is another matter. We are all agreed that questions put here in this Assembly ought to be on the responsibility of the Member who puts them. Now that responsibility would be lessened if he can quote from a newspaper. No sooner is he contradicted than he turns round and says: 'I am sorry I was misled into putting this question by what I read this morning in a particular newspaper.' On the other hand, it does not, in any way, muzzle our liberty to put questions, only it will make a Member pause and think before he puts a question. If he reads something sensational in a newspaper, and if he thinks it is worthy of being brought before Government for contradiction or explanation, I think the obvious course for him is to telegraph to that newspaper: 'I read such and such a thing in your paper: are you sure of your facts? Can you furnish me with further facts, because I want to take it before the Government.' Well, that will be a responsible way of doing our work, because, if we hear a particular thing or read a particular matter in the newspapers, it is not our duty that we should at once pass it on to the public or to the Government and get it published all over the country. That, no doubt, imposes a certain amount of trouble and expense on a Member who questions on the basis of a newspaper report. But should we not take that trouble? Should we not face our responsibility in the way in which a business man will face it? Therefore, I think that, taking this standpoint, the exclusion of quotations from newspapers or the mention of names of newspapers is a wise and sound one. One remark of my Honourable friend, Mr. Seshagiri Ayyar, that you adopt what is stated in a newspaper as your own, that is just the thing that this rule contemplates. The practice in Courts is that, when a case is cited or when certain dicta are placed before the judges which have not found a place in the authorised reports but are taken from newspaper reports, some judges—not the great majority, but those who are punctilious in their observance of rules,—will not hear the names of the newspaper mentioned. Then, what a skilful advocate does is to read the dicta and simply put them forward as his own arguments. That is just the thing that this rule contemplates, that, if you read in the newspapers anything of a sensational character, you might adopt it as your own, after making some sort of inquiry, or be bold enough to face the responsibility of asking the question in this form: 'Has such and such a thing occurred? Are these facts true?' That is, we can have what we want put in questions without mentioning the name of a newspaper or giving that newspaper perhaps an unnecessary advertisement. Therefore, I think the Assembly would do well to retain this new sub-clause, because in one way it may be an advantage when you want to protect the Government from libel. The time will come very soon when Members of this Assembly will also be libelled and other public servants will be libelled and it will all come back on us. Therefore, I think this rule which is added is a very safe rule which ought to be there.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : I am sorry, Sir, I cannot agree personally with the opinion of my Honourable and learned friend from Madras. I think, first of all, that this will rather go to curtail the privileges of Honourable Members of this House, and, secondly, for the purpose we meet here, it appears to me that that very object will be frustrated. We Members of the Assembly have got certain privileges, rights and powers that we have to exercise. Sir, it was proposed the other day that the Press Act of 1910 should be abolished. Are we, Sir, again to deal with the same subject and try and begin *de novo* and get that thing passed again to debar the liberty of the press ?

**Mr. President** : I fail to see relevancy of the Press Act to this amendment.

**Mr. K. Ahmed** : The name of the newspaper has to be mentioned sometimes when questions are put by Members of this Assembly and I do not see why any Honourable Member answering question on behalf of Government should have a terrible fit or faint on that account. Suppose there is certain information published by a newspaper. My Honourable friend says : ' Send a telegram and get it corroborated whether the facts are true. Let there be a witness.' My Honourable friend is a practising pleader. I say, if the information is wrong, let that witness who will give that testimony be prosecuted under section 193 I. P. C., would that not promote litigation and encourage multi-fariousness of cases ? I think the Members of the House of Commons—I have not been there so much myself—do mention the names of newspapers. Are we not Members of the House of Common here of India ? Is this House going to be an imitation of Parliament or not ? Or are we simply to sit still and not uplift the condition of our country and uplift ourselves to the dignity of the Members of the House of Common ? Is not that a set-back ? Sir, I am sorry that I do not think there will be much support for my Honourable friend in the Assembly with regard to the position that he has taken up. I agree with my friend, Mr. Seshagiri Ayyar, and other Honourable Members who have spoken on the subject.

**Mr. F. McCarthy** (Burma : European) : Sir, I agree with every word that has been said by Mr. Subrahmanayam. I have taken the trouble to go through the official reports of this Assembly from the first day in Delhi last year and it is very seldom that one finds in the questions a responsible newspaper quoted, while you have large numbers of irresponsible papers. I think the Member on my left, Mr. K. Ahmed, is responsible for a lot of these questions. I doubt if any Member of the House had ever heard before of these papers. What Mr. Subrahmanayam says is true ; these questions merely serve to advertise obscure journals.

**Munshi Iswar Saran** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, not being acquainted with the practice of the House of Commons and having no desire at all to advertise any newspaper, I wish to place my difficulty before the House in the hope that some Honourable friend of mine may be pleased to enlighten me on the point. If I read to-day in a paper of recognised worth and repute a certain fact about what is happening, say in Madras—a very important matter—how am I to find out—I wish only to know, I am not making any positive statement—how am I to know the truth of that particular report which has appeared in the paper ? Am I expected—I am only putting the question—to send a wire to some friend ? And if I have

[ Munshi Iswar Saran. ]

no friend, what am I to do? Can I not in that case mention the name of the newspaper which is the source from which I have taken the facts? I do not think my Honourable friend from Burma is right when he says that a good many newspapers are mentioned in these questions, because Honourable Members are anxious to advertise those papers. I do venture to hope that he will be inclined in his calmer moments to think that he has not been just to his own colleagues in this House. What I submit is this. Is it not proper to leave it to the discretion of the Honourable Members of this House whether or not they will mention a particular paper? We have been told that there are so many rags in this country. It has become rather fashionable to use that word with regard to newspapers that write pungently and that write things that we do not like. Be that as it may, having regard to these difficulties I hope I am in order in requesting you, Sir, to be pleased to enlighten us as to the correct procedure to be adopted. I have placed before the House quite frankly the difficulty which strikes me in accepting the suggestion which has been made by my Honourable friend from Madras.

**Mr. T. V. Seshagiri Ayyar:** Am I in order, Sir, in moving an amendment now?

**Mr. K. M. Nayar** (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, some of us come from very distant parts of India and for some two or three months at a stretch we have to rely for information as to what is happening in our part of the country on newspaper reports; and, if we cannot have recourse to them, I do not see how we can bring important matters to the notice of the House; then again, we may not be able to move an adjournment of this House when the Secretary of State is likely to be taken to task next time in England over the Indian situation if we are not to believe what appears in the newspapers.

**Mr. J. N. Mukherjee** (Calcutta Suburbs: Non-Muhammadan Urban): May I ask what the practice in the House of Commons is on the point?

**Mr. President:** The practice in the House of Commons is that not only is a Member not allowed to quote the name of the newspaper but he is not allowed to quote anything. My attitude on this subject is that this Assembly is much more important than any purveyor of news outside, and that, where an event has occurred, as put to me by my Honourable friend on the right, which deserves the attention of this House he must be presumed to draw his information from sources which satisfy him, and therefore to be able to stand any inquiry that may arise under sub-order (2) of Standing Order 15. Honourable Members are well aware that anyone engaged in controversy with a newspaper is likely to get the worst of it, for the very good reason that the newspaper must have the last word. In view of that, it seems to me undesirable that any opportunity of controversy between this House as a body and newspapers should arise; and, on that ground, I should be sorry to see this new sub-order defeated.

It is not out of any desire to draw a distinction between one newspaper and another or to say what is a rag and what is not a rag,—because I am not an expert in these matters,—but it is simply because, if an Honourable Member were to put a question containing statements in a newspaper quoting the newspaper's name and I were to admit it and the newspaper afterwards complained to me that nothing of the kind ever appeared and charged me

with carelessness in the discharge of my duties, I would have to satisfy myself that these statements were true. I think the occasion can hardly arise where any matter, which is of sufficient importance to be brought to the notice of this House and the Government, is not accessible to Members in such a form as to enable them to rely implicitly upon it. There is no necessity whatever for quotations from newspapers except in the one conceivable case where a newspaper might be made the subject of proceedings in contempt, and then it might be necessary to mention it by name in this House.

That is the only instance where the real spirit of the rule might be said to lead to breaking the letter of it. Otherwise, I maintain the position which has been put, as I think, with a great deal of force, by my Honourable friend, Mr. Subrahmanayam, and I would suggest to the House that it is desirable that statements made here, whether in questions or in any other way should be made with a full sense of responsibility. Members here are not private individuals who can engage lightly in controversies with newspapers or any one else. They are here as representatives of a great Indian electorate. Representative Assemblies existed long before the press came, and we may assume that our business here can proceed without undue reference to newspapers.

**Mr. J. Chaudhuri** (Chittagong and Rajshahi Divisions : Non-Muhamadnan Rural) : Sir, I would submit that the conditions prevailing in this country are quite different from those obtaining in England. Of course, I am averse to referring to any newspapers for the purpose of entering into a controversy. But we have to take into consideration that news agencies are not well-developed in this country, and further, franchise in this country is not very wide-spread. In England, every county, every borough and every centre of population is represented in the House. But it is not so here. Here we have to deal with a very extensive country, and for our information we have to depend largely on provincial newspapers and even local newspapers. There is no question of advertising any newspaper before this Assembly or outside, nor even of entering into any controversy with them. That would, no doubt, be derogatory to the dignity of the House and of the individual Members. But, I would respectfully submit before you, Sir, and also before this Assembly whether, having regard to the special circumstances of the country, it would not be desirable that, for purposes of information, we should be allowed to refer to reports or items of news which have been published in any of the provincial or local newspapers, and name them, when necessary. I may say, in this connection, that news or a report published in good faith and in the public interest in the newspapers is privileged. Any information we seek by way of interpellation as also any statement we make or elicit, is privileged in this House. Of course, we may be trusted to use our judgment and discretion quite properly, and I confess I have sufficient confidence in the Members of this House that they would not refer to any matters for purposes of libelling others, for the purpose of entering into controversies with others or maligning others, or for any purpose other than that of public benefits and public interest. But the question is this, that in a wide and extensive country like India, it will be impossible for us to get information first-hand; I think the proposition put forward by my Honourable friend, Mr. Subrahmanayam, is impracticable, that we should send wires all over the country for getting information first-hand. So, I venture to submit that, in the present circumstances of the country, it will be nothing out of the way or improper to refer, when necessary, to the names of newspapers when

[Mr. J. Chaudhuri.]

we want corroboration or contradiction, inquiry or Government action, with regard to matters referred to in particular items of news or reports. For instance, even for information of such importance as the Gorakhpur outrage and the Bareilly outrage and events of that kind we have had up to this day to depend on newspaper reports, and it will be impossible for us to carry on our business here or discharge our responsibilities or perform our duties to our constituencies or to the public and the Government unless we rely on the information that is available to us from newspapers. So I say, without any desire on our part to advertise any newspaper, we should be allowed to refer to newspapers, when necessary, for purposes of interpellation.

**Mr. F. McCarthy :** Before you put the question, Sir, I wish you to explain what we are actually voting on. I find, in my corner of the House, there is an impression that, under this suggested rule, nobody can quote a report from a newspaper. That is not the fact. The rule means to prohibit the publication of the name of a particular paper. Reports in the newspapers can be used and questions based upon them.

**Baba Ujagar Singh Bedi (Punjab : Landholders) :** What about the fact, Sir, that has just been pointed out by the Honourable Mr. Subrahmaniam, that, if any Member wishes to give a quotation or refer by name to any particular paper, he should send telegrams all over the country to make certain whether the information is correct or not and to make sure of himself?

**Mr. President :** The explanation put upon the question which I put from the Chair by the Honourable Member from Burma (Mr. McCarthy) is quite correct. The question I put is :

'That in Standing Order 15 the word 'and' at the end of clause (5) be omitted and be re-inserted at the end of clause (6), and after clause (6) the following clause be added, namely :

'(7) it shall not quote anything from a newspaper or mention the name of a newspaper.'

That is to say, the name of a newspaper may not be mentioned in the question, and there should be no quotation from a newspaper in marks of quotation to show that the *ipsissima verba* have been lifted out of the newspaper and put on the Question Paper in a manner which suggests that the Honourable Member does not make himself responsible for the substantial accuracy of the report. It does not mean that where there is a strike on the East Indian Railway, for instance, a Member may not get his information from a newspaper and ask Government for a statement upon the alleged facts. It simply means that he is not to use the words of the newspaper in a manner so as to avoid his own responsibility.

**Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) :** Upon whose authority, Sir, would the question be? If a question is put : 'Is there a strike' and the Government say that the Honourable Member is entirely misinformed, then upon whose authority is this Member to put a question? What is troubling this House at the present moment is that, if we are debarred the use of newspaper information, and if we are to embody that information as our own and put them in question form, we may not be in a position to endorse the accuracy of that information, and yet, at the same time, there would be a suggestion in the question, if it did not quote the

newspaper or quote the *ipsisima verba* of the newspaper, that we take the responsibility for its accuracy. That is the question which is troubling the House.

**Mr. President :** I think no Member is entitled to raise a question here unless he is sure that there is a reasonable supposition that the facts he is quoting are true. It would be a reckless and irresponsible use of the privileges of this House to circulate any rumour without making a serious attempt to test the *bona fides* of its source.

The Assembly then divided as follows :

## AYES—31.

Abdul Quadir, Maulvi.  
Abdul Rahim Khan, Mr.  
Bhanja Deo, Raja B. N.  
Bradley-Birt, Mr. F. B.  
Bridge, Mr. G.  
Bryant, Mr. J. F.  
Cotelingam, Mr. J. P.  
Dalal, Sardar B. A.  
Dentith, Mr. A. W.  
Faridoonji, Mr. R.  
Fell, Sir Godfrey.  
Hullah, Mr. J.  
Jamnadas Dwarkadas, Mr.  
Jejeebhoy, Sir Jamssetjee.  
Joshi, Mr. N. M.  
Keith, Mr. W. J.

McCarthy, Mr. F.  
Misra, Mr. P. L.  
Mitter, Mr. K. N.  
Mukherjee, Mr. J. N.  
Percival, Mr. P. E.  
Ramayya Pantulu, Mr. J.  
Rao, Mr. C. Krishnaswami.  
Renouf, Mr. W. C.  
Samarth, Mr. N. M.  
Sim, Mr. G. G.  
Spence, Mr. R. A.  
Srinivasa Rao, Mr. P. V.  
Subrahmanayam, Mr. C. S.  
Thackersey, Sir Vithaldas D.  
Way, Mr. T. A. H.

## NOES—40.

Abdul Majid, Shaikh.  
Agarwala, Lala G. L.  
Agnihotri, Mr. K. B. L.  
Ahmed, Mr. K.  
Akram Hussain, Prince A. M. M.  
Amjad Ali, Maulvi.  
Asjad-ul-lah, Maulvi Miyan.  
Ayyar, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Barua, Mr. D. C.  
Bhargava, Pandit J. L.  
Chaudhuri, Mr. J.  
Das, Pandit R. K.  
Ghulam Sarwar Khan, Chaudhuri.  
Gour, Dr. H. S.  
Hussanally, Mr. W. M.  
Ibrahim Ali Khan, Lieutenant Nawab M.  
Ikramulla Khan, Raja M. M.  
Lakshmi Narayan Lal, Mr.  
Mahadeo Prasad, Munshi.

Manmohandas Ramji, Mr.  
Man Singh, Bhai.  
Mudaliar, Mr. S.  
Muhammad Hussain, Mr. A. B.  
Muhammad Hussain, Mr. T.  
Nabi Hadi, Mr. S. M.  
Nag, Mr. G. C.  
Nayar, Mr. K. M.  
Neogy, Mr. K. C.  
Pyari Lal, Mr.  
Reddi, Mr. M. K.  
Sarfaraz Hussain Khan, Mr.  
Sarvadhikary, Sir Deva Prasad.  
Schamnad, Mr. Mahmood.  
Singh, Babu B. P.  
Sinha, Babu Adit Prasad.  
Sohan Lal, Bakshi.  
Ujagar Singh, Baba Bedi.  
Vishindas, Mr. H.  
Zahiruddin Ahmed, Mr.

The motion was negatived.

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

'That in Standing Order 19 for the words 'the Member to whom the question is addressed' the words 'any Member' be substituted, and the words 'on the ground of public interest' be omitted.'

The motion was adopted.

**Mr. President:** The question is that Standing Order 19, as amended, stand part of the Standing Orders.

The motion was adopted.

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

'That in Standing Order 23 after the words 'at 4 P.M.', the following words be inserted, namely :

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

The motion was adopted.

1 P.M. **Mr. President:** The question is :

'That in Standing Order 25 :

(a) after the word 'count' the words 'being demanded by a Member' be inserted, and

(b) the following proviso be added, namely :

'Provided that no demand for a count, to ascertain the presence of a quorum be made within one hour of any previous count.'

The motion was adopted.

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

'That to Standing Order 31 the following proviso be added, namely :

'Provided that nothing in this Standing Order shall, unless the President in any case otherwise directs, be deemed to prevent the making of any of the following motions, namely :

(a) a motion for the taking into consideration or the reference to a Select Committee of a Bill, where an amendment has been carried to a previous motion of the same kind to the effect that the Bill be circulated or re-circulated for the purpose of eliciting opinions thereon ;

(b) any motion for the amendment of a Bill which has been re-committed to a Select Committee, or re-circulated for the purpose of eliciting opinions thereon ;

(c) any motion made as the result of a conference under rule 40 ;

(d) any motion for the amendment of a Bill made after the return of the Bill by the Governor General for re-consideration by the Assembly ;

(e) any motion for the amendment of a Bill which is consequential on, or designed merely to alter the drafting of, another amendment which has been carried ;

(f) any motion which has to be or may be made within a period determined by or under the Rules or Standing Orders.'

The motion was adopted.

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

'That to sub-order (3) of Standing Order 32 the following proviso be added, namely :

'Provided that nothing in this sub-order shall be deemed to give any right of reply to the Mover of an amendment to a Bill or a Resolution, save with the permission of the President.'

The motion was adopted.

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

'That for sub-order (3) of Standing Order 34 the following be substituted, namely :

'(3) Where a motion is made under sub-order (1), or a request is made under sub-order (2), the motion, and, if it is carried, the question, or, as the case may be, the question shall be put without amendment or debate :



Provided that the President may allow any Member any right of reply which he may have under these Standing Orders'.

The motion was adopted.

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

'That in clause (b) of sub-order (1) of Standing Order 38 the words 'composed of such Members of the Assembly as he may name in his motion' be omitted.'

The motion was adopted.

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

'That 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' 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' be inserted.'

The motion was adopted.

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

'That in sub-order (1) of Standing Order 54 for the words 'ten clear days' the words 'one month's' be substituted.'

The motion was adopted.

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

'That in clause (a) of the proviso to Standing Order 59 for the word 'a' the words 'substantially one' be substituted.

The motion was adopted.

**Sir Vithaldas D. Thackersey** (Bombay Millowners' Association : Indian Commerce) : I beg to move :

'That after sub-clause 1 (b) of Standing Order 61 the following be inserted :

- 'or (c) with the permission of the President may authorise another Member, who has balloted for the same Resolution and whose name stands below in the List of Business the same day, to move the Resolution, in which case the latter Member may move it.'

The point has already been debated and my Honourable friend, Mr. Samarth, has pointed out that, even when a Resolution gets a higher place in the List in the ballot, still the Member who is conversant with the Resolution may not get a chance of moving it, and the great disadvantage would be, in the first place, that the Member who moves it may not be able to do justice to the Resolution and, in the second place, he may not be able to reply to any argument that may be advanced by the Government Member. I do not think that this will be satisfactory. It will be a very weak opening of the case when a Member moving a Resolution does not know much about it and the Member who would handle the Resolution in a very able manner cannot reply to the debate. In the Report of the Select Committee, the principle of giving priority is thus mentioned: They are against giving priority to any Resolution and they make it depend on the method of several

[ Sir Vithaldas D. Thackersey. ]

Members giving notice of the same Resolution. The Select Committee says :

'We understand that this procedure was suggested as a substitute for the practice under which in the past Government has given time on official days for selected Resolutions of general public interest. Most of us think that this object, namely, of securing the discussion of a Resolution in which Members are generally interested, should be capable of attainment under the Standing Orders as they are. If Members are generally desirous that a particular Resolution should obtain time for discussion, their object can be secured by concentrating on that Resolution in one ballot. This would probably result in the particular Resolution obtaining an early place in the ballot, and its position could be secured if Members earlier on the list would withdraw in its favour.'

It seems that the Select Committee realised that occasions might arise where priority might be necessary, when an important Resolution is brought before the House. But, at the same time, I may point out that that will not serve the object when a Member who has not studied the subject thoroughly about that Resolution moves the Resolution and the man who is an authority on the subject has no right of reply. Of course, the Member who knows the subject may follow by seconding the Resolution, but the most important thing, the right of reply, which may arise on an important subject after the Government Member has spoken, is denied to him. I do not think that that is a very satisfactory procedure and I hope the House will accept my amendment.

**Mr. G. G. Sim** (Joint Secretary Finance) : Sir, I think the Honourable Member can give effect to the object he has in view by the amendment proposed in sub-order (2) of this Standing Order. Sub-order (2) provides that another Member authorised by the original Member may move a Resolution if the Member in whose name it stands is absent. It would be perfectly simple for the Democratic Party, if any Member who had been successful in getting a ballot on any question in which they were particularly interested did not know much about it and they wished to see somebody else move the Resolution to keep that Member out of the room for five minutes, in which case he would authorise some other Member to bring forward the Resolution in his place. This would be a much more simple method than the method suggested by the amendment. I do not think that the amendment is necessary, as the case can suitably be dealt with under the amendment of sub-order (2).

**Sir Vithaldas D. Thackersey** : I wish to say a word in explanation with regard to the remarks of the last speaker. His suggestion that the Mover should absent himself for the time being does not meet my case, because the permission of the President is necessary, and when such a dishonest way of dealing with an important question is adopted, the President might say that the Mover was present only half an hour earlier and he purposely went away and, therefore, he would not permit such a dubious course.

I ask the House to deal with the matter in a straightforward manner and not to ask us to do anything in a wanton manner.

**Mr. N. M. Samarth** : Not place a premium on dishonesty.

**Dr. H. S. Gour** : I should say one word and it is this. I think if the Member, when called on, authorises another Member to move his Resolution, he should be allowed to do so. In other words, I would suggest that the order be so amended so as to entitle a Member who has got the right to move the

Resolution to authorise another Member either in writing or verbally to move the Resolution for him, and that will meet the difficulty.

**Bao Bahadur C. S. Subrahmanayam:** Sir, what Sir Vithaldas says was not exactly contemplated, that on the same day the same Resolution comes in two places. A number of Members have balloted on the same Resolution, and it may happen, as it has happened, that the same Resolution would come in two places on the same day. What Sir Vithaldas says is this: Suppose the Resolution comes first. The Mover of that Resolution, though not incompetent or quite unequal to the work, may not be expert enough to speak on that subject, but the same Resolution coming as fourth or fifth on the list is in the name of the Member who is the expert and at whose instance this Resolution comes before the Assembly. What he says is that he cannot ask the Member who has balloted in the first place to be absent. That would not be quite straight; nor is it fair to ask him to move his Resolution coming in later on, so as to have the right of reply. It is very important that he should be able to say in reply all that can be said for the Resolution, and the man who is capable of dealing with the points which have not been anticipated should have the chance of speaking. Therefore, what he says is, if the same Resolution takes two places on the same day, why not allow the man who has got that Resolution to change places? This particular aspect of the case was not contemplated by the Select Committee. We made arrangements for men who were absent, which was all right; but this is a concrete case which he puts before us, and it is, therefore, for you, Sir, to see whether it is not worth accepting.

**Mr. K. Ahmed:** Sir, I beg to differ from my friend, who, if I may say so, is 'putting the horse behind the cart.' The principle on which this ballot is held presents no difficulty whatever. If we have a majority of Members balloting for the same Resolution, what happens? Does it not mean finally the same thing? What harm is there if more than one Member gets preference over some other Members on whom fortune may not be smiling? I cordially agree with my Honourable friend from Bombay and I approve of each and every word of his. There is no sentiment at all in what my Honourable friend on my left says.

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

\* That after sub-clause 1 (b) of Standing Order 61, the following be inserted :

' or (c) with the permission of the President may authorise another Member, who has balloted for the same Resolution and whose name stands below in the List of Business the same day, to move the Resolution, in which case the latter Member may move it.'

The motion was adopted.

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

\* That for sub-order (2) of Standing Order 61 the following shall be substituted, namely :

' (2) If the Member when called on is absent, any other Member authorised by him in writing in this behalf may, with the permission of the President, move the Resolution standing in his name. But if no Member has been so authorised or such permission is not granted, the Resolution shall be deemed to have been withdrawn.'

**Dr. H. S. Gour:** If the Member, when called on, is absent, would it come within the scope of this rule to allow a Member, whether absent or present, to authorize any Member in writing or orally in this behalf to move the Resolution? I submit this will improve the clause, and would authorise the Member, who is prepared to speak on the Resolution which he has drawn in the ballot, to authorise any Member who is better prepared to move that Resolution.

**Mr. President:** The Honourable Member has just forced a division on that very point. I do not now understand the Honourable Member's point.

**Dr. H. S. Gour:** That was more limited, Sir.

**Mr. President:** The only difference that the Honourable Member makes now is the introduction of the word 'orally.'

**Mr. T. V. Seshagiri Ayyar:** Sir, the practice suggested is a very dangerous one. You must allow everybody who has a motion in his name to move it himself. One can understand that, if there are a number of Resolutions of the same kind, and they are of a very important character, the suggestion of my Honourable friend, Sir Vithaldas Thackersey, that a Member who is an expert should be allowed to move it, but to say that all Resolutions should be allowed to be moved by somebody else, just because the person who has given notice wishes to absent himself, is a tall order, which this House should not permit.

The motion was adopted.

**Mr. President:** The question is that Standing Order 61, as amended, do stand part of the Standing Orders.

The motion was adopted.

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

'That to the proviso to Standing Order 62, the following be added, namely :  
'or for such longer time as the President may permit,'

The motion was adopted.

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

'That for Standing Order 72, the following shall be substituted, namely :  
'If notice of a motion to omit or reduce any grant has not been given two clear days before the day on which the demand is to be considered, any Member may object to the moving of the motion, and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the motion to be made'.

The motion was adopted.

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

'That in Standing Order 75, for the words 'Governor General' the word 'President' be substituted'.

The motion was adopted.

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

'That after Standing Order 75, the following Standing Order be added, namely :

'76. The President may, by order in writing, delegate to the Deputy President all or any of his powers under these Standing Orders.'

The motion was adopted.

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

'That for clause 1 of Schedule I the following shall be substituted, namely :

'1. Not less than 17 days before each day allotted for the disposal of non-official business, the Secretary will cause to be placed 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 or has given notice of a Resolution, or has given notice of a Bill, as the case may be, may have his name entered, in the case of a ballot for Resolutions, against one number only, or, in the case of a ballot for Bills, against one number for each Bill of which he has given notice up to the number of three.'

The motion was adopted.

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

'That in clause 2 of Schedule I for the words 'on the third day a ballot' the words 'the ballot', and for the words 'at which' the word 'and' be substituted.'

The motion was adopted.

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

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

The motion was adopted.

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

'That for clause 5 of Schedule I the following 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 any Resolution, as the case may be, of which he has given the notice required by the Rules or Standing Orders :

Provided that he shall then and there specify such Bill or Bills or such Resolutions.'

The motion was adopted.

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

'That clauses 6 and 7 of the Schedule be omitted.'

The motion was adopted.

#### TIME FOR BALLOTING.

**Mr. N. M. Samarth** (Bombay : Nominated Non-Official) : Before the House is adjourned to-day, may I request you, Sir, to change the time for the balloting to-day, which has been fixed for 4 O'clock. If it could be taken half an hour after the adjournment, it would suit the convenience of most of the Members or all of the Members here, so far as I know. We have to attend another function later on in the afternoon.

**Mr. President:** I am perfectly prepared to alter the arrangement for holding the ballot at 4 O'clock, but the Honourable Member has given rather short notice and I am not quite sure whether the officers of the Department can be ready.

Can you be ready, Mr. Secretary?

The ballot will be held this afternoon at 2 O'clock in place of 4 O'clock.

**Khan Bahadur Zahiruddin Ahmed** (Dacca Division : Muhammadan Rural : May I be permitted to say one word, Sir? I am on the horns of a dilemma! May I ask for a little enlightenment! From the debates today in this House I have formed an apprehension that this House will be trying to ape the House of Commons in Great Britain. Should we try to equalise or should we be aiming at an improvement? With Members of such capacity in this House I will not be satisfied with equalising, but we should aim at an improvement. That should be our goal. We have got the materials in this House for it and these materials cannot be spoiled. Sir, you are the best man to help us in reaching our goal.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions : Non-Muhammadan) : I rise to a point of order. What has this to do with us?

**Mr. President:** Order, order. What question is the Honourable Member raising?

**Khan Bahadur Zahiruddin Ahmed:** What is to be our end, Sir? (Laughter.)

**Mr. President:** I cannot be a prophet. Nor do I yet understand what exactly the Honourable Member is seeking to do.

**Khan Bahadur Zahiruddin Ahmed:** Whether we should try to be equal to the House of Commons or be an improvement over it?

**Mr. President:** The Honourable Member may think over that point of order for the next ten days and put it to me on the 22nd.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 22nd February, 1922.