

Tuesday, 21st March, 1922

THE
COUNCIL OF STATE DEBATES
(Official Report)

SECOND SESSION
OF THE
COUNCIL OF STATE, 1922



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COUNCIL OF STATE.

Tuesday, the 21st March, 1922.

The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

RANCHI MENTAL HOSPITAL BILL.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I beg to move that the Bill to provide for the incorporation of Trustees for the European Hospital for mental diseases at Ranchi, and to make provision for other matters in relation thereto, be taken into consideration. I take this opportunity, Sir, of correcting an error into which I inadvertently fell the other day when replying to the Honourable Saiyid Raza Ali. I said that the expenditure on the hospitals paid by each Local Government would be votable. As a matter of fact, the position is really governed by the Act, which the Council passed the other day, amending the Indian Lunacy Act of 1912. The effect of that Act is to make this expenditure prescribed by or under a law, and as the Council is aware, any expenditure prescribed by or under a law is not submitted to the vote. The principle, of course, is the same as that followed in England, when any expenditure of a fixed and standing character which has to be met is not submitted to the vote of Parliament, but is debited against the Consolidated Fund. Exactly the same principle applies to expenditure on Indian lunatics. If an Indian lunatic is sent from one province to another, he has to be paid for, the charge has to be met like a debt charge, and so no purpose could be served by submitting the charge to a vote.

The motion was adopted.

Clauses 1, 2 and 3 were added to the Bill.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I beg to move as an amendment that in clause (e) of sub-clause (1) of clause 4 of the Bill, for the words 'Calcutta Branch of,' the following words be substituted, namely:—

'Council of the company which was at the commencement of this Act registered under the Indian Companies Act, 1913, by the name of.'

This, Sir, is a purely formal amendment which has the effect of specifying more clearly and accurately the particular association concerned.

The amendment was adopted.

Clause 4, as amended, and clauses 5 to 21 and the Preamble were added to the Bill.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

AMENDMENT OF STANDING ORDERS.

The HONOURABLE THE PRESIDENT: The next business on the paper is the motion standing in the name of the Honourable Mr. Kale regarding the

[The Honourable the President.]

amendment of Standing Orders. Under Standing Order 54, it is my duty to read these draft amendments to the Council.

1. That in Standing Order 10 after the word 'Secretary' the words 'and signed by the Member giving notice' be inserted.

2. That in Standing Order 18 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.

3. That in Standing Order 22 after the words 'at 4 P.M.', the following words be inserted, namely :

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

4. That in Standing Order 23 for the words 'by 6 P.M.', the words 'within two hours' be substituted.

5. That to Standing Order 24 the following proviso be added, namely :

'Provided that no count to ascertain the presence of a quorum shall be made within half an hour of any previous count.'

6. That in Standing Order 31 (3)—

(a) after the word 'motion' where it first occurs, the words 'or an amendment to a motion' be inserted, and

(b) after the word 'motion' where it occurs for the second time, the words 'or amendment' be inserted.

7. That for sub-order (3) of Standing Order 33 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 or of speech which he may have under the Standing Orders.'

8. That in clause (b) of sub-order (1) of Standing Order 37 the words 'composed of such Members of the Council as he may name in his motion' be omitted.

9. That in Standing Order 39—

(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 an amendment under clause (a) of sub-order (2) of Standing Order 38' be inserted.

10. That in clause (a) of the proviso to Standing Order 58 for the word 'a' the words 'substantially one' shall be substituted.

11. That after sub-order (1) of Standing Order 60 the following proviso be inserted, namely :

'Provided that the Member may with the permission of the President authorise any other Member in whose name the same Resolution stands lower in the list of business to move it on his behalf and the Member so authorised may move accordingly.'

12. That for sub-order (2) of Standing Order 60 the following 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.'

13. That in Standing Order 72 for the words 'Governor General' the word 'President' be substituted.

In ascertaining whether the Mover has the leave of the Council, does any Honourable Member desire me to submit these different drafts separately, as otherwise I shall submit them as a whole?

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, as I am going to take exception to leave being given in respect of item No. 6, I would ask them to be taken separately.

The HONOURABLE THE PRESIDENT: In that case, I will ask whether the Honourable Member has leave of the Council with regard to all the amendments except No. 6, which I will take separately.

Has the Honourable Mr. Kale the leave of the Council to introduce the draft amendments in the Standing Orders which appear on the paper with the exception of item No. 6? Will those who are in favour of leave being given rise in their places?

(On taking a count) the Honourable Member has the leave of the Council.

The HONOURABLE THE PRESIDENT: There remains only one amendment, namely, item No. 6. Has the Honourable Mr. Kale the leave of the Council in regard to amendment No. 6? Will those Honourable Members who are in favour of leave being given in respect of this amendment rise in their places?

(On taking a count) the Honourable Member has not the leave of the Council.

Leave has therefore been granted as regards all the amendments except No. 6.

The HONOURABLE MR. V. G. KALE: Sir, in the September Session of this Council I had the privilege of moving for the amendment of one Standing Order and the Council knows that the amendment that was effected in that Session gave us the power of subjecting the annual Budget to a general discussion. That privilege we have already exercised this year. Honourable Members, I am sure, must have been experiencing certain difficulties in connection with the procedure that we follow here and some of them must have felt the necessity of improvements in the Standing Orders which govern the procedure that is followed in the Council. I thought that some of the Standing Orders might be amended with a view to facilitate our work, and that impression was strengthened by the amendments which have been carried out already in the other House. The amendments made in the other House cannot apply as a whole to the procedure of this House, but certainly we can learn much from what has been done there, and, in the light of the improvements which have been effected in the other House, I feel it is just possible for us to introduce improvements into our own Standing Orders also. I shall not weary the Council by reading each and every amendment and explaining why I feel that the improvement that is being sought is required. I may, however, refer to only a few of the important changes which I am proposing.

For example: In Standing Order 18 for the words 'the Member to whom the question is addressed' the words 'any Member' are to be substituted, and the words 'on the ground of public interest' are to be omitted.

The Standing Order, as it stands at present, is this:—

'If on a question being called it is not put or the Member in whose name it stands is absent, the President, at the request of the Member to whom the question is addressed, may direct that the answer to it be given on the ground of public interest.'

Now, the amendment which I wish should be introduced into this Standing Order is that any Member should have a right of requesting that the answer to a question should be given, not necessarily on the ground of

[Mr. V. G. Kale.]

public interest. I presume that almost all questions for which answers are expected in this House are questions which are put in the public interest, and consequently I believe that any Member of this House might be empowered to suggest that the answer may be given even when the Member putting the question is absent.

Then, in Standing Order 22, after the words 'at 4 P.M.,' the following words be inserted, namely:—

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

Honourable Members are aware that we in this House have not generally to sit till 4 O'Clock. It does very often happen that we have to disperse at about 12 O'Clock or 12-30

The HONOURABLE MR. LALUBHAI SAMALDAS: Not very often. Seldom.

The HONOURABLE MR. V. G. KALE: Not very often as my friend suggests. At the Simla Session the practice that had actually to be followed was such that this rule could not be carried out as it stood. Therefore, we shall be satisfying the substantial object of the Standing Order by making the alteration which I propose, namely, 'at any earlier hour at which the business of the day may terminate.' The Standing Order was originally so worded because it was thought that the usual time for the closing of the sittings of the Council would be 4 O'Clock. But if we finish our work at 1 O'Clock, it is not reasonable that we should have to wait from 1 to 4 O'Clock. Consequently, I suggest discussion as early as the sitting closes, of course, with the consent of the Member of Government concerned, because, as it is a motion for adjournment, the Member representing Government must have a full opportunity of preparing for a reply.

In Standing Order 23, for the words 'by 6 P.M.' the words 'within two hours' are to be substituted.

This is only a consequential amendment.

To Standing Order 24 the following proviso is proposed to be added, namely,

'Provided that no count to ascertain the presence of a quorum shall be made within half an hour of any previous count.'

The question here is, when any Member feels that there is no quorum, whether he should draw the attention of the Chair to the fact that there is no quorum or the Chair shall take a count and ascertain whether there is a quorum and declare that there is no quorum when that is a fact. What is, however proposed by this amendment is that when a count has been taken, no further count shall be taken unless there is an interval of half an hour between the two. Otherwise it may so happen that in ten minutes another count will have to be taken and that will be highly inconvenient.

Then, for sub-order (3) of Standing Order 33 the following is to 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 or of speech which he may have under the Standing Orders.'

The question involved in the amendment proposed to Standing Order 33 is this. When a question has been debated for some time, several Members feel that there has been sufficient discussion and that the Question may be put. But it so unfortunately happens that a Member who has made the motion does not get any opportunity of replying to the criticisms which have been passed upon the motion. He has made a motion or moved a Resolution. There are so many speeches made, most of them hostile. The Question is put and he loses the opportunity that he should have, and, to my mind, reasonably, have of replying to many of the criticisms which have been made. So far, therefore, as my opinion goes, even when the Question is put, the Mover of a motion or of a Resolution should get an opportunity of replying, and then all further discussion should be put a stop to. It is but fair and reasonable to the person who moves the Resolution that such an opportunity should be given. That is a matter that will have to be considered in connection with this amendment.

Then another important amendment relates to Standing Order No. 58. This Standing Order runs as follows:—

‘ Subject to the restrictions contained in the rules and to the provisions of these Standing Orders, any Member may move a Resolution relating to a matter of general public interest :

Provided that no Resolution shall be admissible which does not comply with the following conditions, namely :

(a) it shall be clearly and precisely expressed and shall raise a definite issue.’

The condition here laid down, namely, that a Resolution shall be clearly and precisely expressed and shall raise a definite issue is proposed to be slightly altered. The amendment is that ‘ it shall raise substantially one issue.’ In many Resolutions there are a’s, b’s and c’s. In no Resolution, however, shall two distinct issues be raised. It is necessary for proper discussion that one distinct issue should be raised in each Resolution. There should also be no confusion of a number of issues. But it may be that when a Resolution is divided into different parts, those parts relate substantially to the same subject, the issue is one but there are different aspects or branches of the same subject which are spread over a number of sub-clauses of the Resolution, and therefore the proposed amendment is an improvement of the language of the existing Standing Order and the meaning is sought to be brought out more clearly. The words ‘ substantially one issue ’ are to be substituted for the words ‘ a definite issue ’.

Then, there is an amendment proposed in sub-order (1) of Standing Order 60. The Standing Order stands thus:—

‘ (1) A Member in whose name a Resolution stands on the list of business shall, when called on, either—

(a) withdraw the Resolution, in which case he shall confine himself to a mere statement to that effect; or

(b) move the Resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.

(2) If the Member when called on is absent, the Resolution standing in his name shall be deemed to have been withdrawn.’

Now, the amendment is to sub-order (1) of Standing Order 60, which is to the following effect:—

‘ Provided that the Member may, with the permission of the President, authorise any other Member in whose name the same Resolution stands lower in the list of business to move it on his behalf and the Member so authorised may move accordingly.’

[Mr. V. G. Kale.]

Oftentimes it so happens that the same or substantially the same Resolution stands in the name of more than one Member. Suppose I have a Resolution standing in my name and it stands fifth on the list of business, while substantially the same Resolution stands in the name of another Honourable Member whose place is second. I see that it is hopeless for me to expect that I shall get an opportunity of moving that Resolution. Consequently, a Member may, with the permission of the President, authorise another Member in whose name the same Resolution stands lower in the list of business to move it on his behalf, and the Member so authorised may move accordingly. If an Honourable Member's Resolution stands second in the list he may, if he so wishes, authorise, with the permission of the President, an Honourable Member who stands fifth in the list, to move his Resolution so that a full opportunity is given for the discussion of the Resolution. So, it is an arrangement among the Members themselves as to who will speak first and who will speak last, of course, with reference to substantially the same question, and consequently I think the amendment will conduce to the convenience of discussion and also of all Honourable Members. My next amendment is that for sub-order (2) of Standing Order 60 the following be substituted, namely:—

‘ 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.’

Then, again, it so happens that having given notice of his intention to move a certain Resolution and having gained the first, second or third place in the agenda of the day, a Member finds that he cannot attend the meeting of the Council. In that case, he loses his opportunity; not only that, but the discussion is rendered impossible. Many of the Members are naturally anxious that though they cannot move the Resolution themselves, the question should be discussed in the interests of the House and in those of the country, but under the orders as they stand, this is not allowed. The Resolution practically lapses and the opportunity of the Honourable Member is gone. I think, therefore, that it will be an improvement if the Member when called upon is absent, another Member who is authorised by him in writing, with the permission of the President, is allowed to move the Resolution standing in his name. Of course, if no Member has been so authorised in writing, naturally the Resolution will be regarded as having been withdrawn.

Now, these are the more important amendments which I wish to introduce, and I think I have been able to show what is the object with which these amendments are being proposed and how, if they are accepted, they will conduce to the greater convenience of discussion.

Before I sit down, I must render my thanks to the Honourable Mr. Moncrieff Smith for the assistance he has given me in putting into the proper phraseology the ideas which I had in my mind. With the courtesy which characterises him, he rendered me similar assistance at Simla and he has now given me his help in drawing up these amendments also. And I express my gratitude to him for his assistance. With these words, Sir, I move that the amendments that I am proposing should be made and that the proposed amendments be referred to a Select Committee.

THE HONOURABLE MR. H. MONCRIEF SMITH: Sir, in indicating the attitude of Government towards the Honourable Mr. Kale's draft amendments, I do not think that I need follow his example and discuss the various

amendments in detail. The Government has no objection to any of these. Some of them are distinctly useful as Mr. Kale himself has pointed out, some are even necessary, and the rest, at all events, even if they are not necessary, are harmless. In some cases they merely give effect to a practice which has been established in the Council by the Chair.

The Government is, therefore, quite prepared that these amendments should go before a Select Committee. I would mention one particular amendment which I think requires very careful examination at the hands of the Select Committee, and that is No. 7 on the list. It deals with the question of the closure; and I think we shall have to be very careful indeed in making any amendments in our procedure in that respect. Not only the substance but the drafting also will require very careful scrutiny. I support Mr. Kale's motion that the draft amendments should be referred to a Select Committee.

Before sitting down, I should like to congratulate Mr. Kale on his industry in having gone through our Standing Orders and selected those matters which he deems require amendment.

The HONOURABLE MR. SETHNA: Sir, the Standing Orders as originally drafted contemplate that they might be changed, if necessary, when time and circumstances required, and section 53 lays down the procedure as to what to do in the event of any proposed change. My Honourable friend has brought forward a string of amendments to which I need not refer at any length because they are being referred to a Select Committee. I will also follow the example of the previous speaker and propose to dwell on just two items. The Honourable Mr. Moncrieff Smith has told us in regard to amendment no. 7 that the committee should be very careful to consider whether any change is necessary. I know, Sir, that the present rule, which prevents any Mover from replying after the closure is applied, is a practice which is prevalent in the House of Commons; but, Sir, I am also aware that many important bodies do give a right of reply to the Mover, and it will be for the Select Committee to consider whether they might leave this to the discretion of the Council; that is to say, after the closure is applied the President might take the sense of the meeting whether the Mover is to reply or not. I suggest this, from my experience of another large body where a similar rule prevails.

In regard to item No. 5 I heard the explanation of my learned friend, Mr. Kale, very carefully; but I am afraid this item also will require some consideration at the hands of the Select Committee. It is suggested that after a count in regard to a quorum is taken there should be no further count within a period of half an hour. Now it may happen that in the next few days when we have, for example, the Finance Bill before us that a count will be taken and 16 Members are found to be present at say 11-45 A.M., which is the time just now. According to the rule which is suggested, until 12-15 P. M. no further count could be taken; but if between this half hour the number of Members is reduced to 5, according to this rule no count can be taken, and very important measures will have to be decided by the votes of just the small number of Members who are present. I hope the Select Committee will take this into consideration.

Sir, I am sorry my friend has not included in his list, nor did it occur to me to send a notice myself; but there is one amendment to which the Select Committee might also give some consideration

The HONOURABLE THE PRESIDENT: The Select Committee can only consider amendments of which notice has been given.

The HONOURABLE MR. SETHNA: In that case I have nothing more to say.

The HONOURABLE SIR EDGAR HOLBERTON: Sir, I should like to express the thanks of this House to the Honourable Mr. Kale for bringing these suggestions forward. Most of them certainly seem to be improvements; but, at the same time, I must myself rather anticipate that they will not all get through the Select Committee; for instance, it seems to me that this amendment in Standing Order 60 is a very dangerous one. It would allow a series of Members, some of whom may not be present or have no intention whatever of being present, to put forward the same Resolution and swamp the board with possibly very unimportant Resolutions and give them a prominence which they do not deserve. At the same time, Mr. Kale in his speech spoke of substantially the same Resolution, whereas in his draft he says 'the same Resolution'. If that is his suggestion I think he will have to include the word 'substantial'; otherwise the President might be in some difficulty.

I find the same difficulty also in regard to No. 12, which is an amendment of sub-order (2) of Standing Order 60; that seems to me to be a definite encouragement to a Member, who cannot take the trouble to attend the Council, to send up Resolutions from some part of the country and then get somebody else to do the work for him. I think it is essentially desirable that Members should be here to bring their own motions before the Council.

A third amendment that appears to me a little dangerous is No. 8—that in sub-clause (b) of sub-order (1) of Standing Order 37 the words 'composed of such Members of the Council as he may name in his motion' be omitted. I think it is essential that before people put forward names for Select Committees Members should have been approached beforehand, and if a Member is allowed to put forward a Select Committee without first of all ascertaining whether the Members mentioned are willing to serve, possibly the President and the Council would be put to an undue amount of trouble. I just make these short remarks to show my sympathy with Mr. Kale's endeavour to improve our Standing Orders.

The HONOURABLE SAIYID RAZA ALI: Sir, I do not propose to discuss in detail the amendments that have been proposed by the Honourable Mr. Kale. It would be enough if I on my part indicate that I am in general agreement with the amendments that he has brought forward. It is always very useful when the amendment of any law is proposed to have a general discussion indicating the sense of the House; that, I find, is exactly the course that the discussion is taking to-day. I think, Sir, that the Honourable speaker who preceded me (Honourable Sir Edgar Holberton) fell into a little misapprehension when he remarked that though Mr. Kale proposes the addition of the words 'substantially one' in Standing Order No. 58, he had not followed that language in Standing Order 60. If the Honourable Member will refer to these two rules he will find that they relate to two entirely different matters. By adopting the words 'substantially one' in Standing Order 58 it by no means follows that you should insert, in fact it has nothing to do with your inserting the corresponding amendment in Standing Order 60

The HONOURABLE SIR EDGAR HOLBERTON: Sir, I think the Honourable Member has misunderstood me. What I said was that with reference to Standing Order 60 the Honourable Mr. Kale in his speech spoke of substantially the same Resolution, whereas in the wording of his amendment he said 'the same Resolution'. I did not discuss No. 58 at all.

The HONOURABLE SAIYID RAZA ALI: I am speaking within the collection of the Council. I do not think I need repeat what I said. If that is so, I do not think that point really arises. Those are two entirely different motions. Referring to amendment No. 5, I quite see the natural desire and nervousness on the part of my friend, the Honourable Mr. Sethna, as to what is going to be the fate of the Finance Bill if this Resolution were in force, for instance, to-morrow. But my submission is this, that the amendment is a very reasonable proposition. You cannot have counts every five minutes. If Honourable Members have no sense of responsibility and if they make it a point in order to frustrate the supposed object of my Honourable Friend, Mr. Sethna, to absent themselves just at 46 minutes past 11, then their case as well as my Honourable friend's is hopeless and that cannot be helped. We must trust to the natural sense of responsibility of the Honourable Members of this Council. It becomes really very trying to take a count every five or ten minutes. You must have some fixed time within which the same question shall not be raised. Therefore, I think it is a very sound amendment that my learned friend has brought forward. Coming to amendment No. 7 I must say that it raises a somewhat important question. I do not think the importance of the question is quite as momentous as made out by the Honourable Mr. Moncrieff-Smith; but I must at the same time admit that it is, on the whole, a somewhat important question. The opinion of this Council, so far as I have been able to ascertain it, is also somewhat divided on this subject. But all the same we have got to take up the subject and we have got to make up our minds one way or the other, whether to take this step or not. The question has agitated the minds of Honourable Members of this House for some time ever since the ruling was given that after a closure is proposed then the Mover, in case the motion for closure is adopted, forfeits the right of reply. As I submitted, there is a considerable body of opinion here which takes the view that in any case even if the closure is adopted the Mover should be given a right of reply; but to be on the safer side I notice that my Honourable Friend, Mr. Kale, has made it subject to permission being accorded by the President. In other words the discretion will rest, if this amendment is carried, in the President to give the right of reply to the Honourable Mover or not. I think, Sir, that is an ample safeguard and that should disarm all the criticism against the amendment to this Standing Order. The practical effect will be this, that even after the closure is carried the Mover will have his right of reply, but it will be for the President to declare whether the Honourable Member should exercise that right or not. I am not oblivious of the fact that at times the atmosphere may grow rather warm and even hot and in that case it may not be desirable to allow the Honourable Member to exercise his right of reply. But for that we must trust to the good sense of the Chair, and I have not the least doubt that that right will be properly and judiciously exercised. Therefore, I think, Sir, the main principles enunciated in the amendments brought forward by my Honourable Friend, Mr. Kale, will commend themselves to the majority of the Honourable Members of this House, and I support his proposals.

The HONOURABLE NAWAB MOHAMED MUZAMMIL-ULLAH KHAN: Sir, I do not think there is any necessity for me to speak on this occasion about these amendments. The amendments would go to the Select Committee, and there the Honourable Members will have an opportunity to thresh out all the questions. But as other Honourable Members have spoken I feel I ought also to speak and support the motion brought forward

[Nawab Mohamed Muzammil-Ullah Khan.]

by my Honourable Friend, Mr. Kale. Some Honourable Members here commended the amendment No. 12 on the list, namely, that if the Member when called on is absent any other Member authorised by him in writing on his behalf may, with the permission of the President, move the Resolution standing in his name. Now, I must submit, Sir, that our Council is in its infancy, therefore we must try to maintain strict discipline and we must not seek for excuses so that if any Member thinks that his Resolution is for the good of the country, he must try his best and come to the Council and place his views before the Members. If he authorises any other Member to move the Resolution on his behalf, he cannot certainly put forward all that the Honourable Member who originally intended to move the Resolution has in his mind. The original drafter of the Resolution can alone express all his thoughts and ideas better. If this particular motion of asking any other Member to move the Resolution than the Member who gave notice of it, is carried, then it will mean putting one's thoughts and ideas into another man's mouth which may not be suitable for him. Therefore, I think that it is a very necessary thing that in our infant stage every Honourable Member should try and attend the Council, particularly when he has a Resolution standing in his name. Another thing is, a Resolution cannot be lost for ever. If the Honourable Member who gave notice of it cannot attend one meeting, he can come at the next meeting and place his views before us. With these words, I support the motion.

The HONOURABLE MR. V. G. KALE: Sir, I do not think it is necessary to say much in reply as my Honourable Friend, Saiyid Raza Ali, has already replied to some of the criticisms.

With regard to the observations made by Sir Edgar Holberton relating to amendment of Standing Order No. 60, I am sorry for the slip I seem to have made and let me say that I did not want that any Member who has a Resolution standing in his name which is similar to the Resolution standing in the name of another Honourable Member, should be allowed to move the latter's Resolution. That was not my point. If the same Resolution has been given notice of by more than one Member, then and then only that contingency will arise. I know as a matter of fact that such a notice was given last time of one Resolution by more than one member. Under those circumstances, I think there will be no harm in giving permission of this sort for moving the Resolution. Sir, as the amendments are going to be discussed at great length in the Select Committee, I will not say anything further on this question.

12 NOON. The HONOURABLE THE PRESIDENT: The question is:

'That the proposed amendments for which leave has been granted as set out in the list be referred to a Select Committee.'

The motion was adopted.

Under Standing Order 55, the Select Committee procedure is rather different from our ordinary procedure. I will read the whole of the relevant rule.

'If that motion is carried', (that is the motion that the amendments be referred to a Select Committee) 'the draft amendments shall be referred to a Select Committee of which the President shall be Chairman, and one of the Chairmen of the Council to be nominated by the President shall be a Member. The remaining Members who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President.'

That is the regulation, and before we can have an election, we must have nominations. I propose now to leave the Chair for quarter of an hour to enable Members to put in nominations, after which I will return and then say whether it is necessary to hold an election.

The HONOURABLE SIR EDGAR HOLBERTON: I rise to a point of order, Sir. Do we nominate 5 or 7 ?

The HONOURABLE THE PRESIDENT: 'The remaining Members shall be seven, and they shall be selected by the Council by the single transferable vote.' If the Honourable Member will refer to the regulation (which is on the table) about the single transferable vote, he will find it very interesting. (Laughter).

(The Honourable the President at this stage vacated the Chair and then the election commenced.)

MEMBERS NOMINATED FOR SELECT COMMITTEE.

The HONOURABLE THE PRESIDENT: The following gentlemen have been nominated for election:—

The Honourable Saiyid Raza Ali.

The Honourable Mr. H. T. S. Forrest.

The Honourable Mr. Moncrieff Smith.

The Honourable Mr. Khaparde.

The Honourable Sir E. Holberton.

The Honourable Mr. Sethna.

The Honourable Mr. Kale.

I understand that these are the only nominations that have been received, and as there are seven vacancies there is no need to go to election. I understand that these gentlemen are willing to serve on the Committee. It remains for me to complete the Select Committee by the appointment of one of the Chairmen of the Council. Is the Honourable Sir Maneckji Dadabhoy willing to serve on the Committee?

The HONOURABLE SIR MANECKJI DADABHOY: I shall be glad to serve on the Committee if the work is going to be finished by next week. Otherwise I regret I cannot accept the appointment as I am going away with the Fiscal Commission.

The HONOURABLE THE PRESIDENT: I propose that the Committee should meet on Thursday. I have much pleasure in nominating the Honourable Sir Maneckji Dadabhoy to complete the Committee. I would suggest to the Honourable Members that we should meet at 11 o'clock on Thursday in the Committee Room. There is no other business that day.

The Council now stands adjourned till Wednesday, the 22nd March, at Eleven of the Clock.