

# LEGISLATIVE ASSEMBLY DEBATES

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WEDNESDAY, 13th FEBRUARY, 1929

Vol. I—No. 11

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## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY.

Wednesday, 13th February, 1929.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

**Mr. Ram Narayan Singh:** May I put the question†, Sir, standing in the name of Mr. Mukhtar Singh?

**Mr. President:** No; you cannot.

### PROVISION OF GIRLS' HIGH SCHOOL AT PESHAWAR.

534. **\*Mr. Mukhtar Singh:** (a) Is it a fact that there is no girls' high school in the North-West Frontier Province maintained by the municipal boards or the Government?

(b) Is it a fact that there is only one high school for girls at Peshawar known as (Church of England) *Zanana Mission High School*?

(c) Is it a fact that the inhabitants of the Province do not like to send their girls to be educated in the aforesaid Mission School? If the answer be in the negative, have Government made any enquiries to ascertain the number of girls educated outside the Province and the amount of expenditure involved by the inhabitants in sending their girls for education to distant places? If so, will Government be pleased to place on the table a copy of this report?

(d) Is it a fact that on the 24th July, 1928, the ladies of Peshawar submitted a memorial in this behalf to the Honourable the Chief Commissioner? If the answer be in the affirmative, will Government be pleased to state if this memorial has been acknowledged and what action has been taken on the same?

(e) Is it a fact that the Peshawar Municipal Board passed a Resolution for the opening of a High School at Peshawar and wanted grants-in-aid from Government but that Government have refused to accede to their request?

(f) Will Government be pleased to place on the table the correspondence that passed between the Municipal Board and the Chief Inspectress of Schools?

(g) Is it a fact that people are not at liberty to open a high school unless they agree to send their girls to the *Zanana Mission High School, Peshawar*?

† Questions Nos. 534—539 were not put, owing to the absence of the questioner.

(h) Is it a fact that the inhabitants of the Province are willing to give an undertaking that there will be a sufficient number of girls available for reading in the higher section of the school if opened on behalf of the Municipal Board or on behalf of the Government?

**Mr. G. S. Bajpai:** With your permission, Sir, I shall deal with questions Nos. 534, 535 and 538 together. The information asked for is being collected, and will be supplied to the Honourable Member in due course. Government have not seen the correspondence referred to in part (f) of question No. 534.

#### NORMAL SCHOOLS FOR WOMEN IN THE NORTH-WEST FRONTIER PROVINCE.

‡535. **\*Mr. Mukhtar Singh:** (a) Will Government be pleased to state the number of normal schools for women in the North-West Frontier Province, stating the places where they exist and the dates since when they were started?

(b) How many women teachers are working in normal schools for women and what are their qualifications?

(c) How many women students are under training in these normal schools for women?

(d) Are there any stipends given to women teachers in the normal schools?

#### CLOSING OF THE SENIOR VERNACULAR CLASS IN THE NORMAL SCHOOL FOR WOMEN AT PESHAWAR.

‡536. **\*Mr. Mukhtar Singh:** Is it a fact that admission to the senior vernacular class in the normal school for women at Peshawar has been stopped? If the answer be in the affirmative, will Government be pleased to state their reasons for so doing?

**Mr. G. S. Bajpai:** With your permission, Sir, I shall deal with questions Nos. 536 and 537 together. The reply in both cases is in the negative.

#### PROVISION OF ANGLO-VERNAACULAR CLASS IN THE NORMAL SCHOOL FOR WOMEN AT PESHAWAR.

‡537. **\*Mr. Mukhtar Singh:** Is there any proposal to attach an Anglo-vernacular class to the normal school for women at Peshawar? If the answer be in the affirmative will Government be pleased to state the date by which the proposal is likely to be given effect to?

#### NUMBER OF GIRLS IN THE MIDDLE CLASS OF THE SCHOOL FOR WOMEN AT PESHAWAR.

‡538. **\*Mr. Mukhtar Singh:** (a) Will Government be pleased to state the number of girls reading in the middle class of the school for women at Peshawar in the last year?

(b) How many of them appeared at the annual examination?

† For answer to this question, see answer to question No. 534.

‡ For answer to this question, see answer to question No. 536.

(c) Were any of them, and if so how many, not allowed to sit at the examination? Will Government be pleased to state the reasons for debarring the girls from appearing at the examination?

**RECOMMENDATIONS OF THE ROYAL AGRICULTURAL COMMISSION FOR THE INCREASE OF LITERACY.**

539. \***Mr. Mukhtar Singh**: Have Government taken any action on the recommendations of the Royal Agricultural Commission in connection with the increase of literacy in the country?

**Mr. G. S. Bajpai**: The attention of Local Governments, which are primarily concerned, has been drawn to the recommendations.

**REPORTED PROJECTED DEMONSTRATION IN ENGLAND AGAINST THE INDIAN COASTAL RESERVATION BILL.**

540. \***Mr. R. K. Shanmukham Chetty**: (a) Has the attention of Government been drawn to the London message of the 29th January, 1929 according to which leading Members of the Cabinet including the Secretary of State for India are going to participate in a demonstration against the Coastal Reservation Bill proposed to be staged by the Chamber of Shipping in the United Kingdom?

(b) If the answer to (a) is in the affirmative what action do Government propose to take regarding such participation by Ministers of His Majesty's Government in England against a measure under consideration by the Legislature in India?

**The Honourable Sir George Rainy**: (a) The Government have seen a Press message dated the 29th of January, in which it is said that the Secretary of State for India and the President of the Board of Trade are to be guests at the annual dinner of the Chamber of Shipping.

(b) The Government propose to take no action.

**Mr. R. K. Shanmukham Chetty**: Has the Honourable Member observed in that message, that at the dinner that is proposed to be held, this question of the Coastal Reservation Bill is going to be discussed?

**The Honourable Sir George Rainy**: Yes, Sir; I have observed that fact.

**Mr. R. K. Shanmukham Chetty**: Does not the Honourable Member think that the attention of the Secretary of State should be drawn to the fact that it will prejudice the issue if a high authority in His Majesty's Government should pronounce any opinion when the Bill is still under discussion in this House?

**The Honourable Sir George Rainy**: I must draw the attention of the Honourable Member to the fact that we have merely the Press correspondent's speculation as to what these distinguished gentlemen may do when they attend the dinner. I might also perhaps suggest to the Honourable Member that the message also says that Lord Reading is to be a guest at the dinner, and it does not seem to me that it is at all probable that he at least would indulge in intemperate speech.

**Mr. Jamnadas M. Mehta:** When an important press message about such a serious matter is received, ought not this Government to make inquiries and ascertain whether it is a fact?

**The Honourable Sir George Rainy:** I am afraid I cannot attach the same value as my Honourable friend does to the speculations of a Press correspondent as to what may be said at the dinner.

**Mr. Sarabhai Nemchand Haji:** Is it a fact that usually at such dinners it is quite a normal thing for Members of His Majesty's Government in England to participate in the discussions, and if so, in view of the fact that the subject proposed to be discussed is under consideration by this House, will the Government of India draw the attention of the responsible Ministers in England to the fact that any participation in this discussion would not be proper?

**The Honourable Sir George Rainy:** The Honourable Member is assuming that the Press correspondent is right in his speculation as to what the subject of discussion at the dinner will be.

**Mr. Sarabhai Nemchand Haji:** Is it a fact, Sir, that in addition to the presupposition of the Press correspondent, it is the usual thing for a British Minister at such functions to make a speech on the subject referred to by the hosts?

**The Honourable Sir George Rainy:** I am afraid I cannot answer that question, Sir.

**Mr. Sarabhai Nemchand Haji:** Are we to understand, Sir, that the Honourable the Commerce Member is not aware that such is the practice prevailing at such functions in England?

(No answer.)

**Mr. Jamnadas M. Mehta:** I am sorry, Sir, I was not in my seat yesterday when this question was reached and with your permission I will now ask the question to-day.

**Mr. President:** I was also sorry.

#### SHORT NOTICE QUESTION AND ANSWER.

**Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to make a full statement about the unfortunate riots that are going on in Bombay, the causes of these riots and the steps that have been or are being taken to put an end to them?

(b) Will Government explain why the local authorities have failed for a week to bring the situation under hand and whether there are complaints in Bombay that the Local Government did not adopt adequate measures from the beginning to deal with the situation?

(c) Will Government state the number of the killed and the injured during those riots?

(d) Will Government state whether there have been any communications between them and the Bombay Government in this matter, and if so, will Government state them for the information of the House?

(e) Will Government state the latest official information on the subject in their possession?

(f) Will Government consider the necessity of issuing freely licences for firearms to respectable citizens to prevent them from becoming the victims of hooligans and bad characters?

**The Honourable Mr. J. Orerar:** Sir, I welcome the opportunity of putting this House fully in possession of the facts concerning the deplorable events that have been happening in Bombay, so far as they are at present known to us. Honourable Members will, I am sure, recognise that the primary concern of the Government of Bombay and its officers is to devote all their energies to restoring peace and order, and that while the disorders are still continuing it is not possible to obtain detailed reports. The Government of India however have been in constant communication with the Government of Bombay from the beginning and have been kept informed daily of the important facts of the situation.

As the House is aware, the industrial labouring population in Bombay has for some time been in a state of great unsettlement, and as His Excellency the Governor General stated in his address on the 28th January, prone to violence. The events that led up to the present outbreak may be said to have started with strikes that broke out on December 7th, under communist leadership at the oil companies' installations. The oil companies engaged Pathan workmen in place of the strikers. Several disturbances arose in consequence between the strikers and the Pathans. On January 18th, apparently as a result of the general ill feeling between the Pathans and the mill hands, three Pathan watchmen of the New China Mills were murdered by mill hands. I understand that the oil mill strikers were not concerned in this.

The next incident, and that which must be regarded as the immediate cause of the present outbreak, was that from the 2nd February an entirely baseless rumour spread in Bombay city that children were being kidnapped and taken to Baroda to be sacrificed on the foundations of a bridge that was being built there. The mill hands believed that the Pathans were engaged in this kidnapping, and on the 3rd and 4th February sporadic assaults took place on Pathans, a number of whom were murdered. On the 5th February the Pathans, who had till then shown great forbearance, started rioting and attacking Hindus in their turn. Rioting spread between a mob consisting mainly of Hindu mill hands and a comparatively small body of Pathans. Murders and assaults continued in various parts of the city.

On 6th February the rioting became definitely communal, the Pathans having enlisted the sympathies of their co-religionists, who were incensed at the attacks made upon them. Mobs of either community, largely composed of hooligans, assaulted individuals and groups of the other community. On the 7th, Hindu and Muhammadan mobs renewed rioting in various parts of the city throughout the day and till late at night. On the 8th, the situation appeared quieter in the morning, but in the evening rioting broke out again. On the 9th, communal rioting continued and some attacks were made by Hindus on mosques and by Muslims on temples, and during the afternoon there were some cases of loot and arson, but comparatively little damage was done. Orders were issued prohibiting the assembly of more than five persons in public places, and prohibiting

the movement of, or presence of, any person between the hours of 7 p.m. and 6 a.m. in the streets of an area which comprised practically the whole of the city North of the Fort. On the 10th, the situation was quieter, and on the morning of the 11th, there were less signs of panic in the disturbed areas. In the afternoon however a number of assaults and murders took place, and in the evening mobs of mill hands killed three Pathans. Forty-eight Hindu mill hands, armed with spears, knives and iron bars, were arrested in a chawl. On the morning of the 12th, there were signs that greater confidence was being felt by the public, and 58 mills and railway workshops were working. I regret to say that the total casualties reported up to noon on the 12th were 187 dead and 788 injured.

The difficulties of dealing with the situation have been similar to those experienced in other large cities in recent years. There have been, apart from mob action, numerous assaults upon, and murders of, individuals. Crowds frequently disperse into lanes and houses before the police and military patrols can reach them, or remain ostensibly peaceful so long as patrols are in the neighbourhood. The methods adopted by the authorities are to post pickets at centres, while patrols accompanied by Magistrates are continually on the move in the disturbed area. The military and police have had to fire a few rounds on 14 occasions to disperse mobs. The maximum number of rounds reported fired on any one occasion is 11.

The Government of Bombay are satisfied that they have a sufficient number of police and troops on the spot to deal with the situation. British troops were first sent to the aid of the police on the 5th February. On the 6th, further British troops were posted to the city. On the same night one battalion of British troops arrived from Poona and two companies from Deolali, in addition to reinforcements of armed police. On the 9th, an Indian Infantry battalion from Santa Cruz was brought into Bombay, and later the Auxiliary Force was embodied.

I am glad to add that the leaders of the Hindu and Muhammedan communities have been co-operating with the Citizens' Peace Committee in its efforts to restore peace.

A number of arrests have been made and 493 bad characters have been rounded up as a precaution.

I hope the House will recognise the exceedingly difficult conditions which the authorities in Bombay have had to face and will refrain from comment on the events and their causes until peace has been restored and it is possible to examine these things more fully and in a calmer atmosphere.

I do not think the Honourable Member's suggestion of distributing firearms in large numbers is likely to commend itself to the Local Government as a means of restoring order. In any case the latest news is reassuring, though isolated murder and assaults still continue; and though it is not possible to say that rioting may not break out again, there are reasonable hopes that the end of these very deplorable events is in sight.

**Mr. Ram Narayan Singh:** What is the use of the Government in this country, Sir, if these occurrences are allowed to take place?

**Mr. President:** What do you want to do?



**Mr. Ram Narayan Singh:** That is the question I am putting to the Government Member.

**The Honourable Mr. J. Orerar:** I understand the Honourable Member to inquire why these events are not made impossible. That, I regret to say, is not a matter within any human power.

**Mr. R. K. Shanmukhan Chetty:** Has the attention of Government been drawn to a statement made in the House of Commons by the Under Secretary of State that it is proposed to hold an inquiry into this matter, and if so, do the Government of India propose to hold this inquiry?

**The Honourable Mr. J. Orerar:** I have observed the report of a statement made in the House of Commons, and I have no doubt that that matter is under the very careful consideration of the Government of Bombay.

**Mr. Jamnadas M. Mehta:** May I say that it is a very unfortunate statement in the Honourable the Home Member's reply where he says that Pathans attacked the *Hindus in their turn*. Sir, in the beginning there was no question of communal attack on the Pathans, and the Government by identifying themselves with the view that the whole trouble was communal from the very beginning would create a very unfortunate impression. If he will read his statement he will see that up to a stage the Hindus have not attacked the Pathans as such, as the Pathans have subsequently done in respect of the Hindus. Only after that the riot took a communal turn.

**The Honourable Mr. J. Orerar:** I think that if the Honourable Member will read the statement which I have made he will find that I have carefully refrained from any attempt at imputing the initial or final blame, and until we are in full possession of the fact I think the Honourable Member, and all other Honourable Members will agree with me, that any attempt to arrive at conclusions of that character would be entirely premature, and I would add, improper.

**Mr. Jamnadas M. Mehta:** That is precisely why I am saying that the Government reply suggests that from the beginning it was a communal riot, and that appears to be their opinion.

**The Honourable Mr. J. Orerar:** If he will read my statement he will see that nothing of the sort is suggested.

**Mr. R. K. Shanmukham Chetty:** Has the attention of the Honourable the Home Member been drawn to the nature of the statement made by the Under Secretary of State in the House of Commons in which he states that it is proposed to make an inquiry as to how far Hindus or Muslims are responsible for the starting of this riot? Is it proposed to start an inquiry in that manner or spirit?

**The Honourable Mr. J. Orerar:** I think, Sir, that the further consideration of these matters at the present stage would be entirely premature.

**Mr. R. K. Shanmukham Chetty:** My question is based upon a specific statement made by the Under Secretary of State in the House of Commons in which he states that it is proposed to make an inquiry in a certain manner, and I want to draw the attention of the Honourable the Home

Member to the fact that, if Government starts an inquiry in the manner proposed by His Majesty's Under Secretary of State, it will give a definitely communal turn and rouse communal animosities in the inquiry.

**The Honourable Mr. J. Orerar:** I am certain that no such intention was ever entertained by any of the authorities concerned.

**Dr. B. S. Moonje:** Are these Pathans British Indian subjects, Sir?

**The Honourable Mr. J. Orerar:** Some Pathans are British subjects; some are not.

**Dr. B. S. Moonje:** How many of them that took part in these disturbances are British Indian subjects, and how many of them are not?

**Mr. Ram Narayan Singh:** Is it not a fact, Sir, that any such rioting against the Government would have been more promptly crushed?

#### AMENDMENTS OF STANDING ORDERS—*contd.*

**Mr. President:** The House will now resume further consideration of the following motion moved by Mr. A. Rangaswami Iyengar on the 25th September, 1928:

"That the amendments to the Standing Orders, as reported by the Select Committee, be taken into consideration."

**Mr. President:** Had the Honourable Member made his speech on the last occasion?

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, on the last occasion when this matter was before the House, I made a preliminary speech that the Select Committee's Report on the Standing Orders be taken into consideration, and upon that there was a motion that the matter be adjourned. . . . .

**Mr. President:** There is no such thing as a preliminary speech and a final speech.

**Mr. A. Rangaswami Iyengar:** That is why I am entirely in the hands of the Chair as to whether I am now entitled to make a speech on the motion before the House. I expected, on the other hand, that the Honourable the Leader of the House would enlighten the House as to the attitude of Government on the Select Committee's Report, and I thought I would then take the opportunity of replying to the propositions which the Honourable the Home Member might make.

**Mr. President:** The Honourable Member had already made his speech on the last occasion, and he is not now in order in making a second speech.

**The Honourable Mr. J. Orerar** (Home Member): Sir, I do not propose to detain the House at any length at this stage. Government do not propose to oppose the motion immediately before the House, but they will have some comments to make on the detailed amendments proposed, and they will be made at the proper stage.

**Mr. A. Rangaswami Iyengar:** Sir, in the light of what the Honourable the Home Member has said, I have no observations to make on the motion before the House. I take it that it is the wish of the Honourable the Home Member that it should be taken into consideration.

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

"That the amendments to the Standing Orders, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. A. Rangaswami Iyengar:** I move, Sir, that:

"In Standing Order 4, for the words '(1) All pending notices shall lapse, and fresh notices must be given for the next Session', the following shall be substituted, namely:

'(1) All pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session:

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction has been granted under the Government of India Act if the sanction has ceased to be operative.'"

Sir, I understood from the attitude of the Members who represented the Government in the Select Committee that this was an agreed amendment, and the necessity for putting in this amendment arose because, when motions for leave to introduce a Bill have been made in respect of non-official Bills, and the Bills have been actually introduced at the end of the session, the whole thing lapses, and we have again to ask for leave to introduce the Bill and then introduce the Bill, go through the ballot box and all the rest of it. The principle of this amendment is that once a Bill has been introduced in the House, it must be kept alive, and the further stages of a Bill should take the same course as the Bills upon which other motions have been made. I do not think it necessary to take up the time of the House on this matter. I hope that the Honourable the Home Member is agreeable to the amendment now proposed.

**The Honourable Mr. J. Orerat:** I agree.

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

"In Standing Order 4, for the words '(1) All pending notices shall lapse, and fresh notices must be given for the next Session', the following shall be substituted, namely:

'(1) All pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session:

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction has been granted under the Government of India Act if the sanction has ceased to be operative.'"

The motion was adopted.

**Mr. A. Rangaswami Iyengar:** Sir, I move:

"For Standing Order 6 the following shall be substituted, namely:

'6. Meetings of the Assembly shall (subject to the direction of the President) ordinarily commence at 11 A.M.'"

The present Standing Order runs as follows:

"The meetings of the Assembly shall (subject to the direction of the Governor General) ordinarily commence at 11 A.M., and ordinarily terminate at 4 P.M."

[Mr. A. Rangaswami Iyengar.]

The change that I propose is that the right of fixing the hours of meeting of the House should normally vest in the hands of the President and not of the Governor General. So far as the principle of this is concerned, I am sure the Honourable the Home Member cannot say that this is a proper restriction on the powers which you should possess in any well-ordered Legislative Assembly, and that the intervention of the head of the executive authority in India should be provided for in respect of the hours at which we meet and the hours at which we disperse. Moreover, I consider that this proviso is against the provisions of the Government of India Act. Section 68D(2) says :

"The Governor General may appoint such times and places for holding the sessions of either Chamber of the Indian Legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions."

Sub-section (3) runs as follows :

"Any meeting of either Chamber of the Indian Legislature may be adjourned by the person presiding."

Sir, the intention of Parliament has been that, while the Governor General should possess, as representing the authority of the Crown, the power to convoke and prorogue this Assembly, the right to regulate the hours of meeting and of adjournment of this House from time to time must necessarily vest in the House and in its President. There is absolutely no reason, there is absolutely no justification, for bringing in the Governor General to fix the hours of meeting and the hours of dispersal of this House. So far as that is concerned, I say that with the statutory power with which you, Sir, are vested, namely, that "any meeting of either Chamber of the Indian Legislature may be adjourned by the person presiding", it rests with you, once this Assembly is convoked at a particular time by the Governor General,—it rests entirely with you, and it is your indefeasible right, to say when we shall meet again. Therefore, nothing that may be said in the Standing Orders, which originally were made by the Governor General in Council and not by this House,—nothing that the Governor General in Council may provide by way of a Standing Order, can defeat the right which, I say, vests in you by virtue of the Statute. Apart from that, it seems to me most incomprehensible that we in this House should say that the Governor General should have power to direct that we shall meet together not at 11 A.M. but at 3 P.M. or at midnight. I say that such a power is wholly outside the scope of the Government of India Act and outside the scope of any power which the head of the Executive ought to possess in any well-ordered Legislature. I therefore move my amendment.

**The Honourable Mr. J. Orerar:** I think there is a good deal of substance in the comments made in the Minority Report upon this amendment, and I confess that I am by no means convinced that any practical necessity has arisen for any change, in the Standing Order. Government, however, do not propose to press any objections on those grounds. They are quite convinced that, if the state of public business necessitates any variation from the hours at which the Assembly normally sits, it will be given due consideration by you, Sir. They do not therefore press any objections to this amendment.

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

"For Standing Order 6 the following shall be substituted, namely:

'6. Meetings of the Assembly shall (subject to the direction of the President) ordinarily commence at 11 A.M.'"

The motion was adopted.

**Mr. A. Rangaswami Iyengar:** Sir, I beg to move that:

"Standing Order 7 shall be re-numbered as sub-order (1) of Standing Order 7, and after that sub-order the following sub-orders shall be added, namely:

(2) The President may direct that, in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly shall sit on any other day for the transaction of non-official business set down for, but not disposed of, on the days allotted therefor by the Governor General; and on such days the business shall, unless the President otherwise directs, be transacted in the order in which it was set down on the days allotted for it by the Governor General, business originally set down for an earlier day having priority over business originally set down for a later day.

(3) The President may direct that on any day on which Government business terminates earlier than 4 P.M., non-official business may be transacted in such order as he may direct:

Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

On this matter I find that some of my official colleagues on the Select Committee have dissented, and it is therefore necessary for me to state briefly the grounds upon which we in the Select Committee proposed that this Standing Order should be modified.

The present procedure, as the House is aware, is that laid down by the Indian Legislative Rule 6, page 80. It runs as follows:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

Sir, the principle of this rule is one which has been accepted in all responsible legislative assemblies, that is, that when there is a responsible Government in power that Government should possess also the power of bringing forward Government business in preference over private business, and to that extent the Standing Orders or Resolutions of the House should enable them to do so. In so far as they are provided by Standing Orders, they are what may be called the permanent decisions of the House, and in so far as they are provided by Resolutions of the House, the Government of the day naturally command a majority in the House and the House generally by Resolution gives Government business preference. The position in this country, however, is different, for the reason that the Government is a Government not responsible to the majority of the Members of this House. Government business certainly should have full facilities for being transacted in this House. But Government business in this country is not merely for the purpose of getting Government work done but also for the purpose of a programme of reforms or other public

[Mr. A Rangaswami Iyengar.]

work upon which Non-Official Members of this House have a good deal more to say than the merely private members in other deliberative assemblies. Therefore the real position that has been taken by the Government in the Legislative Rules—I do not want to criticise the Legislative Rules and ask for their amendment, because unfortunately it is not in our power—is that the Governor General shall consider the state of business for the Assembly and shall allow a sufficient number of days for the disposal of non-official business and then say that on other days no business other than Government business shall be transacted except with their permission. Now, Sir, the object of this rule is that Government should not be hampered for time in the transaction of business which pertains to them. Now, it so happens, as we all know, that the Governor General allots a certain number of specific days for non-official business and there has been repeated complaint for years in this House that sufficient time has not been afforded for the transaction of non-official business in this House, both in respect of Resolutions and in respect of Bills. Now, Sir, beyond and above these rules, we have been given certain further facilities by means of modifications of rules in 1926, by which motions other than Resolutions have been allowed to be made by non-officials with your permission, Sir, and the permission of the Member in charge of the business to which that motion may relate. So far as that business is concerned in this House, except for formal motions of some kind or other brought by Government, non-official Members have till now not had the opportunity to make any such motion or to obtain any day for the transaction of business of that character. One reason for that is, if I may say so, that the Governor General today allots only days for Resolutions and for Bills, but allots no day for the disposal of business other than Resolutions and Bills, namely, motions under Rule 24A; nor so far as I am aware has he allotted any particular days for amendments of Standing Orders or certain other miscellaneous business which might be brought forward in this House. That is the reason why, although these amendments to Standing Orders were brought up three years ago in this House, I have today got the last and desperate chance, due to the kindness of the Government, to see if we cannot get through these amendments, to see if we cannot get some more time for the transaction of important business in this House than we have been allowed so far. Now, what we have provided for in this rule is what I think strictly conforms to the present practice in respect of the allotment of time of the Assembly. The Governor General, immediately before the commencement of a session, allots days for the transaction of non-official business. The rule says that on other days no business other than Government business may be transacted, except with the consent of the Government. The Government some days later wants to appropriate certain other days in the session for the transaction of official business, and curiously enough, while the allotment of time for non-official business is in the hands of the Governor General, the allotment of time for official business is in the hands of the President. The President allots particular days for the transaction of official business and Honourable Members are aware that they get at the beginning of every session, a notice saying that the President has allotted such and such days for the transaction of official business. Now, over and beyond these days which have been given over for the transaction of official and non-official business, there are a number of days which are

available for the transaction of business which may fall into arrears, either in respect of official matters, or in respect of non-official matters, and I propose, by this Standing Order, merely to provide that, whenever such days are available, they must be, subject to the directions of the President, open for non-official business being taken. Of course, if official business has to be brought forward, the Government can always say so and bring it up on a particular day, and they can always obtain precedence for official business. That is left untouched by this rule, but where such a thing is not done, I say, Sir, it stands to reason that the Government should leave it to the President to say that on days not allotted either for non-official business or for official business, non-official business, for which there are so few days allotted by Government, should be transacted on those days. There is also another matter which is dealt with in this Standing Order. On many days Government business is put down which is of a very formal character. It is finished in five minutes or half an hour and on those days we come here with all pomp and circumstance, bow to the Chair, the motion is made and then we bow to the Chair and go out. Sir, those days are clearly wasted and we people who come from long distances cannot be cooling our heels for days on end without doing any business.

**An Honourable Member:** Don't you want to warm yourself?

**Mr. A. Rangaaswami Iyengar:** Yes, I want to be in the House where warmth is provided, make it warm for myself and make it warm for Government. (Laughter.) Therefore, Sir, my proposal is that we should utilise to the utmost the time which is available here for the transaction of both Government and non-official business. My Honourable friends in the Select Committee, who have dissented, take their stand on the ground that this alteration in the Standing Order would interfere with the power which is vested in the Governor General in Council, which says that no business other than Government business shall be transacted, except with the consent of the Governor General in Council. Sir, I say we have expressly reserved this right to the Governor General to say on any particular day on which the Governor General in Council may want precedence for official business that they want that day for that purpose and the proviso to the Standing Order that we have brought forward lays down:

"Nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

That is, if the Governor General in Council, on any occasion, considers that he cannot, consistently with the state of Government business, or upon some other valid and just ground, permit that day to be used for the transaction of non-official business, we say, that if they say so, we shall not transact that business. That is the proviso that is put forward and I feel, Sir, that, with that proviso, the rights of the Governor General in Council are perfectly safe. All that we want is that we should have fair and full opportunities of discussing this matter. As a matter of fact so far as the business of the Legislative Assembly is concerned, we sit here only four days in the week and three days are off days. I know that Honourable Members on the Government side, especially Members of the Executive Council and the Secretaries have a good deal of work to do and they may want to have an Executive Council meeting on Friday. That may be, but what we say is that, if this House is going to discharge its

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duties in the manner in which it is expected to do, and in the present state of things so long as the Non-Official Members have not been given that opportunity to put forward programmes of public business which the Government, by the strength of their majority, can take up, so long as this House, in which there is no responsible government, continues to be what it is, I say, Sir, the business of this House cannot be put in the same category in which the business, for instance, of the British Cabinet can be put, because the business of the British Cabinet is really the business of the British Parliament. The majority of the British Parliament have put the Cabinet in its place there and the business which the British Cabinet transacts is the business which the majority of Parliament wants them to transact. Therefore the business which the representatives of the people do want to carry out is actually carried out by the Executive sitting in Parliament, by the Cabinet which is under responsibility to that non-official majority. You may here give us at least an opportunity to bring up our business and have it discussed, and give Government an opportunity of knowing the sense of the House and the feeling and opinion of the people of this country through their representatives in this Assembly.

I do not think it necessary for me to elaborate the matter. I am sure that the whole House, irrespective of any particular parties, will certainly support the proposition that, in justice to their constituency they must be in a position to bring forward the business of the people concerned, and that they must not be here merely as registering machines for any proposal that Government may bring forward, that they should have freedom to bring up public business on behalf of the country itself, and that every facility should be given to them that is needed for the transaction of public business.

I trust that all parties will support me in the appeal that this Standing Order should be altered in the manner I propose.

**The Honourable Mr. J. Orerar:** Sir, I regret that I must oppose this amendment. As a preliminary I have one or two observations to make upon the general scope of the Standing Orders.

As Honourable Members are aware, rules for the transaction of or regulating the course of business in the House are made under sub-section (1) of section 67 of the Government of India Act. Sub-section (6) of the same section makes the following prescription:

"(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under this Act."

It is further provided in the same sub-section:

"Any standing orders made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

I should, therefore, desire in the first instance to point out to the House that there are two presumptions as to the scope and validity of the Standing Orders. In the first instance, they are intended to provide for matters which are not already provided for by rules, and, secondly they must not be repugnant to any provisions contained in those rules. I would



add further that it is an equally clear principle that neither rules nor standing orders ought to be made in any way inconsistent with the general intention and policy of the Act itself.

Now, my first submission is that the amendment proposed by my Honourable and learned friend does infringe against both of these restrictions. It provides for a matter which is already provided for in Indian Legislative Rule 6, and I think it reasonable to infer that Legislative Rule 6 is exhaustive on the particular point with which it deals. Now that rule provides for two different classes of days to be allotted by the Governor General. The amendment which the Honourable gentleman proposes introduces a third class of day for the disposal of non-official business. My submission is that the proposed amendment sets out to provide for a matter which is already provided for, and secondly it is inconsistent with the rule. The Honourable Member suggests that the proviso to his amendment saves that rule, that it maintains that discretion allowed to the Governor General, the responsibility imposed upon the Governor General by rule 6. I think, if the House will examine that proviso more closely, they will find that this is not so. In point of fact it reverses the matter entirely: instead of requiring the consent of the Governor General, it merely gives him an opportunity of dissenting, which is a very different thing.

Now I was glad to observe that the Honourable learned Member did recognise that the position of Government in this House is not at all times such as to command a majority, and that the various other circumstances with which Government is faced in dealing both with Government and non-official business require that the interests of Government business and the interests of Government in regard to all business in this House deserve a reasonable degree of consideration, and on the other hand the Honourable Member complained regarding the number of days allotted to non-official business. I think he recognised himself that the fact that he is speaking on the present occasion was due to Government's recognition of the claims of non-official business in this House.

**Mr. A. Rangaswami Iyengar:** But it may not be so always.

**The Honourable Mr. J. Crerar:** I shall now deal with the consequences which would ensue if non-official business could be put down on any day when Government business terminates before four o'clock. I think that if Honourable Members opposite will consider that proposition more closely, they will agree that it would put Government at an unfair disadvantage and impose undue inconvenience on Government Members. The amendment proposed would have the result that non-official business—very frequently non-official business of very great importance—would come forward for discussion in this House in a manner which would be quite casual and fortuitous. Many circumstances might cause Government business to be terminated at an earlier date than Government anticipated. It would consequently be impossible for Government, under the conditions which the amendment would create, to have any degree of certainty with regard to the non-official business that might come before the House. That is not only an injustice to Government, but it would not be entirely in the interests of non-official business and it is not reasonable to ask the Members of Government responsible for these various items of non-official business to be prepared at all times, very frequently without any notice whatever, to deal with matters thus put before them. These are the

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grounds on which I venture to submit to the House that this amendment should not be accepted.

**Mr. President:** In such a case the Governor General in Council has got power under the proviso to say, "no, the President shall not transact such business".

**Diwan Chaman Lall** (West Punjab: Non-Muhammadan): Sir, I would not have risen to speak on this matter but for the fact that the Honourable the Home Member has apparently misread the amendment that is sought to be made in the Standing Orders. As pointed out by you, Sir, there is a proviso in the amendment which is in column 2 and which reads thus:

"Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

When the Honourable the Home Member was talking about casual non-official business being brought before the House, he apparently had forgotten that there was a proviso in the amendment which my Honourable friend Mr. Rangaswami Iyengar is moving, under which the Government have the power to prevent any non-official business being brought before the House if the Governor General in Council directs that it should not be brought forward. If that is the position—and that is perfectly clear according to the amendment that is sought to be made—if that is the position there can be no fear on the part of Government that any casual business would be brought forward which they are not prepared to meet, having had no time to prepare their case.

Now let us take the second point in regard to the repugnancy of any rules made under the Government of India Act. The Honourable the Home Member said that if there was any Standing Order made which was repugnant to the Rules, it was *ultra vires*. I suppose that is the correct interpretation to be put on the Honourable Member's statement. Where is there the rule already under the Government of India Act according to which what my Honourable friend is wanting to do could be declared to be repugnant to that rule. The only rule that we have is sub-section 6 of section 67 of the Government of India Act. Sub-section 6 says:

"Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor General in Council, but may, with the consent of the Governor General, be altered by the Chamber to which they relate.

Any standing orders made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

Now, there is no rule of the type or nature that my Honourable friend is wanting to make. If there is none, how can it be said that the amendment that my Honourable friend is wanting to make is repugnant to a rule that is already existing. My learned friend has provided for that, that on certain days we should have the right of bringing forward certain business before the House, and full powers are being given to the Governor General in Council to prevent us from transacting such business if the Governor General in Council so desires. I cannot understand either the question of repugnancy of a Standing Order of this nature to any rules that exist or the

objection that was raised by the Honourable the Home Member, namely that such business as is brought forward before the House may be of a casual nature and the Government may not be prepared with their case.

**The Honourable Mr. J. Orerar:** May I explain, Sir? I did not suggest that the business itself would be of a casual nature. What I said was that, though the business may be of a very substantial nature, it might come before the House in a very casual manner.

**Diwan Chaman Lall:** I quite agree. If I was not interpreting the Honourable Member rightly, it was not done with the intention of not interpreting him rightly. What I had actually understood him to say was that the business might be brought forward in a casual manner. I did not mean that the business itself might be of a casual nature; all that I meant was it might be brought forward in a casual manner. That is exactly what is provided for by the proviso to the amendment, that is, that any business which the Government consider is brought forward in a casual manner can be prevented from being brought forward in this House by the fiat of the Governor General in Council. If that is the position, what is the fear of the Government in this matter? In this case the question of business casually being brought forward does not at all arise because the proviso is definite and clear. Complete and full powers have been given to the Governor General in Council, who, acting under it, can prevent any business being brought forward in this House under the new Standing Order that is sought to be incorporated. Under the new Standing Order, the procedure, I understand, would be this: that notice is given by us on this side of the House and the President puts the matter down on the agenda paper. Before it can be brought before the House, the Governor General in Council can intervene and say, "I will not permit that particular business being brought forward to the House". If that is so, I take it that the Honourable Member's objection in regard to that particular part of his argument disappears. If the Honourable Member has any further argument to advance in regard to the casualness, or the manner in which the business is sought to be brought forward, I am quite prepared to listen. Then, I take it that that is not really a serious argument against this amendment being incorporated in the Standing Orders, because, as I have said, I repeat again that the Governor General in Council has complete power to prevent us from discussing anything on the floor of this House which he does not desire us to discuss.

Now, in regard to the repugnancy, may I ask where is there any repugnancy? To which particular rule is the new amendment that my Honourable friend is bringing forward repugnant?

**The Honourable Mr. J. Orerar:** The rule 6 of the Indian Legislative rules.

**Diwan Chaman Lall:** Let me read rule 6. Rule 6 says:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

That is exactly the proposition that we are moving. We are giving power to the Governor General in Council to raise his objection. The consent of

[Diwan Chaman Lall.]

the Governor General would be there, either expressly or by implication. That is to say, if the Governor General wants that such and such business shall not be transacted on the floor of the House, then he can say so expressly; if on the other hand he elects to take no objection, then by implication his consent has been taken. Where is the repugnancy in this rule? If my Honourable friend had not put down the proviso, I can understand the position of the Honourable the Home Member. But having put down the proviso which is the main thing in the amendment, there is nothing in it which is repugnant to rule 6. Having put it down, where does the repugnancy come in? I would draw the attention of the Honourable the Home Member once again to the last three lines of rule 6, which run:

"On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

If that is the proposition, that is, that the Governor General in Council has the right to give his consent whether we should or should not transact business other than official business, then this rule does contemplate that under certain eventualities the Governor General may give his consent for the transaction of business other than official. If that is the position that is contemplated, namely that business other than official business may be transacted on particular days which are allotted by the Governor General in Council for the transaction of purely official business, then surely we have the right to amend the Standing Orders, keeping in view the final authority of the Governor General in Council to give his consent or to withhold his consent. How are we going outside the ambit of these three lines in rule 6? How are we doing anything which is repugnant to rule 6? The proposition seems to me to be perfectly clear. Rule 6 contemplates that there are certain official days, allotted by the Governor General in Council on which no other business except official business, shall be transacted, except with the consent of the Governor General in Council. The proviso in the amendment to the Standing Order that is sought to be made reads:

"Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

In fact the proviso is actually in consonance with the phraseology, the terminology and principle of rule 6. Far from being repugnant to rule 6, it upholds the principle of that rule, which says that the Governor General is the final authority whether we should or should not be granted permission to transact non-official business on official days. I suggest that, under these circumstances, both the arguments of the Honourable the Home Member have no force. I would therefore like the Honourable the Home Member to revise his verdict in view of what we have said on this side of the House, to revise his verdict that there is anything repugnant to rule 6 in the amendment that is being sought to be moved by my Honourable friend Mr. Rangaswami Iyengar, or that we are going outside the ambit of rule 6 and suggesting something that would be considered to be *ultra vires*.

12 NOON. On the other hand, Sir, neither is there anything repugnant in the amendment to rule 6, nor is there anything in the rules which could make the learned Home Member consider that we are trying to take out of the hands of the Governor General in Council a certain power of his under rule 6, or under the Government of India Act. Sir, I call for the support of all Honourable Members who desire that business should be

transacted by us in a proper fashion, with full regard for the interests of not only the Government but of the public in general, that we should utilise our presence here for transacting business which we could easily transact, but which we are prevented from transacting under certain restrictions that have been placed upon us by rule 6 and by the Government of India Act.

**Sir Darcy Lindsay** (Bengal: European): Sir, far be it from my desire to curb my own eloquence or that of other Members of the House which is always so prominent on non-official days; but I desire to oppose this amendment on other grounds. One of the grounds I urge is that we are already very fully worked during the sessions; and it is a great relief to many of us, Sir, to have these short sittings which we are occasionally receiving on Government days.

**An Honourable Member:** You can enjoy them.

**Sir Darcy Lindsay:** I would also point out that on these short sitting days, the time of a number of the Members is taken up in committee work which is equally as important as debating in this chamber. If all these short Government days are to be taken up with non-official business, I ask, in all fairness, Sir, where are we to find the time for the committee work? I quite recognise, Sir, that the matter will be in your hands . . .

**Mr. President:** In the hands of Government, not in my hands.

**Sir Darcy Lindsay:** If this amendment is accepted, Sir.

**Mr. President:** Still, it will be in the hands of Government, according to the proviso.

**Sir Darcy Lindsay:** The refusal is in the hands of the Government, Sir, but we know how Government dislike to refuse anything; and therefore I maintain, Sir, it is really in your hands. And knowing your keenness for work, I am a little afraid that the occasions will be taken to permit non-official matters being dealt with far more frequently than at present. We know the attitude of Government who are always ready, wherever possible, to assist Members (*An Honourable Member:* "Question") in the matter of allotting non-official days. I may, as an instance, point out that the Government have allowed this matter to be brought forward on a Government day. So, I feel that we are already in safe hands, and until Government abuse their power, I would be sorry to see any change.

Then, again, Sir, if non-official matters are to be brought forward on that part of the Government days which is not occupied by Government work, is it not placing us in a somewhat difficult position? We, many of us, require to study the cases that are likely to come forward, and are we to spend time in our study and then find that the whole day is taken up by Government business, and these matters which we have studied do not come forward at all. Sir, if I may say so, until we find that Government do not give the House that assistance to discuss non-official matters which we desire, I suggest that we leave the standing order as it is at present.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, of all the amendments that are proposed

[Maulvi Muhammad Yakub.]

to be made to the Standing Orders, this amendment which is just now under discussion is the most important and most urgently needed one. As my friend the Mover of these amendments has already pointed out, there have been general complaints that many of the non-official important Resolutions and Bills are never reached in the House, and they are never discussed, although the life of the Assembly is practically exhausted. In reply to a question put by me last year, a statement showing the number of Resolutions and Bills which were introduced or proposed to be introduced by Non-Official Members, and the number of those which were actually reached or discussed in the House was put up by the Government, and it was found that more than two-thirds of the Resolutions and Bills which Non-Official Members wanted to be discussed in the House were never reached at all. It is for the transaction of these Bills and Resolutions that this amendment is now being proposed.

The Honourable the Home Member has raised two objections to this amendment. His first objection is that it is repugnant to the provisions of the Government of India Act. I submit, Sir, that as my friend Mr. Chaman Lall has already pointed out, this amendment is in no way repugnant to the Government of India Act. The principle of Section 67 (6) of the Government of India Act seems to be that the Governor General should have a voice in the transaction of non-official business, and as the amendment now stands, we have provided for giving to the Governor General the power to withhold his consent for the transaction of any non-official business, if he so considers.

As regards the other objection, that it is inconsistent with rule 6, I would submit that the amendment is not at all inconsistent with rule 6 of the Indian Legislative Rules, because in that rule it is nowhere laid down that off-days, for which no other business has been allotted, cannot be used for the transaction of any other business. Rule 6 provides that:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business . . ."

But this rule never says that it will not be possible to allot certain other days which have not been allotted by the Government for the transaction of any other business. So we find that the amendment which is proposed to be made is neither repugnant to the provisions of the Act, nor is it inconsistent with rule 6 of the Indian Legislative Rules. The Honourable the Home Member also said that, by allowing this amendment, we would be imposing a disadvantage on the Government Members and the Government. He said that Government Members will not have time to prepare the subject which is to be discussed in the House. Now, I submit, Sir, that the Honourable the Home Member as well as my Honourable friend Sir Darcy Lindsay seem to be under a misapprehension, namely, that by passing these amendments, we make it imperative upon the President to allot all off-days and all days on which Government business is concluded before 4 p. m. for non-official business. Of course that is not the case. This is only an enabling amendment and not an imperative amendment. The amendment says that the President "may direct that, in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly shall sit on any other day for the transaction of non-official business," etc. Now,

Sir, the amendment, as I said, only enables the President to allot these days, and I am sure that no President, in allotting such off-days, would exercise his discretion without consulting the convenience of the Leader of the House as well as the leaders of the different other parties in the House. These days will only be allotted after giving full opportunity to the Government Members, as well as Members on the other side of the House, to prepare their business. Moreover, if this amendment is carried out, the only business that would be transacted on off-days would be the business which was left over from the agenda on a previous day. Now when this business was placed on the agenda of a non-official day, Government Members must have prepared themselves to discuss that question or Resolution and they must have got their replies and their papers ready with them, so it will not be imposing any additional burden on them if this business is taken up on any off-day.

As regards sub-section (3) of the amendment, that "the President may direct that on any day on which Government business terminates earlier than 4 P.M., non-official business may be transacted," etc., I would submit that on such days also no new work will be transacted, no new non-official work will be taken up for which the Government Members are not ready; only that work will be taken up for which they have already made preparation and which was not reached on the day for which it was fixed originally. Moreover, as I have already pointed out, no President will allot these days without consulting the convenience of the Government Members and the Members on the other side of the House. If it is brought to the notice of a President that such time is to be taken up by any Select Committee, or that Government Members are not prepared, or that they have not had the time to prepare themselves to discuss that question, I do not think that any President will insist upon having that business transacted at that particular time. What the amendment aims at is that the President of the House may be given a power to allot certain off-days for the transaction of non-official business if it is not objected to by the Governor General in Council; so neither the power of the Governor General in Council is diminished nor is this amendment repugnant to, or inconsistent with, any provisions of the Government of India Act or the provisions of rule 6. It was noticed during the last Session at Simla that not a single off-day was allowed by the Government for the preparation of the work which was to come up before the House. All the days, except Sundays, were filled up during the last Simla Session, which was of course considered a great hardship by many of the Honourable Members. Well, by introducing this amendment, we will enable the President to utilise these off-days only if it is considered convenient that certain business, which was not finished on a particular day, may be taken up on another day; and I don't think that it will in any way entail any extra hardship on the Government Members or on any other Members of the House. I consider this amendment very important and I think that, considering the very small amount of non-official business which is transacted in the House, the amendment must be supported and should be accepted by all sections in this House. Sir, I support the amendment.

**Mr. L. Graham** (Secretary, Legislative Department): Sir, I only wish to make two or three small points at this stage and I shall first deal with the speech of the Honourable the Deputy President. I might

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say the main point in his charge against Government is that sufficient time is not given for non-official business. Well, Sir, if by that is meant that we should make an effort to get through all the non-official business of which notices are received, we should certainly have to sit for 365 days in the year!

**Maulvi Muhammad Yakub:** How many days does the House of Commons sit?

**Mr. L. Graham:** Not for 365 days.

**Maulvi Muhammad Yakub:** For how many days then?

**Mr. A. Rangaswami Iyengar:** Certainly more days than we do.

**Mr. L. Graham:** Quite so. That brings me to my next point. The first moment Honourable Members come up here they always say to me "Why are we dragged up here so early?" Before they are here a month they say to me "When are you going to let us go away?"

**Mr. A. Rangaswami Iyengar:** That is because you don't give us business to do.

**Mr. L. Graham:** I have never seen any Honourable Member display a desire to sit longer than we do at present.

**Maulvi Muhammad Yakub:** Could we not sit longer by allotting off-days?

**Mr. L. Graham:** My Honourable friend may remember that possibly, I may say probably, the deadeast hour for non-official members of the House, judging from their attendance, is the after-luncheon hour on non-official days. Generally speaking, I think I am right in saying that the quorum is only maintained by the Government Members on these days. That has happened very frequently and there were occasions during the corresponding Delhi Session last year when the House was counted out on non-official days. On the 31st of last month we had one of the shortest sittings on record in this House. That, Sir, was not an official day: it was a non-official day, when a number of non-official Bills had been put down on the paper and we do not know why Honourable Members did not come to move them. I do suggest, Sir, that Members do not take full advantage of the time which is put at their disposal. My Honourable friend, Mr. Rangaswami Iyengar, lays a charge against Government that it is the fault of Government that, for the last three years, he has been hammering away at our doors to get these amendments made, and that this is his first opportunity. Now, Sir, what happened in the Simla Session in 1927? At the request of the Honourable Member the motion was put down on a Government day, day after day; and my Honourable friend chose not to move it . . . . .

**Mr. A. Rangaswami Iyengar:** No, no. I am afraid the Honourable Mr. Graham is mistaken: so far as 1927 is concerned I think there was no day on which I did not want this motion to be brought forward. I think he is entirely mistaken.

**Mr. L. Graham:** The Honourable Member is unfortunately suffering from a short memory. If he will get the Agenda papers of that session,



he will find that it was done on more than one occasion and that he did not take his opportunity. Now what happened in the Simla Session of 1928? We gave him time; but he made a short speech and said "Let us adjourn it to Delh."

**Mr. A. Rangaswami Iyengar:** That was in 1928.

**Mr. L. Graham:** That is what happened in 1928. In 1927 he did not even get on his feet and address the House on this important matter.

**Mr. A. Rangaswami Iyengar:** May I say that on the last day of the Simla Session we all know what happened, and Government thought it would be convenient if we switched off this thing after the sensation of the day was over, and they took advantage, if I may say so, of the fact that I happened to be there and that I would like to move it. But it was certainly necessary for me, before I arrived, to make sure that the business was really to be brought up in that session. If the Government had given me time or notice, I would have come perfectly prepared to go on with it; and it was with the entire and full consent of the Honourable Mr. Crerar—I am afraid the Honourable Mr. Crerar was also not unanxious that the matter should go over to another session.

**The Honourable Mr. J. Crerar:** I was quite prepared if the Honourable Member had desired to continue with the matter.

**Mr. L. Graham:** That brings me to another point. I do not wish to lay too much stress on the absence of my friend and the continued absence of Mr. Duraiswamy Aiyangar. We did take the occasion of my friends favouring us with his presence in Simla—he came, as he will admit himself, very late in the session—he came I think to help his Party out on an important occasion, and in reply to a telegram, possibly two or three telegrams; and on this occasion we are very happy to see him and we have given him a very early opportunity of putting his business on the paper. I do not think, Sir, that he is justified in casting it in our teeth that we have persistently refused him opportunities of bringing this business before the House. I think we may say precisely the same thing of the other gentleman who was a party to moving this motion, my friend, Mr. Duraiswamy Aiyangar, who is not even here to-day. I notice that my friend, Mr. Chaman Lall, is not in his customary seat—I do not know if he is in the House anywhere—but it is rather difficult to deal with him on the question of repugnancy. It is a fine point, but I will endeavour to follow him. I think he would have been happier in his speech if he had read rule 6 before he got half way through his speech. May I be allowed to read rule 6 of the Indian Legislative Rules? It says:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, etc . . ."

I think my Honourable friend, Mr. Rangaswami Iyengar, paraphrasing that rule, said something about sufficient time. I do not find that in the rule or anything indicating it. I suppose by sufficient time he meant sufficient time for the business of non-official members; and as I have said that is 365 days . . . . .

**Mr. A. Rangaswami Iyengar:** Compatibly with the public interests.

**Mr. L. Graham:** Did he mean sufficient time for the business of non-official members?

**Mr. A. Rangaswami Iyengar:** No.

**Mr. L. Graham:** I am glad he did not mean that; it is quite impossible as I have said. Now, Sir, we will get on to the point of law. My Honourable friend, Mr. Chaman Lall said "there is no repugnancy at all between the Standing Order as it will stand if amended and the existing rule. In fact they are the same thing." If they are the same thing, Sir, why make a new Standing Order? I am glad to see the Honourable Member returning to his place. Perhaps you will allow me to repeat what I said as the Honourable Member is now in his place. I was trying to follow my Honourable friend in his argument on the point of repugnancy. As an experienced legal practitioner, he will of course know that it is a very difficult point to argue. He first read the rule and then read the Standing Order and said "What is the difference?" I asked, if there was no difference, why make a new Standing Order? The point which I want to take now is that, to my mind, there is an essential difference, that the rule sets up the Governor General as the authority for the allotment of time for the non-official business of the House. To my mind that rule is exhaustive as regards the authority. The Standing Order sets up the Honourable the President as a parallel authority.

**Mr. A. Rangaswami Iyengar:** No.

**Mr. L. Graham:** My Honourable friend shakes his head. The amendment is:

"The President may direct that in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly", etc., etc.

**Mr. A. Rangaswami Iyengar:** Provided—there is a proviso.

**Mr. L. Graham:** The proviso relates to the powers of the Governor General in Council. The rule relates to the Governor General; and the Standing Order relates to the President in the matter of allotment of days. I say, Sir, without fear of contradiction, that the rule sets up one authority for the allotment of days, the Governor General, and the Standing Order sets up the President as an authority for the allotment of days.

**Mr. A. Rangaswami Iyengar:** No.

**Mr. L. Graham:** To a certain extent the President's power in the allotment of days can be checked by the action of the Governor General in Council.

**Mr. A. Rangaswami Iyengar:** Question.

**Mr. L. Graham:** What does my Honourable friend mean by saying "Question"?

**Mr. A. Rangaswami Iyengar:** The purpose of the rule is to arrange business and not to set up an authority to control the manner in which we are to transact business.

**Mr. L. Graham:** The purpose of the Rule is to allot time for the business of Non-Official Members; the authority set up by the Rule is the Governor General. This Standing Order sets up a parallel authority, the Honourable the President, and it places some sort of restriction on him by

laying down that no business shall be transacted without the consent of the Governor General in Council.

**Mr. A. Rangaswami Iyengar:** The House is its own authority in respect of the business before it. The Governor General can give precedence for official business and on official days he has the right to say "you shall do only this and nothing more."

**Mr. L. Graham:** That is a question of constitutional propriety, Sir, what the Rule states quite clearly is that the Governor General is the authority for allotting time.

**Mr. President:** Does it mean that no non-official business can be transacted on days which have not been allotted for non-official business by the Governor General?

**Mr. L. Graham:** It does mean, Sir, that no time can be definitely allotted by the Governor General in Council fixing the days.

**Mr. A. Rangaswami Iyengar:** That is for the convenience of official business.

**Mr. L. Graham:** It may be a somewhat involved point that I am dealing with, but for that I may blame my Honourable friend, Mr. Chaman Lall. I do say that this Standing Order sets up a parallel authority and consequently there is repugnance.

There is also another point which we made in our Minority Note and that is that, although this Standing Order appears professedly to save the powers of the Governor General in Council under rule 6, in effect it reverses the process as the Honourable Law Member put it: nay I would say, it turns it inside out.

**Mr. President:** How?

**Mr. L. Graham:** Perhaps you will allow me to tell you, Sir. The Honourable President may make a direction that we shall sit,—say, after the House rises at about half past three—that we shall thereafter sit and transact non-official business and thereupon, when at that fateful moment he calls upon an Honourable Member, I take it that the Honourable Leader of the House will be put in the position of getting up in his place and saying "Sir, the Governor General in Council does not give his consent to the transaction of this particular piece of legislation."

**Mr. A. Rangaswami Iyengar:** Let him do so.

**Mr. President:** Is that not the position under the existing rules?

**Mr. L. Graham:** You will perhaps allow me, Sir, to contradict you on that point.

**Mr. President:** Has not the President the power to set down non-official business to be transacted on an official day if the official business terminates earlier?

**Mr. L. Graham:** I have always understood that we might reach that contingency, and that the last sentence in the Legislative Rules does not fit in with the Legislative Rules as originally promulgated. That sentence was added later to Legislative Rule 6. It was because your predecessor thought that he might put down non-official business at the end of official business that Government, with a view to protecting themselves, obtained sanction for making this rule.

**Mr. President:** Then they have not sufficiently protected themselves.

**Mr. L. Graham:** They have got on very well so far in that matter of protection, and apparently my Honourable friend thought that the protection was sufficient, and consequently he proposed this addition to the Standing Orders. But as I said, Sir, this is rather difficult ground, and I do not propose to take any more time of the House beyond saying that I do not agree with my Honourable friend Diwan Chaman Lall when he says that there is no repugnancy. I say emphatically there is repugnancy, and that consequently this Standing Order is bad under the provisions of the Government of India Act. In fact, my Honourable friend used the phrase, and I may again repeat what I said in regard to my friend Mr. Rangaswami Iyengar, who started off his speech on this subject by saying that this matter is provided for by Rule 6 (1) of the Indian Legislative Rules. But if the matter is provided for by Rule 6 of the Indian Legislative Rules, there is no scope for any amendment to the Standing Order on the subject at all. If you look at the Standing Order to which he has tacked on this wholly irrelevant provision, you will see that it has nothing to do with the matter. If you will read the Standing Order, as it will read with my Honourable friend's addition to it, you will be moved to say "What on earth has sub-order (ii) got to do with sub-order (i)?" as it will then be after the addition is made.

**Mr. A. Rangaswami Iyengar:** Make it a separate order then.

**Mr. L. Graham:** Why should it be tacked on to the Standing Orders? I submit there is no resemblance or connection at all. That is because this provision has no place in the Standing Order itself and is dealt with in the Legislative Rules. I am afraid I have had to detain the House over what is a very uninteresting matter, but with due respect I would point out that this Standing Order does indeed introduce a revolution in our procedure; it practically overturns the Legislative Rules which deal with the matter fully and exhaustively.

**Mr. Muhammad Yamin Khan** (United Provinces: Nominated Non-Official): Sir, while I am prepared to support the suggestion that there should be more days allotted for non-official business in this House, I am entirely opposed to the amendment of this Standing Order. I think, Sir, that the remedy which the Honourable the Mover suggests cannot be obtained in the manner he suggests. If more days are allotted for non-official business, the Non-Official Members would be in a position to know exactly when they should be ready to face a certain question and when it is necessary for them to be present in the House. As is well known, all the Non-Official Members are not invariably present throughout the whole session. They have got other work to do, and they go away during certain periods when they find that the business in which they are vitally interested is not going to be transacted, and devote their time to their private work. If this Standing Order is amended in the manner proposed and this procedure is adopted, it will be very unfair to Non-Official Members, because they would be taken by surprise if the business comes on a day when they never expected it. I will give the House a concrete example, Sir, supposing my friend Pandit Malaviya is very much interested in Mr. Sarla's Bill which had been postponed on the 31st of January. If my friend Panditjee comes to know that it is going to come on a particular day, a long time before, then he can make a point to attend the House on that day, while his interest in the Benares University may

require him to be absent from this House during the interval and he can very easily go there. But if the procedure that is sought to be introduced by this amendment is adopted, then that Bill instead of coming on say on the 15th of February might come all of a sudden on the 11th of February, because if there is not much Government business to be transacted on Monday, all of a sudden this business might be put down on Friday and the notice will be received by the Members on Saturday, and such notice will not probably reach them in time to enable them to be present in the House when that particular piece of legislation is under consideration. In this way, if the proposed amendment is accepted, it will be to the detriment of Honourable Members themselves . . . . .

**Mr. A. Rangaswami Iyengar:** Members who want to be absent take things easily.

**Mr. Muhammad Yamin Khan:** I suppose my Honourable friend has been mostly absent from this House.

**Mr. A. Rangaswami Iyengar:** No, Sir; No, certainly not.

**Mr. Muhammad Yamin Khan:** At least there are very many Members, I mean Members from my Honourable friend's Party, who are absent to-day. They may be interested in certain business, and my Honourable friend will never be able to get them here in time even by sending them telegrams. It is no use making an amendment which is likely to go against the interest of the non-official Members themselves later on, and I am afraid that the Honourable Members may have to repent later on if they find that the rules go against their own interests. Of course, a good point has been made by the Honourable Mr. Graham when he said that proper advantage is not being taken, even now, by Honourable Members on non-official days. There are certain measures which are pending, and those measures are stopped with a view to give priority to better measures. We often find that, if an Honourable Member moves for leave to introduce a Bill in this House, he stops at a certain stage. That stops other Honourable Members from bringing forward similar measures. I shall give the House a concrete example. My Honourable friend Maulvi Muhammad Yakub Saheb brought the Interest Bill before the House. That was objected to on certain grounds, and he asked for leave to circulate it, and that was circulated, but for the last three sessions I have been waiting to hear for a motion to be made on that Bill. I am very much interested in that Bill. I have been trying for the last seven years in this House as well as in the other House to ensure that that measure shall become law, but my friend blocked Mr. Kelkar's Bill. Mr. Kelkar was not allowed to bring his measure forward simply because there was a similar Bill on the anvil, and so my friend's Interest Bill cannot come up. Therefore, I have no other remedy until my Honourable friend Maulvi Muhammad Yakub withdraws his Bill. Sir, this is the position. The remedy lies somewhere else and not in the way sought for by this amendment. I think that it will be against the interests of the Non-Official Members in whose favour this amendment is supposed to be brought forward. With these few words I oppose this amendment.

**Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural):** I strongly support this amendment. I consider that it is a very unsatisfactory state of things which the present rules

[Pandit Madan Mohan Malaviya.]

have brought into existence. The work which the country demands, and which ought to be put in by the Legislative Assembly, is very much greater than the Assembly is able to do to-day, and I think the amendment will give us a chance of having some more work put in. I quite appreciate the kindness of my Honourable friend, the last speaker, in referring to me and my duties. I consider, Sir, that if I take the oath of membership of this Assembly, I must, so far as I can, be present in the Assembly and attend to its business, except of course on very exceptional occasions for special reasons. If I cannot do so, if I have to be absent on many occasions, or if my other engagements are of greater importance to me than the work of this Assembly, in fairness to my constituents and to the country, I ought to resign. That is the view I take. I regret that sometimes it becomes necessary for Members to absent themselves for a day or so. That may be unavoidable, but I am sure that every Member who comes to the Assembly will recognise that it is his duty to be present throughout the session. But even those who are present here throughout, do not find sufficient opportunity for work. The amendment is a perfectly reasonable amendment. What does it say? The days that have been allotted for official business are not touched, but after the official business has been concluded, if there is time left, why should it not be in the power of the President to allow other business to be conducted? He is the person who is in the best position to decide whether more time should be allowed for the business of the Assembly, and not His Excellency the Viceroy. His Excellency the Viceroy is not in touch with the work of the Assembly as the Honourable the President is. Therefore, somebody must report to him what the state of work is, and thus His Excellency can have only second-hand information. It is not right therefore to ask him on every occasion to decide whether time should be extended or not. The person who is most closely in touch with the work of the Assembly is the Honourable the President and I think we have had sufficient experience of the work of the Assembly to feel confident that the President will fairly and impartially allow more time for any business that has not been disposed of on the day allotted. For these reasons I strongly support the amendment and I hope it will be accepted by the House.

**Mr. M. S. Aney:** (Berar Representative): The amendment that has been moved is a simple one. It is only intended to utilise the spare time of the House. More work and less leisure—that is what this amendment intends to bring about—while my Honourable friend, Mr. Yamin Khan, has just made a speech in which he pleads that there should be some leisure days for Members to go away. It is hoped that this amendment will slowly destroy that tendency among Members to run away from this House, who regard some particular business before the House in which they are interested as important, and treat the other business of the House, brought forward by the Non-Official or Official Members, as unworthy of their attention. That tendency of a large number of Members in this House must be discouraged. And this amendment may have that salutary effect. That is one thing. Secondly, it is the experience of this House that considerable non-official business remains in arrears every year. We often hear Members complain bitterly of the extraordinary high rate of infant mortality in the Indian

population. I would request Honourable Members to first take note of the appallingly high figure of the infant mortality of non-official Bills and Resolutions in this House. Being in close touch they should take immediate notice of it and find out some remedy to cure the body-politic of this House of that terrible calamity. (Laughter.)

The great legal difficulty with which the Honourable Mr. Graham, assisted by Mr. Keane, faced us in the Select Committee, and which he has now put forward here, is that this Standing Order is repugnant to the Indian Legislative Rule 6. You have, Sir, very rightly pointed out that, in reading Indian Legislative Rule 6, the Honourable Member must also try to understand and look to the spirit of that rule. You will see Sir, that under that rule there is no absolute bar upon the transaction of non-official business. The possibility of non-official business being transacted on official days is tacitly recognised and provided for there—that is, with the consent of the Governor General. As my Honourable friend Diwan Chaman Lall has pointed out, the consent may be implied or explicit. That is the whole thing. This rule proceeds on the assumption that the Government attitude, to which reference was made by the Honourable Mr. Crerar and others, is that they have been consistently and all along showing an attitude of sympathy towards non-official business. On the experience of that sympathetic attitude we are justified in assuming that, with the implied consent of the Governor General in Council, we can go on with non-official business on official days, and if there is any insuperable difficulty, then we have made a proviso empowering His Excellency the Governor General to withhold that consent. So the consent is there. Ordinarily, we are justified in implying that consent, and that the Honourable the President should therefore be empowered by this amendment to allow non-official business to be transacted on the official days. So, I do not think that, according to the true spirit of the rule, there is anything repugnant in the amendment which we propose, or anything inconsistent with rule 6 of the Legislative Rules. As there is no absolute bar to the transaction of non-official business on official days, the manner in which we want to provide for doing non-official business cannot be considered as repugnant to the spirit of the rule, and the objection of its being *ultra vires* and so on does not, in my humble opinion, hold good.

One difficulty that was pointed out by my Honourable friend the Home Member, and to which reference was also made by Sir Darcy Lindsay, was that it would be rather difficult for Members to study matters, official and non-official, for the same day. The non-official work may not after all be done, and the study would be wasted. I may tell my Honourable friend that, if a man studies a question, he will find that study useful on some other day when the work will come on for discussion. So, I do not think, if I study a thing and do not get any immediate opportunity for utilising that study, that my time is wasted. I always consider my study as useful, as it means some additional information and nourishment to the brain. That information is there and it can be used at the proper time. So I think that none need be afraid of study being wasted.

Another difficulty was pointed out by my Honourable friend Mr. Graham, but I have not been able to understand it at all. If there is official and non-official business on one and the same day, he pointed out that there

[Mr. M. S. Aney.]

would be some difficulty for the officials to do their work efficiently and properly. I have not been able to understand what exactly he meant by that. Probably I have not been able to hear him clearly on that point. He imagined that there would be some difficulty, but I do not think there is any difficulty whatever. On the other hand, I think there is absolutely no injustice done to official business on those days by the inclusion of non-official business. They have precedence, and it is only if there is spare time, then that time can be utilised by the Honourable the President for transacting such non-official business as he deems proper on that day. So, there is no likelihood of any injustice being done to the proper transaction of official business, and there should be no objection to this amendment on that score. Viewed from every standpoint, I think that this House should give its support to the amendment. It is intended to give some more facilities for doing non-official work. We are often accused of coming here without any constructive proposals. That is the charge frequently made against us. Here we are asking our friends on the Official Benches to give us the opportunity to justify ourselves and, to show whether we have a constructive programme or not. At present no Member can seriously think of working out any programme. Give us the opportunity. Let us know that there are possibilities for doing that sort of work and I am sure that they will find that Non-Official Members have also got a constructive programme as good as, if not better than, the one usually brought up by the Official Benches for our consideration. With these words I strongly support the amendment.

**Colonel J. D. Crawford:** (Bengal: European): I would like very much to know what would be the actual procedure if this amendment is carried. Presumably in the list of Government business every day, at the end, we will find further consideration of the business adjourned from such and such a non-official day. Now, it will be only in exceptional cases that non-official business will come up for consideration on a Government business day. The result will be, to my mind, that we will not come ready to take a really intelligent part in a debate on a subject which we don't believe will come up for discussion on that day. The result is likely to be naturally slipshod work and we in this Assembly will find ourselves in the position of burdening the country with a lot of ill-digested legislation. I believe the real cure, if we want more non-official business done, is to have specific days for it. Members will understand that the business put down on that day will come up and will come ready to take part in the discussion in an intelligent manner. We have not all got the memory of Mr. Aney.

**Mr. A. Rangarwami Iyengar:** What will happen if the Governor General gives the permission? Will it not be slipshod work then?

**Colonel J. D. Crawford:** It will be equally slipshod if you provide for discussions which you don't expect to take place and the House is not ready for it. The result will be ill-digested legislation, and on these grounds I personally oppose the amendment.

**Mr. M. Keane** (United Provinces: Nominated Official): Sir, I think that the position of Honourable Members opposite is very like what Pandit



Motilal said yesterday was his attitude towards the Bill that was before the House in connection with the heirs of deceased Hindus—his heart was with the Bill but his legal acumen was against it. I feel that genuinely, though my friend Mr. Rangaswami Iyengar shakes his head. Diwan Chaman Lall asserted, and asserted, and asserted again that rule 6 was no bar to the proposals made. Assertion amounts to nothing. He understands no doubt the value of the advertising dodge by which we are told that a certain thing is worth a guinea a box, and it is repeated over and over again, and people believe it. Rule 6 is absolutely clear to my mind and to the mind of any layman. When I was in the Chair in a smaller sphere than yours, Sir, I had not this last sentence of rule 6 in my rules. It was added for the benefit of the Assembly apparently. At that time I certainly held that I could, if I wished to, put on non-official business on days when there was time, but this addition to the rule, I would hold, absolutely bars it.

**Diwan Chaman Lall:** Read the last sentence.

**Mr. M. Keane:** I have read it; it says the Governor General shall allot days, compatible in his opinion with public interest, for non-official business. Then it goes on to say—after leaving out what is in between—"On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council." If Honourable Members will search through the rules, I think probably they will find nowhere a proviso making an exception, except in Rule 48. Rule 48 deals with one of the most important matters with which a Government has to deal, namely, the question of the budget and appropriations of money. In that rule it is stated that no motion for reappropriation can be made—then comes the exception—except on the recommendation of the Governor General. Honourable Members now tell us, as I understand it, that it would be open for this Chamber to say that the President may direct that in any particular matter a Member may stand up and make a motion for appropriation, if the appropriations made were inadequate or on wrong lines. For instance if Dr. Moonje, who is interested in aviation, desired an appropriation for aviation purposes, we could make a Standing Order that the President may direct that it be in the power of Dr. Moonje to stand up and make a motion for appropriation of money for that purpose, unless the Governor General in Council forbids. It does not seem to me that any such power is vested in the House to enable the President to direct that a private Member could make a motion for appropriation unless forbidden. I am perfectly aware that Diwan Chaman Lall holds that this clause at the end of rule 6—"except with the consent of the Governor General in Council"—is no more and no less than what is stated in the proposed Standing Order, that is to say, unless the Governor General in Council withholds his consent. It is open he says, under this Standing Order for the Governor General in Council to stand up and say "I forbid". The President lays down certain agenda for the day. My Honourable and learned friend says the Governor General in Council can come and say "I forbid". Now, Sir, in the many threads that have gone to make up what I may call the tapestry of procedure and precedent in Parliament, there is one golden thread running through the later centuries and that is that the President should be kept clear of the area of party politics. It is a principle that we as a House have tried to follow. We have inculcated it, and it is a very great mistake for the House to give up that principle. It may seem

[Mr. M. Keane.]

to help Honourable Members opposite at this particular moment to leave that principle behind. I do think that the giving up of this principle is not at all unlikely to produce a condition of affairs in which there will be a conflict between the Chair and the Governor General or the Governor General in Council.

**Mr. President:** Did it happen to the Honourable Member when that proviso was not in existence?

**Mr. M. Keane:** No conflict did occur, but once the proviso is there, it makes the thing absolutely clear. It is one of the values of the clause that it will prevent such a conflict.

**Mr. President:** I do not know if the Honourable Member will explain one thing to me because I have not been able to follow it quite clearly in my mind. Is it open to the President to put down business on the agenda on a day not allotted for official or non-official business?

**Mr. M. Keane:** In my opinion, Sir, as the Rules and Standing Orders 1 P.M. are at present, he cannot do so.

**Mr. President:** Under which Standing Order or rule?

**Mr. M. Keane:** The rule we are dealing with now.

**Mr. President:** That rule says:

"No business other than Government business shall be transacted."

It does not say that it cannot be put down.

**Mr. M. Keane:** I was not alive to that subtle distinction. I took it that transacting and putting down are the same. We are dealing all through with the transaction of business. That is how I look at it. The rule states that "On other days no business other than Government business shall be transacted, except with the consent of the Governor General in Council", and my point is that we ought not, so long as the rule stands, risk—I don't say that you, Sir, whose experience is very great, who have the confidence of this side of the House because of your conduct in the Chair, and I suppose almost to a greater extent the confidence of the other side, I don't say that it can happen in your case, but I can envisage a time when there is another President who might be led into conflict through a lack of precision in these matters. I say that, notwithstanding this maze of words, it does not appear to me to be possible to interpret rule 6 other than in the plain meaning of the words that are contained in the rule, namely that:

"The Governor General . . . shall allot so many days . . . for the business of non-official members"

and that without his consent—

"no business other than Government business shall be transacted."

I have already referred to Rule 48, where the same exception comes in, and where it is clear that no Standing Order can empower private Members to alter the rule.

**An Honourable Member:** That is a different thing altogether.

**Mr. M. Keane:** It is not. It is the same principle.

I think we would be well advised to avoid anything that would bring the Chair into conflict, either with the House, or with the Government, or with the Governor General.

**An Honourable Member:** I move that the question be now put.

**Mr. President:** The question is that the question be now put.

The motion was adopted.

**Mr. President:** Mr. Rangaswami Iyengar.

**Mr. A. Rangaswami Iyengar:** Sir, I do not wish to take up the time of the House with answering all the objections that have been raised on the official side. Most of them have been very fully met by my friends Diwan Chaman Lall and Mr. Aney and others, but I should like to say two or three words with reference to what fell from Mr. Graham, because I am sure Mr. Graham knows exactly where he stands and I know exactly where I stand.

Before that I would like to say that there has been some kind of misconception in the minds of Sir Darcy Lindsay and Mr. Yamin Khan as regards the duties of Members of this House, and the extent to which we are bound to transact legislative business within this Chamber. Sir Darcy Lindsay seems to think that we want holidays, not merely to recuperate ourselves but also to do committee work. Mr. Yamin Khan thinks that we must have a little outing now and again, and that it helps to transact our business better. I think in this matter we are in an even greater degree under obligations than the Mother of Parliaments. In the British Parliament the rule is that the House should sit from day to day unless the House, by means of Resolutions or Standing Orders, adjourns. Therefore, Sir, when we are here as representatives of the people, when we are summoned here as representatives of the people by a summons from the Governor General to meet and transact the business of the country, from that moment we are here to do the business of the country, and we cannot, except by what we have decided with regard to the extent to which we shall have any relaxation, be directed by any outside authority to have a holiday. No one has a right to come to us and say, "You shall have a holiday on such and such days, and you shan't do any business on those days."

Mr. Graham says that the rules are exhaustive as to the authority that shall fix the time of business of this House. I entirely dissent from him on that point. I think that the duty of the Governor General is merely to summon this House and let it go on with its business, only taking care with respect to official business that it shall be allotted sufficient time.

[Mr. A. Rangaswami Iyengar.]

That is the definite aim and intention of Legislative Rule 6. My friends, in their dissenting minute and speeches, have pointed out that by my amendment of the Standing Order I am introducing a third class of business. If my amendment does so, I say that it is a class of business which you, Sir, rightly remarked, is entirely contemplated by rule 6. The first part relates to non-official business and the latter part to Government business and other business. The last three lines say:

"On other days no business other than Government business shall be transacted."

It does not say that no non-official business shall be transacted. Therefore if it is possible to have a third class of business besides what is technically called "non-official business", there is another class of business which it is open to the House to transact within the time at the disposal of the House. I cannot see at all how we here in this House, who ask that our time shall be usefully spent on days which are not needed for Government business, and on days which are not allotted for non-official business, should not be permitted to spend our time usefully in pulling up the arrears of business. If Government can have days allotted to them for the transaction of business brought over from a previous day, I do not see why we cannot be placed in the same position. As you very rightly remark, Sir, the whole point is whether the rule restricts us, and that, before doing any non-official business the consent of the Governor General shall be obtained. What I have provided for in the proviso to my amendment is that no non-official business can be set down on days not so allotted if the Governor General withholds his consent thereto. But why should the Governor General say "You shall have a holiday; we are not going to let you do any business"? All we call upon the Government to do is that, whenever there is a day available, it shall be given to us, unless specific reasons are shown why a day shall not be allotted to us.

Then I deal with the question of repugnancy. I do not want to add to the learned arguments that were advanced by my distinguished friends Diwan Chaman Lall and Mr. Aney, as I am perfectly certain that this rule, with the proviso I have added, cannot be repugnant to the Standing Order. The word in the section at any rate is "repugnant" and not "inconsistent". It must be actually repugnant to the provisions that have been embodied in Indian Legislative Rule 6. I submit that in so far as the rights of the Governor General, under Legislative Rule 6 have been expressly conserved by the proviso, that repugnancy cannot exist. Then my Honourable friend Mr. Graham pointed out that many Honourable Members complain that they are dragged here early, that many Honourable Members also want to get away early, and he also alluded to various acts of commission and omission on the part of Honourable Members. But I may assure him that, on his side, there are acts of commission and omission which are errors of which the Government have had to bitterly think of. Therefore there is no use merely talking about lapses, instead of what ought to be the duties of Members, as for example, and whether the present state of laxity in rules ought to be permitted. I say, Sir, far from permitting laxity, this House as a House which has been set up for legislative business of the whole of this country to which representatives come from all the distant corners of this huge country, must be in a much more effective position to transact all the business that arises within the limited time, within the time during which they are summoned and the time at

which they are prorogued. All the business that the House can do should be compressed within that period, and every day that is available within that period should be used by the House, with the consent of the Governor General, for the transaction of business. It is not as if we can go back to our homes at the week end; for poor people like me it is impossible; nor is it possible for many Honourable Members to so arrange their business that they can both transact their business and also discharge their duties as legislators in this House. It will not do for my non-official European friends on the other side, who have very large business interests, to go on attending to their business as well as attend to their duties in this House. They have to choose between the two; they cannot attend to both. As my Honourable friend Pandit Madan Mohan Malaviya very rightly pointed out, it is their duty to tender resignation of their membership if they cannot do this. The moment I find that I cannot attend to the duties of my office in any satisfactory manner, I am sure the Honourable Member will have my resignation in his hands for submission to the Governor General. Therefore I do not think it is necessary to labour that point.

Another point that was mentioned was that it would lead to our doing our work in a slipshod fashion. I say the manner in which the present business is arranged is the strongest incentive to slipshod work in this House. If we know every day here that we are here to transact business, day in and day out, that our time will be fully occupied with the business before the House, then we know exactly what business we shall do. If, on the other hand, we have no idea as to what business is to come on, we have no idea as to what the freaks of the ballot box may be on Resolutions and Bills, and when we do not know exactly what will come on and what will not come on, I am sure the Government have been as much the sufferers in this respect as the Non-Official Members. There is no use saying that all the slipshod work is on one side of the House and not on the other. I think there is a lot of slipshod work on the Government side also. We therefore feel, Sir, that in this matter the custodian of the time of the House is in the first instance the House itself and in the second instance, its proper and only representative, yourself. My Honourable friends Mr. Graham and Mr. Keane pointed out that, so far as the matter of arrangement of the time of the House is concerned, the matter is in the hands of the Governor General and not in your hands. To that proposition, I am sure every Member of the House is bound to enter a caveat. The only position that the Governor General has been assigned under the Government of India Act and under the Rules, as properly interpreted, is that the Governor General should have the control of the time of the House in his hands to the extent to which it is necessary to forward Government business, and in every other respect the House should possess the fullest liberty to allot its time and to arrange its business in such manner as you, Sir, think most conducive to the speedy and efficient transaction of the business in this House. On that principle, I think it is impossible for my Honourable friends on the Government side to say that the Governor General has got the right to bring this Assembly into existence, to summon it here and tell the Members thereof "You shall sit on such and such a day, you shall transact such and such a business only, you can meet for such and such hours of the day and you can play during the rest of the day for you have got nothing to do". Sir, that is a position which we cannot reconcile ourselves to. I would humbly submit to all Parties in the House,

[Mr. A. Rangaswami Iyengar.]

to every Member of the House who feels his self-respect, who realises his representative capacity, to dissent strongly from that proposition, that is to assign to the Governor General or the Governor General in Council the right to say what we shall do in regard to the business of this Assembly, how we shall arrange our times of meeting, how we shall dispose of our business and so on. I hope, Sir, that this House will resent any such position and will vote for the amendment which I have the honour to move. (Cheers.)

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

"Standing Order 7 shall be re-numbered as sub-order (1) of Standing Order 7, and after that sub-order the following sub-orders shall be added, namely:

- (2) The President may direct that, in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly shall sit on any other day for the transaction of non-official business set down for, but not disposed of, on the days allotted therefor by the Governor General; and on such days the business shall, unless the President otherwise directs, be transacted in the order in which it was set down on the days allotted for it by the Governor General, business originally set down for an earlier day having priority over business originally set down for a later day.
- (3) The President may direct that on any day on which Government business terminates earlier than 4 p.m., non-official business may be transacted in such order as he may direct:

Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

The Assembly divided:

AYES—50.

Abdoola Haroon, Haji.  
 Abdul Matin Chaudhury, Maulvi.  
 Abdullah Haji Kasim, Khan Bahadur  
 Haji.  
 Acharya, Mr. M. K.  
 Aney, Mr. M. S.  
 Ayyangar, Mr. K. V. Rangaswami.  
 Ayyangar, Mr. M. S. Sesha.  
 Belvi, Mr. D. V.  
 Birla, Mr. Ghanshyam Das.  
 Chaman Lal, Diwan.  
 Chetty, Mr. R. K. Shanmukham.  
 Chunder, Mr. N. C.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Ghazanfar Ali Khan, Raja.  
 Gulab Singh, Sardar.  
 Haji, Mr. Sarabhai Nemchand.  
 Hans Raj, Lala.  
 Ismail Khan, Mr. Muhammad.  
 Iswar Saran, Munshi.  
 Iyengar, Mr. A. Rangaswami.  
 Jayakar, Mr. M. R.  
 Jinnah, Mr. M. A.  
 Jogiah, Mr. V. V.  
 Kelkar, Mr. N. C.  
 Kidwai, Mr. Rafi Ahmad.

Kunzru, Pandit Hirday Nath.  
 Lahiri Chaudhury, Mr. D. K.  
 Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jamnadas M.  
 Misra, Mr. Dwarka Prasad.  
 Mitra, Mr. S. C.  
 Mohammad Ismail Khan, Haji  
 Chaudhury.  
 Moonje, Dr. B. S.  
 Mukhtar Singh, Mr.  
 Murtuza Saneb Bahadur, Maulvi  
 Sayyid.  
 Naidu, Mr. B. P.  
 Nehru, Pandit Motilal.  
 Neogy, Mr. K. C.  
 I'urshotamdas Thakurdas, Sir.  
 Rang Behari Lal, Lala.  
 Shafee, Maulvi Mohammad.  
 Singh, Kumar Rananjaya.  
 Singh, Mr. Gaya Prasad.  
 Singh, Mr. Narayan Prasad.  
 Singh, Mr. Ram Narayan.  
 Sinha, Kumar Ganganand.  
 Sinha, Mr. Rajivaranjan Prasad.  
 Sinha, Mr. Siddheswar Prasad.  
 Yakub, Maulvi Muhammad.

## NOES—46.

Abdul Aziz, Khan Bahadur Mian.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Alexander, Mr. William.  
 Allison, Mr. F. W.  
 Anwar-ul-Azim, Mr.  
 Ashrafuddin Ahmed, Khan Bahadur  
 Nawabzada Sayid.  
 Bajpai, Mr. G. S.  
 Bower, Mr. E. H. M.  
 Chalmers, Mr. T. A.  
 Chatterjee, the Revd. J. C.  
 Coatman, Mr. J.  
 Cocke, Mr. H. G.  
 Cosgrave, Mr. W. A.  
 Crawford, Colonel J. D.  
 Crerar, The Honourable Mr. J.  
 Dalal, Sardar Sir Bomanji.  
 French, Mr. J. C.  
 Ghazanfar Ali Khan, Mr.  
 Ghuznavi, Mr. A. H.  
 Graham, Mr. L.  
 Hira Singh, Brar, Sardar Bahadur,  
 Honorary Captain.  
 Jowahir Singh, Sardar Bahadur  
 Sardar.

Keane, Mr. M.  
 Lall, Mr. S.  
 Lamb, Mr. W. S.  
 Lindsay, Sir Darcy.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Moore, Mr. Arthur.  
 Mukharji, Rai Bahadur A. K.  
 Mukherjee, Mr. S. C.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.  
 Rao, Mr. V. Panduranga.  
 Row, Mr. K. Sanjiva.  
 Roy, Rai Bahadur Tarit Bhusan.  
 Sams, Mr. H. A.  
 Sassoon, Sir Victor.  
 Schuster, The Honourable Sir George.  
 Shillidy, Mr. J. A.  
 Simpson, Sir James.  
 Singh, Rai Bahadur S. N.  
 Stevenson, Mr. H. L.  
 Sykes, Mr. E. F.  
 Webb, Mr. M.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock. Mr. President in the Chair.

**Mr. A. Rangaswami Iyengar:** Sir, I beg to move that:

"To sub-order (2) of Standing Order 29 the following *Explanation* shall be added, namely:

*Explanation.*—A member shall not, by reason only of his criticising the official or public acts of the Governor General or of any Governor, be deemed to reflect upon the conduct of the Governor General or such Governor within the meaning of this Standing Order."

Sir, not many words are needed to commend this explanation to the House. I may say at once that it is only an explanation; it does not add to or take away anything from what is provided in Standing Order 29. Standing Order 29, in sub-clause (2) (iv), says a member, while speaking, shall not "reflect upon the conduct of His Majesty the King or the Governor General or any Governor (as distinct from the Governments of which they are respectively the heads) or any Court of Law in the exercise of its judicial functions". My Explanation only proposes to make clear what is the obvious intention of this rule. In the dissenting minute which my Honourable friends on the other side have appended to this rule, their only objection is stated in the following terms:

"We cannot agree that in the present state of the constitution where extraordinary powers are vested in the Governor General and in Governors personally, the actions of the Governor General or of a Governor apart from his Council should be open to criticism on the floor of the House."

[Mr. A. Rangaswami Iyengar.]

Now, Sir, I should have thought that the reason adduced by them is exactly the one which ought to impel us to ask that that criticism should be made. Sir, the provision by means of which the personality of the Crown, as well as of the Governor General, or Governor in any self-governing Dominion, where he represents the Crown, are exempted from reflections on the floor of the House, is a very well known principle of English law, namely, that the King must always be above politics and that no reflections ought to be permitted on the personality of His Majesty or upon his acts as the Crown. Now if it is the case—and my friends in their dissenting minute entirely accept it—that in this country, the Governor General or the Governor, as the case may be, is not only representing the Crown but is also doing acts of government, acts of government which in other countries are actually done only by the Government or Ministry in power, it stands to reason all the more that the actions of these Governors or Governors General, in so far as they partake of the nature of governmental or executive action, or other kinds of administrative or legislative action, should be open to comment in this House. Now, Sir, that is the reason why I have expressly provided in this Explanation that what we are seeking to criticise are the official and the public acts of the Governor General or of the Governor and not the acts that he may have to perform as representing the Crown in this country. Nor do we, by this action, seek to find an occasion for reflections upon the personal conduct of any particular worthy who may occupy the position of Governor General or Governor. That clause stands as it is in the Standing Order. What we now claim is that in this country, as my friends, who are officials, in their dissenting minute, admit, there is such a large class of acts, administrative, legislative and executive, as well as judicial, in respect of many acts connected with non-regulation provinces and many other matters, that in respect of these matters the Governor General and the Government in this country are not actually occupying the position of the Crown but are occupying, in very large part, the position of the Governments of the provinces concerned or of the whole country, and we think that it is an inherent right which has been vested in this House by the constitution established by the Government of India Act that we should have at least the opportunity of criticising the public and administrative acts of these Governments and Governors generally. And there are extraordinary things that they can do in this country—these Governments and Governors. They can restore rejected supplies; they can certify rejected laws; they can make laws themselves; they can make ordinances; they can make regulations. They can, for instance, if I may cite from a different category, act as courts of administrative appeal. In the provinces, for instance, there is a curious rule that, when a man is dismissed by the Governor in Council, his right of appeal is to the Governor without the Council. So, in so far as that Act is concerned, when a man is dismissed by the Government, he appeals to the Governor, and in that instance the Governor exercises quasi-administrative functions, which cannot, by any stretch of imagination, be considered to be duties which are vested in the Crown. They are necessarily administrative appellate functions. I can cite any number of instances of that kind in which actions of Governors and Governors General under the established law and the constitution of this country are far from being merely acts which pertain to the Crown in a well established constitution having responsible government. Therefore, Sir, I ask that this elementary explanation which will give this House the



right which is intended by the Government of India Act to be given to the House should be accorded to the House.

**The Honourable Mr. J. Crerar:** Sir, I oppose the motion. The Honourable Member, although the issue which arises on his motion is an important one, has been commendably brief, and I propose myself to be equally brief. The question is whether the public and official acts of the Governor General as such should be subject to criticism in the Legislature. The Honourable Member has rightly pointed out that there is no analogy, no true analogy, between acts of the Sovereign in the constitution of the United Kingdom and acts of this kind done or made by the Governor General. Well, Sir, the point which I particularly wish to impress upon the House is, that, while a Standing Order is specifically confined in its operation by the Rules and by the provisions of the Act, it is equally necessary that any Standing Order should comply with the policy and intention of the Act. The powers which have been expressly conferred on the Governor General as such are an integral part of the present constitution. I think it is perfectly clear that it is the intention of the Act that the Governor General, in the exercise of those powers, should have the most complete discretion, that his liberty of action and his responsibility should be comprised in the responsibility which he ultimately owes to the Crown which appointed him. It would, I think, introduce into the proceedings of this House a new precedent of a very undesirable description. It is surely a cardinal principle that if criticism is to be directed against the acts of any authority, there should be an effective opportunity for that authority to reply. Now, it is perfectly obvious that the Governor General could not reply on the floor of this House to criticisms made on the floor of this House; and I would remind Honourable Members that these powers to which Mr. Rangaswami refers are very expressly and very completely vested in the Governor General himself. The Governor General in Council, that is to say the Government of India, have no share whatever in those powers. They have no right even to advise in the exercise of those powers, and it will be an entirely inappropriate, and indeed an entirely ineffective, method of procedure that Members of Government, who have no share in those powers and no right to advise in the exercise of those powers, should be called upon to reply to criticisms on the floor of this House. I think, Sir, the suggestion made in this amendment is radically wrong and I trust that it will not be approved by this House.

**Mr. A. Rangaswami Iyengar:** Sir, the Honourable Mr. Crerar has, I am afraid, entirely misapprehended the scope of the explanation which we seek to add by this amendment. He referred to the question of the responsibility of the Governor General or the Governor, as the case may be. I am surprised that he should think that, because Members of this House seek a right to offer their observations upon the administrative or political acts of the Governor General on the occasions on which they will become relevant in the course of any discussions in this House, thereby the responsibility of the Governor General is affected. Sir, in so far as the responsibility of the Governor General or the Governor for all these acts is concerned, it is defined by the Acts in question, and no observations that we make, as we know to our cost, no criticisms that we may make, have any effect in making him use that power under responsibility to this House. All that we seek to do is that we should have a legitimate opportunity for the expression of our views on matters which are strictly relevant to the matters that are under debate in this House.

[Mr. A. Rangaswami Iyengar.]

There was another point which my friend Mr. Crerar made, that when we seek to criticise the actions of the Governor General, or the Governor, in any speech of ours, the Governor General is not here to reply. When the actions are done by the Governor General in Council, he has got his representatives here to speak on his behalf, and it is quite conceivable—and I am sure that my Honourable friend Mr. Crerar knows the Government of India Act quite thoroughly—that, in the actions which come under the name of the Governor General in Council, there may be occasions when the Governor General might have acted entirely in defiance of the votes of his colleagues; and even in that case they become acts of the Governor General in Council, and it would be the duty of my Honourable friend, Mr. Crerar, to come and defend those Acts, in spite of the fact that he may have differed from the Governor General in the Executive Council. Therefore, Sir, the plea that the Governor General would not have the right or the opportunity of replying in this House to any reflections that are made, is, I say, a far-fetched and absolutely untenable plea.

In the next place, my Honourable friend said that the Governor General and the Governor often take action in these matters without the advice of their colleagues in the Executive Council. Well, Sir, as I said, when the Governor General can take action in defiance of his Executive Council, there is no question that he can take action without the advice of his Executive Council. The whole question is whether, as a matter of ordinary practice, it is conceivable that the Governor General acts as it were in a vacuum, when he seeks to do a particular thing in the exercise of powers which are vested in him as Governor General and not as Governor General in Council? After all, he has some advisers; and if there has been any opportunity in which we have made criticisms of his official acts by himself, on which my friends on the Official Benches are taken by surprise, of acts of which they have no knowledge but of which we obtain suddenly some secret knowledge and they are taken by surprise, it would not be very difficult for them to find another opportunity in this House for giving a reply to such observations as we may make. I say that argument is wholly puerile — to say that the Governor General will not have an opportunity of replying to any observations that we may make.

The question as regards the Governor General's liberty to say what he pleases, arises in the next amendment that we have put down, namely, the address that the Governor General delivers to us in the opening of the sessions of the Legislative Assembly or a joint session of both Houses. When we reach that stage, I think I shall be able to show that, when the Governor General makes observations on the political situation, or upon men and measures, it is we, Sir, we of the House as representing the whole country, who are being deprived to-day of an opportunity of replying to it or of having our say on such matters. In that position, when we seek to correct it, my Honourable friend wants to take us back to the position in which the Governor General, whatever he may do whether in an administrative or executive or legislative capacity, is sacrosanct; when he can govern the country without the assistance of his Executive Council by the sheer power of certification. If he can do so, then this House should keep its mouth shut. That is a proposition with which we cannot agree, and I have only to appeal to this House that, in so far as this Explanation seeks merely to give us an opportunity to ventilate our views, to say something on administrative or political questions upon which the

Governor General may have made observations, which we think require our notice or our comments or observations or respectful submissions, we should be allowed to have it. It is only the opportunity of saying something that we want, not an opportunity for correcting his decisions; because, as I say, we have been deprived of that power in this country. Therefore, even the opportunity of saying what we feel in this country, they want to deprive us of, and I hope the House will not accept that position.

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

"To sub-order (2) of Standing Order 29 the following *Explanation* shall be added, namely:

*Explanation.*—A Member shall not, by reason only of his criticising the official or public acts of the Governor General or of any Governor, be deemed to reflect upon the conduct of the Governor General or such Governor within the meaning of this Standing Order."

The Assembly divided:

AYES—39.

Abdul Matin Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Ayyangar, Mr. M. S. Sessa.  
Belvi, Mr. D. V.  
Birla, Mr. Ghanshyam Das.  
Chaman Lall, Diwan.  
Chetty, Mr. R. K. Shanmukham.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gulab Singh, Sardar.  
Hans Raj, Lala.  
Ismail Khan, Mr. Muhammad.  
Iswar Saran, Munshi.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.  
Jinnah, Mr. M. A.  
Jogiah, Mr. V. V.  
Kelkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.

Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jamnadas M.  
Misra, Mr. Dwarka Prasad.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Purshotamdas Thakurdas, Sir.  
Shafee, Maulvi Mohammad.  
Singh, Kumar Rananjaya.  
Singh, Mr. Gava Prasad  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.  
Yakub, Maulvi Muhammad.

NOES—42.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Alexander, Mr. William.  
Allison, Mr. F. W.  
Anwar-ul-Azim, Mr.  
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.  
Bajpai, Mr. G. S.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chatterjee, the Revd. J. C.  
Coatman, Mr. J.  
Cocke, Mr. H. G.  
Cosgrave, Mr. W. A.  
Crawford, Colonel J. D.  
Crerar, The Honourable Mr. J.  
Dalal, Sardar Sir Bomanji.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Graham, Mr. L.  
Jawahir Singh, Sardar Bahadur Sardar.  
Keane, Mr. M.

Lall, Mr. S.  
Lamb, Mr. W. S.  
Lindsay, Sir Darcy.  
Mitra, The Honourable Sir Bhupendra Nath.  
Moore, Mr. Arthur.  
Mukharji, Rai Bahadur A. K.  
Mukherjee, Mr. S. C.  
Parsons, Mr. A. A. L.  
Rainy, The Honourable Sir George.  
Rao, Mr. V. Panduranga.  
Row, Mr. K. Sanjiva.  
Sams, Mr. H. A.  
Sassoon, Sir Victor.  
Schuster, The Honourable Sir George.  
Shillidy, Mr. J. A.  
Simpson, Sir James.  
Singh, Rai Bahadur S. N.  
Stevenson, Mr. H. L.  
Webb, Mr. M.  
Yamin Khan, Mr. Muhammad.  
Young, Mr. G. M.

The motion was negatived.

**Mr. A. Rangaswami Iyengar:** Sir, I move that:

"In sub-order (3) of Standing Order 32, for the words 'shall have the right of speaking' the following shall be substituted, namely:

'may, with the permission of the President, speak'."

Sir, so far as this is concerned, it is a very simple matter. Honourable Members know that in respect of the debates on Resolutions the Government has two chances of speaking and influencing the votes of the House. That, I submit, Sir, is against all principles of debate. It is the right of the Mover of a Resolution to reply to the objections that have been raised against his Resolution, but it cannot be the right of the objector to the Resolution to come again and have a last word on it and say why he opposes the Resolution and why it should be voted against. It is against all principles of debate, and it has no parallel in any known Legislature in any part of the Dominions. Therefore, Sir, I have proposed that this double right . . . .

**The Honourable Mr. J. Orerar:** I am very reluctant to interrupt the Honourable Member. Perhaps what I have to say will save him a certain amount of trouble in dealing with the matter further. Government do not propose to oppose this amendment.

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

"That in sub-order (3) of Standing Order 32, for the words 'shall have the right of speaking' the following shall be substituted, namely:

'may, with the permission of the President, speak'."

The motion was adopted.

**Mr. A. Rangaswami Iyengar:** I move that:

"In sub-order (2) of Standing Order 70, the words 'has been disallowed under the rules or these Standing Orders or' shall be omitted."

That I think is also a matter on which we are agreed, and so I do not propose to inflict any speech on the House.

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

"In sub-order (2) of Standing Order 70, the words 'has been disallowed under the rules or these Standing Orders or' shall be omitted."

The motion was adopted.

**Mr. A. Rangaswami Iyengar:** I move that:

"In Standing Order 72, for the words 'is to be considered' the words 'is under consideration' shall be substituted."

∞ This is more or less a formal matter which arises in this way. On budget days when people give notice of amendments by way of cuts to the votes on demands, those demands are fixed for certain particular days and two days' time is put forward for notice of amendments. What this Standing Order provides is that when a demand or a vote does not come on the day on which it is put down and is carried to a day much later than that day, two days' notice from the day on which it is actually taken up shall be deemed to be sufficient notice for the purpose of the amendment of which notice has been given. I understand that Government will have no objection to this amendment.

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

"In Standing Order 72, for the words 'is to be considered' the words 'is under consideration' shall be substituted."

The motion was adopted.

**Mr. A. Rangaswami Iyengar:** I move that:

"For Standing Order 74 the following shall be substituted, namely:

74. Communications from the Assembly to the Governor General on his address or message shall be made by formal address through the President after motion made and carried in the Assembly."

Sir, so far as this is concerned, this provides for a form of representation which this House can make to the Governor General on a procedure analogous to that which is provided for in all deliberative assemblies, by a debate on the address. Honourable Members are aware that the Viceroy usually opens this House with an address in which he details, with great clearness and sequence, the administrative policy of the Government pursued in the past and which they propose to pursue in the future. They are essentially matters with which Government as a whole are concerned and upon which the Governor General, as it were, puts before the House the programme of the Government as such. Now, Sir, in all countries governed by responsible institutions, this programme is, what may be called, the ministerial programme, which is always delivered through His Majesty or his representative, the Governor General, or the Governor, as the case may be. So far as that is concerned, when the general programme is put forward at the very outset of every session in every deliberative assembly, the policy of the Opposition is to put forward motions by way of amendments to the address—that is the technical form by means of which the Opposition takes the opportunity to criticise the programme on the policy of the Government, and also conveys to His Majesty, or His Majesty's Government, the views that it has. The opportunity for a debate on the address has not been given to us here in so many words, but I think it is a procedure which is certainly within the powers conferred on the Legislative Assembly and Councils in this country, and also, if I may say so, contemplated by the Government of India Act. I may remind you that this matter of presenting an address to the Governor General or the Governor, as the case may be, has been before the Conference of Presidents of

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

**Some Honourable Members:** You cannot refer to it.

**Mr. A. Rangaswami Iyengar:** I do not propose to refer to that, but I may refer to the actual facts that have been public property. In my province, the established practice is that an address to the Governor on the part of the House has been permitted and is still not prohibited. That shows, therefore, that in so far as the Act and the rules under the Act are concerned, this procedure is contemplated. Under the Standing Orders in this House, however, the words employed are:

"Communications from the Assembly to the Governor General shall be made:

- (1) by formal address, after motion made and carried in the Assembly; and
- (2) through the President."

[Mr. A. Rangaswami Iyengar.]

What we propose is that this wording of the Standing Order should be so altered specifically as to empower us to discuss his address or any message which he may communicate. An address delivered by the Governor General to this House, or a message delivered to this House, is not merely a formal matter. They comprise many public acts of administration and many announcements of public policy, and when the Governor General chooses to make such communications to us, it follows as a natural consequence that this House should be in a position to send its reply to such messages or addresses by means of what are called addresses to the Crown or the Governor General. That, as I say, necessarily arises from the fact that addresses and messages are contemplated, and as this matter has been in the past not permitted by one or two previous rulings but has been permitted in other Legislatures, we should make it clear that we possess the right. And we propose that this right should be exercised by means of a Standing Order which puts down the right very clearly. The necessity for doing so I do not want to dilate upon. That was the subject of discussion in the other House some years ago, and as to the propriety and the essential need in the interests of the country, so far as this Assembly is concerned, that it should have an opportunity, very early in the session, of discussing the Government policy and programme, there can be no question. It is not necessary for me to say more and I await with great interest what my Honourable friend, the Home Member, has to say.

**The Honourable Mr. J. Orerar:** Sir, I oppose the motion.

This matter, as the Honourable and learned gentleman has recalled, was discussed at some length a few years ago, and the position that I now propose to take up was stated fully and effectively by my predecessor, Sir William Vincent. I shall not attempt to reproduce or recapitulate the full statement of the case which he then made, and I shall restrict myself solely to a few practical points which it seems to me are now before the House for consideration.

Mr. Rangaswami Iyengar suggested, with that rather elusive modesty, which not infrequently characterises his utterances and arguments, that what he proposes is a very modest, and indeed almost a trivial thing, that it amounts, in fact, to little more, if indeed even so much, as a clarification of the existing Standing Orders and rules of procedure. To that position I must enter a very strong demurrer. However drafted the Honourable Member's amendment may be to convey that superficial impression, in point of fact it conveys something much more vital. It conveys that the substance of a speech, made by the Governor General to the Legislature, shall be the subject of unrestricted debate and discussion in this House. I say unrestricted debate and discussion, but I think it would follow from the terms of the Honourable gentleman's amendment, that such restrictions and exclusions as exist in the rules and Standing Orders relating to discussions of matters of public importance would not apply to a discussion of the character which he contemplates. My first submission therefore is that this is by no means in its substantial change a mere clarification of the existing rules and Standing Orders, but an entirely new departure of a kind which I do not think ought to commend itself to this House. The main ground, so far as I understood him, on which the Honourable and learned Member relied for the justification of his amendment, was that it would bring the procedure of this House into line with the constitutional

procedure in other countries, instancing more particularly the constitutional practice and procedure of the United Kingdom. I should have expected some further explanation from the Honourable and learned Member on that point, for there is an obvious reply to his analogy which I feel compelled to make. The Honourable and learned Member knows, as well as I do, that there is no analogy whatever between the speech from the Throne in the British Parliament and the Governor General's speech in the Legislature. The King's speech is a declaration of policy, not by the Sovereign, but by His Majesty's Government. To quote the words used by Sir William Vincent on the occasion to which I referred:

"The King's speech is not written by the King. The King is not responsible for it, and any reply voted does not affect His Majesty, but affects His Majesty's Government."

In developing that argument, Sir William Vincent went on to explain the situation somewhat more fully, and with the permission, of the House I could not do better than read out a brief extract from Sir William Vincent's argument. Speaking of the powers of the Governor General, he said:

"one is the right to address the Chambers of the Legislature vested in His Excellency the Governor General by virtue of the Government of India Act. That power is exercised by him without any control from his Council or from any one else. Nor is this true only in theory. I can assure this Council that in practice the Viceroy's speech is not submitted to his Council for examination; and he says exactly what he likes and what suits him. He does not speak or profess to speak on behalf of the Government of India. He expresses his personal views often on subjects which are entirely outside of the cognizance of the Assembly or this Council, but which are of the very greatest interest to the public. By reason of his high position and his personal touch with His Majesty's Government, he is indeed often able to afford information of a very valuable character to the Legislature, but that is not done by the authority or with the cognizance or under the control of the Government of India. The occasion is one on which His Excellency is pleased to place his personal views before you and in doing so he is performing a duty, the responsibility for which he cannot share with his Executive Government or with any one else."

I cannot deal with that aspect of the question more lucidly or more forcibly. I merely wish to make two points in concluding my argument. The first is this. I think, Sir, that the Legislature and this Assembly in particular, which has heard the speeches made by Governors General on various occasions, will realise that those occasions have been of great value both to this House and to the country. Now, if an amendment of the kind contemplated by the Honourable and learned Member from Madras were made, I fear that the inevitable consequence would be that the great value and the great utility of those addresses would very seriously be impaired. It might even be that they would be reduced to a colourless, a formal and a far less living thing than are now the speeches which we hear from the Governor General. I do not think that the House, on serious reflection, would desire to deprive themselves and the country of an asset of so great value and I do not think that, if the House passes this amendment, its effects either upon this House or upon public interest at large in the country would really be useful and advantageous. The second point I wish to make is this, that in so far as addresses by the Governor General deal, as they must necessarily frequently deal, with matters which are the concern of the Governor General in Council, there are other ways by which this House may have an opportunity of discussing them in the ordinary way. I submit therefore that this amendment is not only misconceived in itself but, in respect of the real advantages of this House, it will not add remedies and resources which do not already exist. Sir, I oppose it.

**Diwan Chaman Lall:** I have just two observations to make in regard to the speech delivered by the Honourable the Home Member. The objection, as I understand it, he takes to this amendment is that it would not be right for Honourable Members of this House to discuss the speech of the Governor General when he addresses this Chamber, because there is a possibility of that speech becoming colourless. Apparently it is of great interest, and if we allowed it to be discussed on the floor of the House, there is a danger of its becoming a colourless performance. I want to ask the Honourable the Home Member whether it is not a fact that His Excellency the Governor General goes down and addresses Chambers of Commerce in the City of Calcutta, and if there is any restriction whatever placed upon the discussion that follows upon his speech in the Chambers of Commerce. Is there any reason to believe that, because members of the Chambers of Commerce discuss his speech, therefore any distinction is made by the Governor General in the type of speech that he should deliver before the Chamber of Commerce? I consider that that is not an argument which should weigh with us. Have we or have we not the right to discuss matters of very great moment which are broached by the Governor General when he comes to address our House? What is the constitutional position? Are we here merely called upon to listen to an essay and to be satisfied that the sentiments of Indians have been voiced in the speech that has been delivered by the Governor General, or have we a right to discuss the speech on its merits and consider whether the policy laid down is the correct policy or not, to criticise that policy if necessary, even as the speech from the Throne in the House of Commons is discussed by Members of the House of Commons? There the speech is discussed, not on one day but on several days, and various matters of moment which are mentioned in the speech from the Throne are matters of acute controversy in the House of Commons. Why should we be prevented from discussing the speech of the Governor General on the floor of this House? It is said that there is no analogy between the speech from the Throne and the address given by the Governor General. In one breath we are told that there is no analogy, and in another breath it is said that the Governor General is the representative of His Majesty the King.

The position must be a contradictory position should the Honourable Member press this point that the Governor General is not in the same position here *qua* the Assembly as His Majesty the King is *qua* the House of Commons. The policy of the British Government is laid down by the Governor General in his speech, and we have the right, when that policy is addressed to us through the speech of the Governor General, to discuss that policy in the press and in the country. What the amendment does is to suggest that a formal address should be made through the President enabling us to discuss the speech in the Assembly as we are in a position to do in the Press. We have no right to discuss the address that is delivered here by the Governor General, and we are seeking now, by an amendment, to make it possible for us to make a formal address and so not be restricted in the matter of discussing the speech. There may be points made by the Governor General which may not come within the Standing Orders, which we are prohibited from discussing, but the Honourable the President is there to give his ruling if any matter of foreign policy is raised which, according to the Standing Orders, we are prohibited from discussing. No Member would be allowed by the Honourable the



President to discuss such matters, but the speech, as far as it is limited to matters which come within the purview of the Assembly, should be open to discussion and criticism by this House. An objection was raised by the Honourable the Home Member that there are certain matters which are not open to discussion. That point does not arise in this amendment, because we have the right and the liberty to discuss, if this amendment is passed, those matters which are mentioned in the Governor General's speech which the other Standing Orders relating to such matters allow us to discuss. The only point is the point of principle. We have at the present moment no right to pass criticism, except through the newspapers, on the very important speeches that are delivered by His Excellency on the floor of this House. We demand the right because those speeches lay down the policy of the British Government in India. We demand the right to place our views before the country with reference to matters of moment mentioned by the Governor General. That is all that this amendment desires to do. I agree with the Honourable the Home Member that it is an amendment of great importance, not to the Government, but to the people of the country.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I was astonished to listen to the speech of the Honourable Member from Rawalpindi.

**Diwan Chaman Lall:** I am not the Member from Rawalpindi.

**Mr. C. S. Ranga Iyer:** . . . . . from Lahore. (*Diwan Chaman Lall:* "No, nor from Lahore".) I am astonished at that speech, because I should like to know how the carrying of this amendment can benefit either this House or the country. What we want, Sir, and what even the very moderate and very reasonable terms embodied in the Nehru Report also want—is the overhauling of the entire system. I am not here to pretend to enlarge the powers of the Legislative Assembly by a little tinkering here and a little tinkering there. I am not here for the softening and plastering of this legislative system, I am here for the overhauling of this system altogether. I have sought election on the question of overhauling this system and not co-operating with Government. I cannot understand how those Honourable Members can say, "Patch the system here and there, amend it here and amend it there". No, we did not stand for the mending of this system, we stood for the ending of the system. Therefore I cannot understand how this amendment or any other amendment can help India in the least to the goal that we have in view. It is a most astounding, a most amusing attitude for Congressmen to take up that we should ask for the amendment of the constitution here and the amendment there. How on earth I ask, if this House had the power of criticising the Viceroy's speech, how on earth is India going to be benefited? Supposing you have that right, what wonderful difference does it make?

They talk of the "analogy of the House of Commons." Where is the analogy of the House of Commons? Are we endowed with the power of the House of Commons? Supposing these petty amendments of the ex-General Secretary of the Swarajist Party, supposing these paltry modifications and motions are carried, do they endow this Legislature with the power of the House of Commons? It is that power we want, not these petty cheese-paring demands of people who have gone back on their

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principles, of people who have shut their eyes to what they stand for? We do not want these amendments, no, I do not wish this wretched Legislative Assembly . . . .

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

**Mr. C. S. Ranga Iyer:** I withdraw that expression "wretched". I do not care for the futile form of criticising the Viceroy within this House so long as I have it outside. I refuse to put the cart before the horse. That is exactly what Honourable Members sitting on those Benches are doing. Supposing we were given the right to criticise the Viceroy here, does it make the least difference to the situation in the country? It would only develop the power to talk here, and we do not want the power to talk. I would rather that this opportunity to talk were abolished in this House. As it is, this Assembly has the reputation of talking too much. These amendments do not endow the Assembly with real power. If it is real power we want, we should reject these amendments, reject them mercilessly with the contempt that they deserve.

Sir, I must add one word more and I am done, and that is that I do consider that these amendments add to the nominal glory and that they do improve the shadow of this Legislature. Do we not say, "these shadowy reforms must be thrust aside". We cannot then concentrate on these petty issues which serve to distract the attention of the country and which bring us down from the mountain top of idealism to the level of cold-blooded co-operation. Do not then talk of non-co-operation or obstruction. You cannot go on deceiving the public with talk of obstruction and Swaraj and Dominion Status and independence. All these are moonshine in water when you regard them in the light of the amendments and speeches before this House.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I had no mind to speak on this amendment which has been put forward, but after the heroics of my Honourable friend, I would like to say a few words.

My friend complains of softening and plastering of the high ideal and has told us that he wants independence and not amending of the system. Those who have any knowledge of the procedure of *agents provocateur* will bear me out when I say that they profess to be more extremists than nationalists and are ever ready to supply them with bombs and revolvers. I do not know whether my Honourable friend wants to place us in that position. Whatever may be his intention I very much appreciate his desire for independence; but what I beg to remind him is that this House is neither the place for, nor are, violent speeches the methods by which to work for independence. I shall not refer to the case which is pending in the Madras Court—as it is *sub judice* and I think my Honourable friend can afford to wait till that suit is decided. He seems to ask that we should try to get real power. Is it not getting some real power, if we are allowed to criticise the speech of His Excellency the Viceroy and Governor General of India? This is an alien rule under which we have the misfortune to live, and India has had the misfortune to live under alien rule for more than eight centuries. Now, Sir, for the last 170 years, we have been living under British rule. What have we been taught in our schools? If we turn a few pages of English history, we find that the barons of

England at Runnymede extorted from the hands of an unwilling King the *Magna Charta*. Is there any Indian youth who, in his earlier years, was not fired with the same zeal to extort from the hands of an alien ruler a *Magna Charta* like that? A few pages later on in the same English history we read of the achievements of the patriotic maid of Orleans, Joan of Arc. Then again, a few pages later we read of Oliver Cromwell who was the cause of making one of the English Kings lose his head. All these things my Honourable friend conveniently forgets. We have read all these lessons. We have been brought up under an alien system of education, and if we are to be denied, at this late hour, the right to criticise even the speech of the representative of the King of England, I think, Sir, my Honourable friend was perfectly right in saying that this House is a—I cannot probably use the word “sham” because it is unparliamentary. Whatever that may be, is there any harm in our asking to amend the Standing Orders to the extent which will give us some power to let our alien rulers know our minds, to let them know at the same time what we feel about their doings and about their utterances? What harm is there I cannot see. It will do immense good to the country. This amendment will serve the most necessary and useful purpose of enlightening the masses as to what the intelligentsia feel about the foreign rule and what they think of the hypocritical utterances of our rulers. With these words, I beg to support the amendment which has been moved.

**Mr. M. S. Aney** (Berar Representative): My reason for getting up is not that I am shocked at the eruption of the volcano which has shattered us for some time. One of the reasons for which I press for the adoption of this amendment by the other Benches is this. When the Government of India Act was passed, it was frequently given out that it was not so much what was in the Constitution itself that the people of this country should look to. The elevation of this House to the status of India's Parliament was to be brought about by the creation and recognition of certain conventions; and we must endeavour to set up those conventions. Even the procedure of this House and the limited rights of this House could be gradually brought up to the level of the business procedure and the privileges enjoyed by the Members in the House of Commons. Now, one of the most essential things which strikes the imagination of every Britisher is the Speech from the Throne and the Address moved by the Members of the House of Commons. If any attempt is to be made to raise the level of this House to that of the Mother of Parliaments, I think there should be no objection on the part of the Treasury Benches to concede this little privilege which is claimed in this amendment. We are only asking that the inaugural address of His Excellency the Viceroy, delivered in this House, should be treated by the Members of this House in the same manner in which the Speech from the Throne is treated by the Members of the House of Commons. This should not be more sacrosanct than even the Speech from the Throne. I do not understand the other arguments which the Honourable Mr. Crerar has advanced, that the Viceregal speech is likely to become colourless if it is going to be subjected to the criticism of this House. I do not know if the criticism on the speech outside in the Press is not affecting the nature of the speech that is being delivered by His Excellency the Viceroy every year. If the criticism of the Press has no effect on the speech, I do not know why the criticism from the Honourable Members of this House should have a deteriorating

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effect upon the nature of that speech. It is not a fact that the speech is not criticised at all. You have only been debarring the Members of this House from having their views expressed on the speech in this House. But the speech virtually, if it does not commend itself to the country at large, is criticised at large by the public. They offer their views, they express their criticism in the most stringent manner. That has never worked adversely upon the nature or the merit of the speech to which we are treated every year in this House. Therefore the sort of apprehension under which the Honourable the Home Member seems to labour looks to me to be merely an objection without substance, which virtually, when properly examined, and tested, cannot hold water. So the two reasons on which he wanted to oppose the amendment go away. There was a third reason which he suggested, namely, that the speech delivered by His Excellency the Viceroy is his own personal expression of opinion and the Members of his Executive Council have nothing to do with it. We do not want to pry into the secrets of the Executive Council, but we find that the speech discloses policies which the Executive Council tries faithfully to carry out throughout the year. That is what the outside people know. That the Viceroy should, of his own accord and voluntarily, unaided by his Councillors, be in a position to declare a policy which his Members of the Council not only wholeheartedly concur in but also think it proper to carry out throughout the year strikes many of us as a miracle. But there is one thing. Though for the particular speech that he has to deliver to this House, he may not be consulting the Members of his Council, there is no doubt that the policy laid out in the speech at the beginning of the year is the mature result of the numerous conversations and opportunities he has had of conferring with the Members of his Council. After all it is a declaration of the policy of the Government of which he is virtually the head. So from that point of view also, I think there is not much force in the opposition which my Honourable friend the Leader of the House has made to this particular amendment. I hope the House will insist upon having the privilege which the Members of the House of Commons have got in regard to the speech from the Throne. The House should therefore accept the amendment and give it wholehearted support to it.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to support the amendment. I have felt that of all the grounds on which the Government opposed the various amendments to-day, the ground that they have put forward in opposing this amendment is the least convincing. Even Mr. M. Ratnaswami, who generally agreed with the three Official Members in the Minute of Dissent, says:

"I agree that an address on the subject matter of the Governor General's address should be allowed, provided the subject matter of the address could form the subject matter of Resolutions that could be moved in the Assembly."

I wonder if the Honourable the Home Member wishes us to understand from his opposition that, even for those subject matters of the Governor General's address which could form the subject matter of Resolutions in this House, he is opposed to an address being voted by this House.

I am not clear whether the Home Member meant it as a compliment to the Governor General or otherwise when he said that, if an address is to be voted by this House on the speech of the Governor General to this

House, His Excellency's speeches may be hereafter colourless. Does it mean that because His Excellency's address is not subject to direct criticism of this House, he says things which he would not say if he knew that it was subject to the criticism of this House? (Hear, hear.) I think it is a poor compliment to the Governor General of India if his Home Member is of the opinion that anything which is subject to the direct criticism of this House will make the Governor General more cautious in his utterances. I have greatly admired the recent speeches of His Excellency Lord Irwin, but that does not necessarily mean that every Governor General would be as cautious and sympathetic as His Excellency Lord Irwin has been. I cannot possibly understand how it can be maintained that giving this Assembly the right to present an address to the Governor General on his speech to this House will really mean a comparative muzzle on the Governor General. I hesitate to accept this. If, however, it is to be maintained that the fact of the Governor General's address here not being subject to direct and immediate criticism by this House gives him a free hand and makes him, for practical purposes, irresponsible in his utterances, there is all the more reason that this right should be available to this House.

**Mr. A. Rangaswami Iyengar:** Sir, I do not desire to take up the time of the House, especially as my friends on this side have so ably answered the objections taken by Mr. Crerar to this amendment. There is only one point, Sir, on which I was surprised that the Honourable Mr. Crerar was not accurately informed. He contended that the result of allowing this amendment to go in would be that the restrictions on the subjects on which Resolutions could be moved are taken away, and that this House would thereby obtain liberty to discuss subjects which are not subject-matters of Resolutions. I should have thought that he could have had a better knowledge of the Indian Legislative Rules in the matter; because in so far as there are any restrictions on the subjects of discussion in this House, they have been expressly imposed, not merely in respect of Resolutions and in respect of budget grants, but in respect of all motions. That has been made clear, Sir, by rule 24-A which the Government, in anticipation of this difficulty apparently, had framed in 1926. Rule 24-A now makes provision for motions other than Resolutions, or motions which arise on the budget. Clause (2) of that rule provides:

"It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved."

Sir, in the face of this definite restriction, I cannot see how a motion—because after all an address has to be made by way of a motion—which can be brought forward under this Standing Order is not covered by the restriction that is imposed. So, I think that fear at any rate is for the present groundless.

Then, Sir, the point that he referred to was that there was something essentially personal in the Viceroy's speech and that that personal something is a matter in which his Council does not share the responsibility with him; and therefore, if we go and make personal observations matters of comment in this House, then the speech will become colourless. Sir Purshotamdas Thakurdas has very properly pointed out that that is paying a very poor compliment to His Excellency the Viceroy. But, taking the

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question of substance, is it really the case that the Governor General, in the address that he makes to this House, apart from its manner or style, or any of the various arts of persuasive eloquence employed therein, announcing any policy or programme to this House and to the public, announces such policy or programme without the consent of his Executive Council, or without the authority of His Majesty's Government? In either of these cases, Sir, it is a Government's policy or programme that he will be announcing, and there is nothing personal that he can do or say to this House or on which he can carry out his will either without the assent of his Executive Council or without the support of His Majesty's Government. So, Sir, every part of the action he takes is governmental in character, and I therefore think that there is absolutely no point in emphasising the personal aspect of this matter; because the personal aspect of the matter, in so far as the Crown is concerned, is wholly different. The Crown in England is considered to be above politics, and therefore you cannot bring the Crown in in any discussion or in any motion inside the House, since every act of His Majesty in England is the act of His Majesty's Government and not of His Majesty personally. Therefore, no question which affects him in person can be brought in; but so far as this country is concerned, the Governor General is in the position of acting either for the Government in England or for the Government of India, and there is nothing essentially personal in character, any Royalty or any such thing, which would exempt him. Even on that, Sir, my friend has had his victory on the other motion that in so far as any reflection on the personal conduct of His Excellency is concerned, that amendment has, for the moment, not been carried. Why then should he be afraid of subjecting a programme or policy of his Government, announced during his speech here, to the criticism of this House? After all, what do we say? We say that on his speech, this House should resolve that an address be presented to His Excellency the Governor General thanking him for his address, but submitting at the same time that His Majesty's Government or the Government of India did not do this thing or that, or that His Majesty's Government were wrong here or right there, etc. After all, we are presenting him an address in reply to his, and we are asking for permission to make our representations as to our future. My friend said that the speech was all personal and so on; but I recollect a series of addresses that were delivered by the former Viceroy in this House in which he always made it a point to say "I and my Government have done this and that", "my Government has done this", "our relations with so and so", etc. Therefore, Sir, in so far as these governmental questions are concerned, I really fail to see why the Government should be so nervous about knowing the views of this House and why they should not allow this House the liberty to express their views and make their comments.

As to the observations of my friend Mr. Ranga Iyer, I do not think they deserve any serious notice by the House.

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

"For Standing Order 74, the following shall be substituted, namely:

"74. Communications from the Assembly to the Governor General on his address or message shall be made by formal address through the President after motion made and carried in the Assembly."

The Assembly divided:

AYES—42.

Abdul Matin Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Ayyangar, Mr. M. S. Sesha.  
Belvi, Mr. D. V.  
Birla, Mr. Ghanshyam Das.  
Chaman Lall, Diwan.  
Chetty, Mr. R. K. Shanmukham.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Gulab Singh, Sardar.  
Iswar Saran, Munshi.  
Hans Raj, Lala.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.  
Jinnah, Mr. M. A.  
Jogiah, Mr. V. V.  
Kalkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.

Lahiri Chaudhury, Mr. D. K.  
Mehta, Mr. Jamnadas M.  
Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Purshotamdas Thakurdas, Sir.  
Shafee, Maulvi Mohammad.  
Singh, Kumar Rananjaya.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.  
Yakub, Maulvi Muhammad.

NOES—48.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Alexander, Mr. William.  
Allison, Mr. F. W.  
Anwar-ul-Azim, Mr.  
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.  
Bajpai, Mr. G. S.  
Bower, Mr. E. H. M.  
Bray, Sir Denys.  
Chalmers, Mr. T. A.  
Chatterjee, the Revd. J. C.  
Coatman, Mr. J.  
Cocke, Mr. H. G.  
Cosgrave, Mr. W. A.  
Crawford, Colonel J. D.  
Crerar, The Honourable Mr. J.  
Dalal, Sardar Sir Bomanji.  
French, Mr. J. C.  
Ghasanfar Ali Khan, Mr.  
Ghuznavi, Mr. A. H.  
Graham, Mr. L.  
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.  
Jawahir Singh, Sardar Bahadur Sardar.  
Keane, Mr. M.

Lall, Mr. S.  
Lamb, Mr. W. S.  
Lindsay, Sir Darcy.  
Mitra, The Honourable Sir Bhupendra Nath.  
Mohammad Ismail Khan, Haji Chaudhury.  
Moore, Mr. Arthur.  
Mukherji, Rai Bahadur A. K.  
Mukherjee, Mr. S. C.  
Parsons, Mr. A. A. L.  
Rainy, The Honourable Sir George.  
Rao, Mr. V. Panduranga.  
Row, Mr. K. Sanjiva.  
Sams, Mr. H. A.  
Sassoon, Sir Victor,  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Shillidy, Mr. J. A.  
Simpson, Sir James.  
Singh, Rai Bahadur S. N.  
Stevenson, Mr. H. L.  
Sykes, Mr. E. F.  
Webb, Mr. M.  
Yamin Khan, Mr. Muhammad.  
Young, Mr. G. M.

The motion was negatived.

**Mr. A. Rangaswami Iyengar:** Sir, I move that:

"After Standing Order 74, the following new Standing Order shall be added, namely:

"74A. Communications from the Governor General to the Assembly are made by written message through the President."

I understand, Sir, that there is no objection to this Standing Order.

**Mr. President:** The question I have to put is that:

"After Standing Order 74, the following new Standing Order shall be added, namely:

'74A. Communications from the Governor General to the Assembly are made by written message through the President.'

The motion was adopted.

**Mr. President:** I do not think that, for the disposal of this particular business, any further motions are necessary.

**Mr. A. Rangaswami Iyengar:** My recollection, Sir, is that on the last occasion when amendments were made, only the amendments were made; there was no consolidating motion. That at least is my recollection.

**Mr. L. Graham:** I had intended to look up precedents, Sir. I was somewhat surprised to see this motion on the paper, ("That the amendments to the Standing Orders, as reported by the Select Committee, be passed"), but have not had the time . . . .

**Mr. President:** That motion was put down without consulting me. I think I have got the right to decide what the procedure should be in respect of these motions regarding Standing Orders and I decide that no further motion is necessary for the disposal of this particular business.

The Assembly then adjourned till Eleven of the Clock on Friday, the 15th February, 1929.