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**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume I, 1937

(25th January to 19th February, 1937)

FIFTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1937



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M89LAD

Legislative Assembly.

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Deputy President :

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Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

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SARDAR SANT SINGH, M.L.A.

MR. M. GHILASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 29th January, 1937.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

INADEQUATE PROGRAMME OF WORK IN THE LEGISLATIVE ASSEMBLY.

Sir Muhammad Yamin Khan: (a) Are Government aware that a feeling of dissatisfaction exists among the Members of this Assembly at the inadequate programme of work set down for the first three days of the Session?

(b) What steps do Government propose to take in order to ensure that the House is adequately occupied from now onwards?

The Honourable Sir Nripendra Sircar: (a) Yes. Government share in that feeling. The business set down should in all circumstances have kept the House fully occupied for the days concerned.

(b) Government propose to set down for each working day more business than could normally be disposed of in one day. Government must, however, point out the difficulty of forecasting the rate of progress of business in circumstances so abnormal.

Mr. N. M. Joshi: May I ask whether Government are aware that some Members of the Assembly are quite pleased with the rate of business here at present?

The Honourable Sir Nripendra Sircar: I know that is Mr. Joshi's feeling.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Secretary of the Assembly: Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the Simla Session, 1936, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

- (1) The Indian Tea Cess (Amendment) Act, 1936,
- (2) The Geneva Convention Implementing Act, 1936,
- (3) The Indian Rubber Control (Amendment) Act, 1936,
- (4) The Bangalore Marriages Validating Act, 1936,
- (5) The Indian Tea Control (Amendment) Act, 1936,

- (6) The Red Cross Society (Allocation of Property) Act, 1936,
- (7) The General Clauses (Amendment) Act, 1936,
- (8) The Chittagong Port (Amendment) Act, 1936,
- (9) The Code of Civil Procedure (Amendment) Act, 1936,
- (10) The Indian Companies (Amendment) Act, 1936,
- (11) The Durgah Khawaja Saheb Act, 1936, and
- (12) The Cantonments (Amendment) Act, 1936.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I present the Report of the Second Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Insertion of new section 44-A*).

THE ARBITRATION (PROTOCOL AND CONVENTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I also present the Report of the Select Committee on the Bill to make certain further provisions respecting the law of arbitration in British India.

RESOLUTION *RE* INTERFERENCE FROM PUBLIC SERVANTS IN THE ENSUING ELECTIONS.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Resolution moved by Dr. Khan Sahib on the 24th September, 1936, and the amendment moved thereto by Sir Muhammad Yakub on the 1st October, 1936. The Resolution moved by Dr. Khan Sahib was as follows:

"That this Assembly recommends to the Governor General in Council to take immediate steps to secure that public servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislatures."

To that an amendment was moved by Sir Muhammad Yakub as follows:

"That at the end of the Resolution, the following be added:

'But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures.'

Both the Resolution and the amendment are before the House.

There is another amendment in the name of Maulana Shaukat Ali, but as he has already spoken, he is not entitled to move this amendment.

The question is:

“That at the end of the Resolution, the following be added :

‘But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures.’”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I will now put the Resolution as amended.

The question is:

“That this Assembly recommends to the Governor General in Council to take immediate steps to secure that Public Servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislatures. But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures.”

The motion was adopted.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, on a point of order. A Member of this House makes allegations against certain individuals who hold official positions, and, after making those allegations in writing, he does not come here to substantiate them. He poisons the minds of all people who will see this agenda and then absents himself. I should like to know if it is a right and proper thing to do.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): And I will also draw attention, Sir, to what you have just said that the Maulana could not have moved it even if he were here because he has already spoken.

Mr. President (The Honourable Sir Abdur Rahim): The amendment calls in question the official conduct of two gentlemen named there. I think there is force in the point raised by Sir Yamin Khan that when an allegation of that character is made against officials by name or even otherwise, it is the duty of the Honourable Member who has given notice of such a motion,—and that motion has already been circulated,—to be present here to move it or withdraw it and make proper amends if those allegations are unfounded.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, will you permit me to make the usual statement of business?

For Monday and Tuesday next, the business will be, first, a motion for the election of the Standing Committee of the Department of Education, Health and Lands. Leave will then be asked to introduce (1) a Bill to amend the Contempt of Courts Act, and (2), if ready, a Bill to amend the Indian Income-tax Act. Thereafter, the House will be asked to take into

[Sir Nripendra Sircar.]

consideration and pass the Land Customs (Amendment) Bill. These will be followed by motions to refer the following Bills to Select Committees, namely:

- (1) The Indian Boilers (Amendment) Bill,
- (2) The Indian Electricity (Amendment) Bill,
- (3) The Indian Railways (Amendment) Bill, and
- (4) The Insurance Bill.

On Wednesday, the first item of business will be the motion standing in my name to take into consideration the draft amendments to the Indian Legislative Rules. Any legislative business left over from Tuesday's list will then be proceeded with. Thereafter, if time permits, Supplementary Demands for Grants under the Railway Budget will be taken up. Thursday and Friday, as Honourable Members are aware, are non-official days.

The Honourable Sir James Grigg (Finance Member): To avoid any possible misapprehension, may I say that the Bill to amend the Income-tax Act is not a comprehensive Bill but deals only with one particular point in which the law has been found defective and on which it is necessary to amend it urgently. It does not purport to deal with the whole of the recommendations of the recent Income-tax Report. I think I had better say that in order to avoid any unnecessary alarm or despondency.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Is it the introduction of the Bill?

The Honourable Sir James Grigg: Yes.

Sir Cowasji Jehangir: Could the Honourable Member give us just an idea of what the point is in the Bill?

The Honourable Sir James Grigg: I have already said there is only one point and that will appear when the Bill is introduced.

Sir Cowasji Jehangir: Nothing of importance?

The Honourable Sir James Grigg: I have just said that it does not purport to deal with more than one point on which legislation has been found to be urgently necessary.

Sir Cowasji Jehangir: May I also ask the Honourable the Leader of the House whether he could not bring his motion about amendment of the rules with regard to questions, on Monday? Monday is an official day.

The Honourable Sir Henry Oralk (Home Member): What is the point?

Sir Cowasji Jehangir: The point is this: it may be necessary to move and it may be acceptable to Government to appoint a small committee to consider these rules and have them thrashed out and see how far they can be made applicable to the administration of this House. It is necessary to examine these rules and the sooner we do so the better it will be for all Members.

The Honourable Sir Henry Craik: What is the precise point in having it on Monday instead of Wednesday?

Sir Cowasji Jehangir: I will tell the Honourable Member: I will be perfectly frank . . .

The Honourable Sir Nripendra Sircar: There is no difficulty about having it on Monday instead of Wednesday if that is the desire of the Honourable Member.

Sir Cowasji Jehangir: Then I will not give any further explanation now, with the Honourable Member's kind permission.

The Honourable Sir Henry Craik: Will the Honourable Member give me the explanation outside?

Sir Cowasji Jehangir: With the greatest pleasure.

The Assembly then adjourned till Eleven of the Clock on Monday, the 1st February, 1937.