

RULINGS OF THE CHAIR
(FIRST SINDH LEGISLATIVE ASSEMBLY)
27th April 1937 to 29th March 1945

1. BUDGET : NOTICE OF CUT MOTIONS: 2 DAYS NOTICE IS NECESSARY.

On 3rd August, 1937, After presentation of Budget for the year 1937-38, Mr. Speaker decided as follows:

“The voting of demands will be taken up on the 11th August. The notices for cuts in the demands have to be filed with the Secretary before or on the 8th of August. Two days notice is necessary.

Vol-II (1937) Book No, 1, Page. 59 (3rd August 1937).

2. MISCELLANEOUS (BUSINESS OF ASSEMBLY): AGENDA DOES NOT FIX THE BUSINESS OF THE DAY.

On 3rd August, 1937, Mr. Ghanshyam Jethanand, MLA, drew attention to the chair regarding the agenda which has been supplied to us. Mr. Speaker remarked as follows:

“The agenda that has been sent to honorable members does not fix the business of the day. The agenda contains the subjects which are to be brought before the House. So far as the Questions and Answers and other subjects which are to be brought before the House, are concerned the order will be determined by the daily business sheet which will be placed in the pigeon hole of every member, and members will find it there every day before they enter the House.”

3. QUESTIONS: LIST OF QUESTIONS TO BE SUPPLIED TO MEMBERS.

On 3rd August, 1937, Mr. Ghanshyam Jethanand, MLA, drew attention to the Speaker on the matter of Assembly questions and answers which has been supplied to members Mr. Speaker ruled as under:

“List of questions will be placed on member’s table every day in the morning when office opens.”

Vol-II (1937) Book No. 1, Page-60 (3rd August 1937)

4. MISCELLANEOUS (ETIQUETTE): MEMBER TO SPEAK WHEN CALLED UPON BY THE CHAIR:

On 3rd August, 1937, the Honourable Sir Ghulam Hussain Hidayatullah Chief Minister Sindh, moved a motion regarding election of public Accounts Committee "House do proceed to elect 7 members to constitute with the Finance Minister the Public Accounts Committee for one year commencing from the date of the election." K. B. Allah Bux Soomro asked the question from the chair, the committee is for one year or to be for 5 years, During discussion on this matter some Honourable Members talk across the table. Mr. Speaker ruled:

"Members should not speak unless called upon by the chair to do so."

5. QUESTIONS: MEMBERS CAN NOT BE COMPELLED TO ASK QUESTIONS.

On 4th August, 1937, Mr. Ghanshyam Jethanand, MLA, put the questions regarding Companies, running Light Railways in Sindh. The Honorable Member Mukhi Gobindram Pritamdas pointed out that the subject "Railway" is not a matter for Provincial legislation and matter concerned with Federal. Mr. Speaker allowed the questions and ruled as under:

"No member is bound to answer any question. The Honourable member may take any steps against the Government if he wants. Beyond that, the House or I have no power to compel any one to answer."

6. QUESTIONS : QUESTIONS TO FOLLOW A COURSE OF ACTION
DISALLOWED:

On 5th August, 1937, the Speaker called question criminal Investigation Department, the question was asked by Mr. R.K Sidhwa, MLA, whereupon the chief Minister concerned, the Honourable Sir Ghulam Hussain Hidayatullah, requested/told the chair as it would not be in the public interest to disclose the information asked for. Government regret they cannot supply it. Thereupon Mr. Speaker observed: It is not a question. It suggests a course of action. You want the Government to follow a course of the action which you can compel by a resolution, but not by a question.

7. ADJOURNMENT MOTION: MATTER NEITHER DEFINITE: NO
SPECIFIC AREAS MENTIONED: PRINCIPLES APPLYING TO THE
MOTION: CHAIR DID NOT GIVE ANY CONSENT:
MOTION WAS RULED OUT:

On 5th August, 1937, Mr. Hassaram Sunderdas Pamnani MLA, gave notice of an adjournment motion on the matter of damage caused by seepage, due to barrage construction, to the lands and houses of Hindus and Muslims of the Sukkur District.

Mr. Speaker rules as under:-

“The adjournment motion is a procedure to interrupt the normal work of the Assembly. The rule is that such a motion provides an opportunity for members of the House to draw the attention of Government to a matter of recent occurrence which could not be otherwise discussed in the ordinary procedure of the House. It should, besides, be a definite matter and must be of recent occurrence. The loss by seepage is now a year old and is not therefore recent or urgent.

The motion is also not definite. It wishes the House to be adjourned to discuss the damage caused to lands and houses of Hindus and Muhammadans in the villages of the Sukkur district. No specific villages are mentioned, and no definite taluka or sub-division is specified, though I presume the Honourable Member has knowledge of those areas and is in possession of that information in order to enable him to put it definitely in the motion.

Another principle that applies to an adjournment motion is that it cannot anticipate any matter which is the subject matter of a resolution. The Honourable member has himself tabled a resolution on the subject. In view of this, I cannot give my consent to the adjournment motion.”

8. MISCELLANEOUS (ETIQUETTE): MEMBERS SHOULD ADDRESS THE CHAIR.

On 5th August, 1937, during general discussion on annual budget for the year 1937-38 Mr. Speaker gave following ruling:

“I will not allow this kind of discussion across the table. All the honourable members must address the chair and not the honourable members opposite. They should not address the Treasury Benches in person, but as “Government”.

9. LANGUAGE OF THE HOUSE: LANGUAGE OF THE HOUSE IS ENGLISH:
SPEAKER MAY PERMIT A MEMBER UNACQUAINTED WITH
ENGLISH TO ADDRESS IN ANY VERNACULAR LANGUAGE:

On 6th August, 1937, a point of order was raised by G.H. Raschen, MLA, on the question of language to be used in the Assembly as required under section 85 of the Government of India Act, the Honourable Speaker was pleased to make the following remarks:

I undertook to make a statement as regards the language question. I have consulted the Honourable the leaders of the parties. I have also consulted even authorities-sources-beyond the Assembly. I have given considerable thought to the whole question. My ruling on the point is this:-

If any honourable member does not know English at all, he can speak in Sindhi. But if any member who knows English well and at the same time cares to speak in Sindhi, it is duty, if called upon by members who do not know any other language except English, to give the purport of his speech in English. It is hoped that the honourable members who know English and speak English well, will, so far as possible, on ordinary occasions, address the House in English and not in any other language. But if a member chooses to speak in Sindhi he will have to give a purport of his speech in English also, if desired by an honourable member who does not know Sindhi. I also wish to inform the Sindhi knowing honourable members that unless they hand over their translations in English, there is no immediate possibility of their speeches being reproduced in the printed proceedings of the Assembly. I have been searching for a Sindh shorthand writer, but I have not succeeded in finding a satisfactory one. The Secretary had employed last time one Sindhi shorthand writer lent by the Police, but his rendering of speeches of the honourable members who spoke in Sindhi was so disgraceful that the honourable members attacked me for the failure and not the shorthand writer. They sent back to me the

renderings in Sindhi sent to them, and I found that there was no semblance of the reproduction in them of the original speech. I agreed with the grievance of the honourable members, because when I saw my own few words spoken in Sindhi on the first day rendered in an un-understandable way, I could easily realise that it was not possible for him to reproduce longer Sindhi speeches. I have been trying to discover an efficient Sindhi shorthand writer, but have not been able to find one yet. I do not know whether I will succeed at all. The last experiment I made with a Sindhi shorthand writer was unsuccessful. Honourable members speaking in Sindhi will have to send translations of their speeches in English according to rules, if they are anxious that their speeches should appear in the proceedings. That shall be the present arrangement.

Vol. II (1937) Book No. 4, Page 47-48 (6th August 1937)

10. **BILLS (AMENDMENT) : AMENDMENT INVOLVING EXPENDITURE
FROM PROVINCIAL REVENUES NOT TO BE MOVED WITHOUT
RECOMMENDATION OF THE GOVERNOR:**

On 6th August, 1937, The Sindh Famine Relief Fund Bill, 1937 was introduced and moved for first reading, the bill was introduced by the Honourable Mir Bandeh Ali Khan Talpur, Minister for revenue, Govt: of Sindh. Mr. Muhammad Hashim Gazdar, MLA, suggested whether Government would accept an amendment to raise the limit from 12 Lakhs to 15 Lakhs of rupees in the bill. Thereupon Mr. Speaker observed that as the Bill, if amended, will involve expenses from the revenue of the province and it shall not be passed by a chamber of this legislature unless the Governor recommends to the Government the consideration of that Bill.

21. BUDGET: CUT MOTION OF ONE RUPEE IS A CENSURE MOTION.

On 11th August, 1937, before discussion on demand for grants Mr. Speaker observed:

“Re-1 cut motion is a censure motion on which the policy and mal-administration of Government can be discussed.

Vol. II (1937) Book No. 8, Page 31 (11th August 1937)

22. BUDGET: CUT MOTION OF RS. 100 OR 1000.

On 11th August, 1937, when demand for grants will come under discussion Honourable Speaker remarked:

“Government policy can be discussed and grievances ventilated for redress.”

Vol. II (1937) Book No. 8, Page-31 (11th August 1937).

23. BUDGET: DISCUSSION: TIME-LIMIT FOR DISCUSSION:

On 11th August, 1937, K. B. Allah Bakhsh Soomro, MLA, a point of order raised regarding the procedure for budget discussion, The Honourable speaker ruled;

'The procedure for the discussion of the budget may take any form, and I am avoiding unnecessary discussion. The budget discussion is without time limit, and I am fixing no time Limit. Honourable members are expected to exercise their common sense and feel that by unnecessary discussion they are excluding other members from speaking. Every member is entitled to speak or suggest what he feels.'

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- [This ruling is based on old rules. Now, New Rule 127 (3) gives power to the Speaker, If he thinks fit, to prescribe time-Limit for Speeches.]

**24. BUDGET: CLOSURE: NO CLOSURE WILL BE PERMITTED WHEN
DEMAND FOR GRANT IS UNDER DISCUSSION:**

On 12th August, 1937, Dr. Popatlal A. Bhoopatkar, MLA, wanted to move for the closure of discussion on Land Revenue-Cut Motion.

Mr. Speaker thereupon observed:-

“No closure can be moved, the time allotted exhausts the discussion automatically.”

25. BUDGET: CUT MOTION OF ONE RUPEE IS A CENSURE MOTION.

On 13th August, 1937, Cut motion as censure motion, the speaker observed:

“The principle about the cut motions is that if you press a cut motion to division and succeed in the division, then it is a censure motion. If you want it only for a discussion it can be allowed. It cannot be a censure motion unless it is passed on a division.”

26. MISCELLANEOUS (B) DEBATE: SUSPENSION OF DEBATE WHEN
NEITHER MINISTER NOR HIS SECRETARY PRESENT IN THE
HOUSE:

On 13th August, 1937, during discussion on (Excise) demand for grant, absence of Minister or Parliamentary secretary from the House, thereupon Mr. speaker remarked:

“Either the Honourable the Minister-in-charge or his secretary should be in the house. I suspend the proceedings till one of them returns.”

27. BUDGET: RE. 1 CUT IS A CENSURE MOTION WHEN PRESSED TO A DIVISION, NOT OTHERWISE.

On 14th August, 1937, during discussion on Excise-cut Motions, the Speaker announced:

“In future I request the honourable member, when moving the one rupee cut motion, to make it clear in the beginning that they would demand a division so that the whole discussion might turn on these lines.

Re. 1 cut motion should, in order to make it a censure motion, be so moved as to make it clear at the outset that it would be pressed to a division.”

28. ADJOURNMENT MOTION: OBJECTION TO ADMISSIBILITY OF
ADJOURNMENT MOTION-WHETHER REASONS MAY BE GIVEN FOR
THE OBJECTION RAISED:

On 16th August, 1937, Mr. G. M. Syed stood up to move an adjournment motion regarding "that this House do adjourn to discuss a matter of urgent public importance, viz., undue interference by the revenue officers, the Collector and two Deputy Collectors of the Dadu District in the affairs of the District Local Board, Dadu, in the unjust, improper and summary removal of the chief officer of the District Local Board, Dadu, from his office."

The Honourable Sir Ghulam Hussain Hidayatullah raised the objection. Thereupon, Mr. Speaker observed:

"Ordinarily, I might prevent any member objecting from giving his reasons. The Honourable the leader of the House has placed in my hands a ruling of the Bombay Legislative Council, since I allowed the motion about the police, according to which the member who objects may briefly give the reasons of his objection. If the Honourable Minister wishes to make any statement of his reasons for objecting, briefly, I will consider the same before I give my consent or put the question to the House."

29. ADJOURNMENT MOTION: DISCUSSION CAN TAKE PLACE WHILE OBJECTING TO THE CONSENT OF THE SPEAKER BEING GIVEN. OMISSION OF WORD "PUBLIC" WILL NOT MATTER IF THE MATTER IS OTHERWISE PUBLIC. INTERFERENCE OF GOVERNMENT OFFICERS IN THE DISTRICT LOCAL BOARD AFFAIRS IS A MATTER OF PUBLIC IMPORTANCE.

On 16th August, 1937, Mr. G. M. Syed gave notice of an adjournment motion on a matter of interference by Government servants in the Local Board affairs.

While objecting to the consent of the speaker being given, the Honourable Sir Ghulam Hussain, Leader of the House, contended that the Chair could not give consent on the following ground:-

- (i) That the matter was not a public one as the word "public" did not appear in the motion.
- (ii) That the matter was of an individual nature and not of public importance as an individual officer of the Local Board was dismissed.
- (iii) That a resolution on the point could have been moved.

The Speaker ruled:-

"I have heard the Government Member on the motion before me. After having given full opportunity to the Honourable the Leader of the House and the Advocate-General, I may state that I give my consent to the motion being moved. I shall give my reasons for giving this permission, so that it may be a guide hereafter both for the honourable members and the members of the Government. It is necessary to give the history of this motion. The honourable member Mr. G. M. Syed handed over to me at about 2-10 p.m. on Saturday, the 14th August, a written statement of the following motion in order to obtain my consent to the motion, which is as follows:-

"This House do adjourn to discuss a matter of urgent importance, namely, the undue interference of the Revenue officers, the Collector and the two Deputy Collectors of Dadu district in the affairs of the District Local Board, Dadu, which has resulted in unjust, improper and summary removal of the Chief Officer of the District Local Board, Dadu, from his office."

The House sat on Saturday at 10 a.m. and rose at 2 p.m. The House could not, therefore, adjourn to 4 p.m. that day as required by the rules, even if I and the House gave the requisite leave. In my view which is supported by two rulings of the Bombay Legislative Council, the honourable member should ask for leave to move it when both sides, he and the Government, are ready. I, therefore, sent a copy to the Honourable the Chief Minister on receipt by me of the above motion. The earliest date on which the honourable member could obtain my leave was to-day, the 16th August. The honourable member has sought my consent to it as required by Standing Order VII, Rule 1. I am aware that no discussion can take place on an objection being taken or an enquiry as to whether the leave of the Assembly should be granted or not. But as the Honourable the leader of the House has brought to my notice an adjournment motion in the Bombay legislative Council in which the Government objected and was permitted to give briefly their reasons therefore, I have permitted the Honourable the Leader of the House to do so before asking the honourable members to rise in their places. I have also heard the honourable the advocate-General of Sind on this matter. I give my consent to the proposed motion. Before doing so, I have considered the possible view that the removal of the chief officer was entirely the function and act of the District Local Board. But it is not that act, that is sought to be brought under discussion. The main grievance lies in the alleged interference of Government District officers. The object of such a motion is to call the attention of the House to some serious matter which has just taken place on the 8th and to give an opportunity to the Government to explain the alleged conduct of its officers. From that aspect it is a matter of public importance. Through the word 'public' seems to have been

omitted in the motion, I condone the absence of that word, because the wording of the motion is very clear to make it a public matter: I hold that it is a matter of public importance. The incident is said to have taken place on the 8th August. It is definite. It is recent. The motion fulfils all the requirements of Rule 1 of standing Order VII. As regards its being brought up before the House by a Resolution, I may state that 7th August was the last day on which I could accept resolutions. From 9th to 23rd August when resolutions are fixed to be moved, 8th being Sunday, there are only 13 days. The word 'clear' excludes from calculations both the 9th and 23rd. Therefore, excluding the 9th and 23rd and interpreting the word 'clear' according to legal interpretation, there remain only 13 days, not 15 days which is the requisite number of days required to give notice of a resolution. I have therefore given my consent to the honourable member Mr. G. M. Sayed's adjournment motion being brought before the Assembly. I shall ask the honourable members to rise in their places."

Vol.II (1937) Book No. 12, Page. 19-20 (16th August 1937)

30. ADJOURNMENT MOTION: OMISSION OF THE WORD "PUBLIC" IN THE MOTION:

On 16th August, 1937, Mr. Speaker took up adjournment motion tabled by Mr. G. M. Syed and observed that omission of the word "public" in an adjournment motion is condoned if the wording of the motion is clear to make it a public matter."