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***ON SMALL HOLDERS' RELIEF BILL : 3**

Dr. B. R. Ambedkar (Bombay City): Sir, I would like to ask one question, because I am finding some difficulty in understanding Rule 19. This is undoubtedly a matter which, in the first instance, has to be decided by the Speaker as to whether a particular amendment or a particular Bill needs previous sanction. Clause (2) says that, if in the opinion of the Speaker, the matter requires previous sanction, the Speaker "shall as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor and the notice shall not be placed on the list of business unless the Governor has indicated to the Speaker that the previous sanction required has been granted." Clause (3) deliberately states :

"If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction the question shall be referred to the authority which would have power to grant previous sanction if it were necessary, and the decision of that authority shall be final."

The question that is contemplated in clause (2) to arise is between the Speaker and the member who has given notice of an amendment or Bill. If the member who has given notice of an amendment or a Bill feels that his Bill or amendment does not require previous sanction clause (3) gives him the right to refer the matter to the final authority, the Governor. Therefore, it seems to me—I will frankly say, I have not moved any amendment and am not, therefore, directly concerned—that the matter is so important that, if you would not mind, it should be discussed on the floor of this House. Our rights to bring in Bills is so limited by the Government of India Act that, if we are not given the benefit of the few sections there are which give us the right essential to us, though little, this House will be very greatly handicapped in trying to do its bit in the matter of bringing legislation which is vital. Therefore, I would really like to know whether you are of opinion that under Rule 19, the Speaker is the final authority and that there is no right of appeal to the authority which is vested with the power of giving previous sanction.

If you permit me, I shall refer to section 299, sub-section (3) of the

*B.L.A. Debates, Vol. 2, pp. 617-19, dated 24th January 1938.

Government of India Act in the light of the Bill for which permission has been asked by my learned friend. If I understand this Bill, technically it can be spoken of as a remedial measure.

The Honourable the Speaker: Let us keep clear of two issues. One issue that has been raised by the honourable member Mr. Parulekar is in regard to the interpretation of Rule 19 as to whether, when a question arises as between a member and the Speaker, the Speaker is the final authority. That is one issue. I have stated what my interpretation of Rule 19 is. As regards the question whether a particular amendment tabled by the honourable member Mr. Parulekar does or does not require sanction under section 299(3), it is an independent question. I have already intimated to the honourable member that I do not propose to have any discussion in this House over the question of his amendment. I have already come to a conclusion on that. I am prepared to hear the honourable member, if he advances any argument on the interpretation of sub-rule (3) of Rule 19.

Dr. B. R. Ambedkar: Unless I am permitted to point out that the Bill cannot come within the purview of sub-section (3) of section 299 of the Government of India Act, it is futile for me to argue on the interpretation of Rule 19(3). If I am to convince you that Rule 19(3) does give a member aggrieved whose amendment has been rejected, the right of appeal to the Governor, then my submission is that section 299(3) will have to be considered. If you are not prepared to allow me to argue whether this Bill really does come within the mischief which is sought to be prevented by sub-section (3) of section 299 of the Government of India Act, it will be quite useless for me to argue. Reading sub-section (3) of section 299 of the Government of India Act, it seems to me that the Bill will have to be postponed until a member who is aggrieved has obtained the final sanction, because it has precluded the member from discussing the most important provisions of this Bill. It is shelving the whole question. If I am given the opportunity, I will show how. I have applied my mind to it. Neither this Bill nor the amendment tabled by my honourable friend Mr. Parulekar or members of my party can come within the proviso of sub-section (3) of section 299. If you permit me. I will do it in two minutes.

The Honourable the Speaker: So far as the individual amendments are concerned. I have already decided one way. Now, if, without any reference to any particular amendment, or any ruling I have already given in regard to it the honourable member wishes to say how the entire Bill is out of the scope of section 299, that will be a different question, and I am prepared to give him a hearing on that question.

Dr. B. R. Ambedkar: I am obliged to you, Sir.

Sir, as I was saying, this Bill is a Bill which might be called purely a remedial measure. A person may obtain a decree from a court. That decree means that he has got certain rights as against a certain person. All that this Bill says is that whatever rights that person may have acquired as

a result of a decree against a debtor or against any other person, those rights shall not be enforced until a certain date is reached, namely, 31st of March 1939. I understand that to be the gist of the Bill. Therefore, this measure deals with the enforcement of rights ; it has nothing to do with the extinguishment or modification of the rights. That is my first submission. I would make a distinction between extinguishment or modification of a right which a person has got and the delaying or suspension of the enforcement of that right.

Secondly, sub-clause (3) of section 299 is confined to the extinguishment or modification of rights in land. Now, this measure does not confine itself to the execution of rights in respect of land; it extends also to debts and the eviction of tenants.

The distinction that I am seeking to make is this : that the suspension of the enforcement of a right is something very different from the extinguishment or modification of that right. The object of the Bill being merely to suspend such rights as the parties may acquire through decrees given by the courts, it is not a Bill which can be said either to extinguish or modify rights in land. Consequently, I submit that both this Bill and amendments which do not extinguish or modify rights in land would not come within the mischief of section 299(3).

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†Dr. B. R. Ambedkar: Supposing His Excellency were to accord sanction to such of the amendments as have been submitted to him, would you postpone the consideration of the Bill ? His Excellency may grant his sanction to the amendments just as he has done in the case of the Bill. In that event, what would happen ?

The Honourable the Speaker: I will certainly be glad to see that every amendment tabled gets a full chance of being discussed on the floor of the House and that no amendment is shut off on the ground of want of sanction. That is why I referred to the difficulty experienced by me when members sent in amendments at 12 or 1 O'clock today, when the Bill was before them for a long time. That is the difficulty which I have been feeling. That is the reason why I said that amendments should be tabled as early as possible. There are three honourable members who have tabled amendments today. It is difficult to scrutinise them all and to decide whether any of them requires sanction. There might be scope for honest difference of opinion. So I do not know whether in respect of all the amendments tabled now, it would be possible for me to waive notice. But, so far as the previous amendments are concerned, I will certainly try and see that the members do get an opportunity to move them.

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†B.L.A. Debates, Vol. 2, p. 621, dated 24th January 1938.