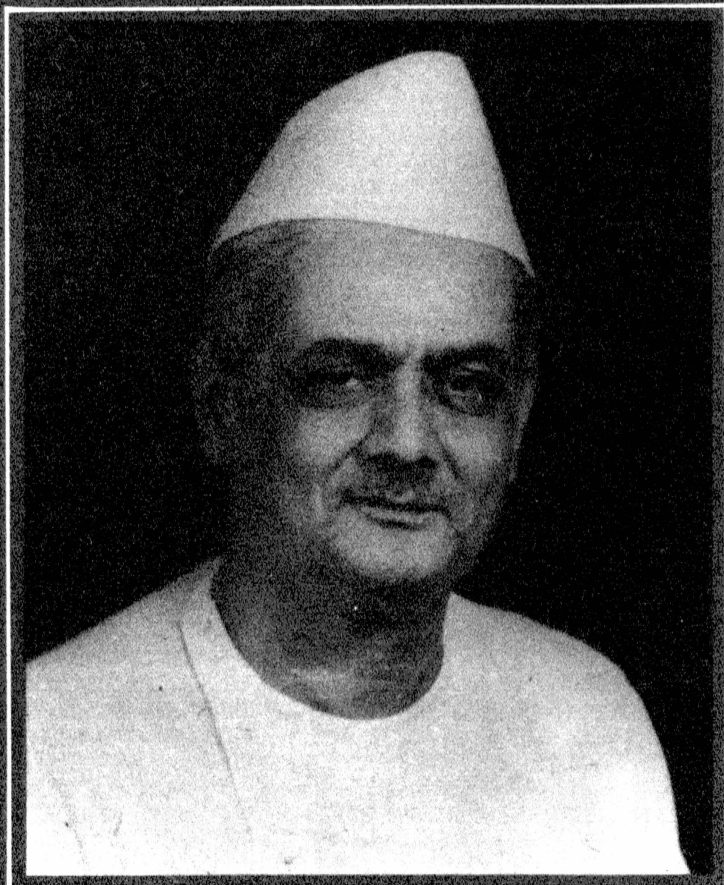


# DADA SAHEB MAVALANKAR

FATHER OF LOK SABHA



SUBHASH C KASHYAP  
EDITOR

## THE BOOK

This volume covers the illustrious career and achievements of one of the prime architects of India's Parliamentary Democracy, Dada Saheb Mavalankar, the first Speaker of Lok Sabha, aptly described by Pandit Nehru as the 'Father of the Lok Sabha'. The process of carefully and effectively establishing and evolving parliamentary traditions, conventions and precedents in parliamentary practices and procedures constitutes a fascinating but largely unexplored area of study. The present volume fills the existing void in this field. Profiling Dada Saheb's multi-splendoured career which remained eventful during the freedom struggle and also after the attainment of freedom, it carries contributions from renowned dignitaries, senior Parliamentarians and scholars and above all, Dada Saheb's own ideas on various aspects of parliamentary democracy and his important rulings as the Speaker on matters of procedure.

The volume will be found most useful and refreshing and highly readable by scholars, parliamentarians, general readers and all those interested in the study of Indian polity in general and parliamentary institutions and procedures in particular.

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# DADA SAHEB MAVALANKAR

Father of Lok Sabha

His Life, Work and Ideas

A Centenary Volume

*Edited by*

**DR. SUBHASH C. KASHYAP**  
*Secretary-General, Lok Sabha*

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राष्ट्रपति  
भारत गणतंत्र  
PRESIDENT  
REPUBLIC OF INDIA

## MESSAGE

It is but appropriate that the Indian Parliamentary Group has decided to publish a brochure of articles on the life and work of Shri G.V. Mavalankar, whose birth centenary falls this year.

For those of us who were fortunate to witness the dawn of India's Parliamentary system, Mavalankarji stands at the centre of that effulgence. Speaker of the Bombay Legislative Assembly between the years 1937 and 1940, President of the Central Legislative Assembly from 1946 to 1947, Speaker of the Constituent Assembly (Legislative) from 1947 to 1950, Speaker of the Provisional Parliament from 1950 to 1952 and, finally, Speaker of the First House of the People from 1952 until his demise in 1956, Mavalankarji was accurately described by Jawaharlal Nehru as the 'Father of the Lok Sabha'. Mavalankarji's role as Presiding Officer in all those Houses was, however, not just a matter of occupying the Chair with dignity. That he did "as to the manner born." Mavalankarji's role called for something more than orchestrating the proceedings of the House. He was called upon, by virtue of his office at that phase in our history, to translate the idiom of revolution into the grammar of constitutional procedures. This required patience, perseverance, and above all, wisdom.

Mavalankarji was a master of procedure and the rules. He seldom permitted members to ramble over questions, argue points or offer suggestions. He envisioned the Question Hour as an opportunity for eliciting information which could be made use of by Members later, in debates. He observed the decorum of the House and also enforced it on others. The Treasury Benches could not take him for granted and were always alert. His rulings were well-informed, weighty and unassailable and stand out even to this day as specimens of wisdom and impartiality. He was, indeed, a model Speaker, firm yet flexible, stern yet kind and sympathetic, and always fair to all sections of the House.

Mavalankarji helped keep the debate at a high level. He was aware of the members' specialisation and used to call those who would contribute to the debate. He was observant of young members and encouraged them to perform well in the House. He guided the House so that positive and constructive results flowed from the usually meandering debates. Indeed he was more a father figure on the chair, than a mere Speaker.

In the context of our country's increasing political awareness and rising public expectations, the role of parliamentary institutions has assumed enormous significance. In their mature, dignified and responsible conduct, depends the very future of parliamentary life in India. Mavalankarji's noble example will for ever be a beacon-light of inspiration for Indian democracy.

I am sure, the Brochure will do justice to his multisplendoured qualities and serve as a text book for young parliamentarians.



New Delhi,  
June 22, 1988

R. VENKATARAMAN



उच - राष्ट्रपति, भारत  
VICE-PRESIDENT  
INDIA

## MESSAGE

I am happy to learn that the birth centenary of Shri G.V. Mavalankar is being celebrated in a befitting manner and to commemorate this occasion, the Indian Parliamentary Group is bringing out a brochure.

Mavalankar was a great patriot and a stalwart in our legislatures. In the first Lok Sabha the mantle of Speakership naturally and unanimously fell on him. This was in view of his experience as Speaker of the erstwhile Bombay Assembly and Central Assembly, his legal background and many fine qualities of head and heart. On Shri Mavalankarji becoming Speaker of the Lok Sabha, Pandit Jawaharlal Nehru said: "You bring to us the accumulated wisdom of that high office and those of us who have had the privilege of knowing you, value you as a counsellor, a friend and a guide and a leader in this House."

As the first Speaker of the Lok Sabha, Shri Mavalankar influenced positively the evolution of parliamentary procedures and practice in India. His rulings, observations and comments during the debates in the House and his decisions in various matters taken up by Parliamentary Committees have provided valuable precedents and guide-posts.

Whilst paying tribute on the passing away of Mavalankarji,

Pandit Nehru said: "He was the first Speaker of the Lok Sabha, we might almost say, the Father of the Lok Sabha, and his name, I am quite sure, will be associated with the Lok Sabha and with our Parliament for long periods to come as a person who gave it shape, gave it direction and gave it the stamp and impress of his personality."

I welcome this publication on the life and work of Shri Mavalankar and hope that it will encourage serious studies and understanding of the development of Parliamentary Democracy in our country.

NEW DELHI,  
*August 17, 1988*

*S. D. Sharma*  
S.D. SHARMA





सत्यमेव जयते

**PRIME MINISTER**

## **MESSAGE**

Shri G.V. Mavalankar is among the towering figures of modern India. His contributions to the legal profession and to the freedom struggle cannot be forgotten. As a thinker, writer and humanist he won the respect and admiration of all sections and communities. In his capacity as the first Speaker of the Lok Sabha, he helped mould India's democratic institutions and traditions. He has left behind many values and standards that are of relevance to the youth of today.

I send my good wishes for the success of the celebrations that are being organised to mark the birth centenary of Shri G.V. Mavalankar.

**RAJIV GANDHI**

*New Delhi,  
June 3, 1988*

**DR. BAL RAM JAKHAR**  
Speaker, Lok Sabha



## **FOREWORD**

Free India's First Speaker, the late Shri Ganesh Vasudev Mavalankar, widely known as Dada Saheb, exemplified 'simple living and high thinking' throughout his life. A man of great vision, learning, comprehension and integrity, he distinguished himself as a leading lawyer, a selfless social-worker, a progressive educationist, an eminent freedom fighter and an ideal Speaker.

He guided the deliberations of our legislative bodies during the crucial period of India's transition from a colonial State to a Sovereign Republic. Rightly described by Pandit Jawaharlal Nehru as the "Father of the Lok Sabha", Speaker Mavalankar comprehended the essence of parliamentary democracy and played a pioneering role in evolving healthy parliamentary conventions and innovating new rules and procedures. During his tenure as Speaker, he showed an amazing mastery over parliamentary procedures and legal principles. His kind of rare personality with remarkable presence of mind, quick grasp of the questions at issue, infinite patience and a sense of humour inspired respect.

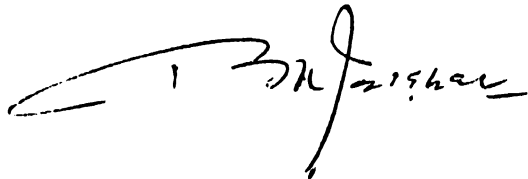
As the first Speaker of Lok Sabha, Mavalankarji moulded the development of parliamentary life in the House and gave it right direction. He said, "Each one of us has to remember that howsoever great the difference in viewpoints and methods, we are all meeting here as representatives of the nation for one common cause which is

in the language of the Preamble to the Constitution to secure to all its citizens 'justice', 'liberty', 'equality' and 'fraternity'.

Mavalankarji took keen interest in the Conferences of Presiding Officers of Legislative Bodies in India and made them an annual feature with a view to exchange views and experiences and develop healthy practices and procedures in the legislatures all over India.

Mavalankarji's contributions to the social, political and parliamentary spheres of our national life were varied. He is assured a place of high honour in the History of our Parliament. A noble soul and an illustrious son of India, he will always remain a source of inspiration to us all. On the occasion of his birth centenary, we pay our humble tributes to him. This volume so very expeditiously produced by the Lok Sabha Secretariat and ably edited by the Secretary-General is a token of deep gratitude to Shri Mavalankar for his invaluable services towards the growth of Parliamentary institutions in India.

I am sure it will be found useful and highly readable by all those interested in Indian polity in general and in Parliamentary institutions and procedures in particular.



BAL RAM JAKHAR

*New Delhi,  
November 3, 1988*

# Preface

Shri Ganesh Vasudev Mavalankar, whose birth centenary celebrations begin on 27 November, 1988, was the first Speaker of independent India. He presided over the deliberations of legislative bodies at the Centre during the crucial years between 1946-56 and laid, by evolving new procedures and establishing healthy conventions, firm foundations of parliamentary democracy and its institutions. The people of India affectionately called him Dada Saheb and Shri Jawaharlal Nehru described him as the 'Father of the Lok Sabha'.

It is but natural that the Indian Parliamentary Group and the Lok Sabha Secretariat are celebrating the birth centenary of Speaker Mavalankar in a befitting manner. This volume is a part of the centenary celebrations.

The volume consists of four parts. Part One contains contributions by some eminent men who had known Shri Mavalankar – his life, his times and his work. The introductory chapter presents the outlines of Shri Mavalankar's biography and seeks to delineate his position in the history of Parliament and the chapters that follow are an assessment and evaluation of the services and ideas of Shri Mavalankar. Woven with personal reminiscences, these chapters throw light on various facets of Shri Mavalankar's charming personality.

Mavalankarji was an impressive speaker and a forceful writer. His arguments were incisive, convincing and thought-provoking. His style of presentation was inimitable. His speeches and writings give an insight into his mind and ideas. In the second part, excerpts from some of his articles and speeches have been included.

Shri G.V. Mavalankar was aware that as the first Speaker after independence, it was his duty to see that the various parliamentary rules and procedures and constitutional provisions relating to Parliament were implemented in the spirit in which they were conceived. Therefore, he was very careful in the matter of giving rulings and making observations in the House. The third part contains

a collection of some of his important rulings and observations.

Rich and touching tributes have been paid to Shri Mavalankar by eminent personalities on various occasions. These show the tremendous respect he enjoyed among parliamentarians and others. Excerpts from the tributes to Shri Mavalankar are given in Part Four.

Apologies are due to discerning readers for some repetitions that may be noticed by them in the text. In a work of this kind including contributions from different eminent men, it is difficult for the editor's pencil to make substantial deletions and some repetitions therefore remain unavoidable.

We are grateful to the President, the Vice-President and the Prime Minister who have so kindly sent messages for the volume. Also, we are deeply beholden to Dr. Bal Ram Jakhar, the Honourable Speaker of Lok Sabha and the President of the Indian Parliamentary Group, for inspiration and guidance in bringing out this work and for his Foreword. Acknowledgements and thanks are due to Professor N.G. Ranga, M.P., Shri Satyendra Narayan Sinha, M.P., Shri Frank Anthony, M.P., Shri D. Basumatari, M.P., and Shri S.L.Shakdher, former Secretary-General of Lok Sabha and Honorary Officer of Lok Sabha, who have contributed very valuable articles on the life and work of Shri Mavalankar. Also, we are thankful to Shri P.G. Mavalankar, ex-M.P., for sending a manuscript of Speaker Mavalankar's article, which has been titled 'Role of Legislators'.

The National Publishing House deserve appreciation and thanks for expeditiously executing the job and bringing out the volume entirely at their own cost and in a very short time. In the end, we wish to acknowledge the valuable work done and assistance rendered by the officers and staff of the Lok Sabha Secretariat—specially those in LARRDI Service.

On the occasion of his birth centenary, we dedicate this volume to Speaker G.V. Mavalankar and pay our tributes to his memory.

*New Delhi,  
4 November, 1988*

SUBHASH C. KASHYAP  
Secretary-General, Lok Sabha

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*PART ONE*  
**HIS LIFE AND WORK**

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## Dada Saheb Mavalankar "Father of the Lok Sabha"

---

— Dr. Subhash C. Kashyap\*

In the history of Parliament and parliamentary democracy in India, the name of Ganesh Vasudev Mavalankar — called with affection 'Dada Saheb' — shall always be remembered by his countrymen with great reverence and gratitude. Perhaps, next only to Jawaharlal Nehru's, the contribution of Mavalankar to laying sound and solid foundations of parliamentary polity in India was the most significant and substantial. Nehru himself called him the 'Father of the Lok Sabha'. He said:

"Throughout the early days, difficult days, formative days, it was Shri Mavalankar who sat as the guiding deity, helping us, chiding us, trying to keep us in the right path, laying down and making precedents to be followed later, and moulding the development of parliamentary life in India..... He was the first Speaker of the Lok Sabha, we might almost say, the *Father of the Lok Sabha*, and his name, I am quite sure, will be associated with the Lok Sabha and with our Parliament

\* Dr. Kashyap is the Secretary-General, Lok Sabha. The present paper is based in parts on his forthcoming work, HISTORY OF PARLIAMENT and naturally delineates *inter alia* the place of Mavalankar in the history of Indian Parliament.

for long periods to come as a person who gave it shape, gave it direction and gave it the stamp and impress of his personality."

### **Early Life and Education**

Ganesh Vasudev Mavalankar was born on 27 November, 1888 at Baroda at the residence of his maternal grandfather. His family originally belonged to a place called Mavalange in the Ratnagiri District of the then Bombay State. They migrated to Gujarat about 200 years ago.

Mavalankar's primary as well as secondary education up to English Sixth Standard took place at Mahad, Deorukh and Rajapur in the Konkan (Deccan District) where his father Vasudev Keshav Mavalankar was serving as a Sub-Judge. He came to the family home at Ahmedabad for further education towards the end of 1902.

He matriculated from the Bombay University in 1904 and received collegiate education at the Gujarat College, Ahmedabad, from 1905-1908. He passed his B.A. examination in 1908 at the age of 20 with Physics and Chemistry as his voluntary subjects. He was a Dakshina Fellow of the College for a period of one year (1909). He then took to Law and passed both his Law Examinations in the First Class (1911 and 1912). In the LL.B (Previous) examination, he also topped the list of successful candidates at the University.

### **As a Lawyer**

Mavalankar started his practice of law in February 1913. He confined his practice to the civil side only and in a relatively short period, established himself as one of the leading lawyers of Ahmedabad with an extensive practice. In pursuance of the call given by the Indian National Congress, he gave up his legal practice for a period of two years during 1921-22.

### **As Social Worker and Freedom Fighter**

From his early years Shri Mavalankar evinced great interest in social work. In a sense, his professional career and social service

were started and progressed side by side. He served as Honorary Secretary of the Gujarat Education Society started in 1913.

He came in contact with Sardar Vallabhbhai Patel around 1914 during the course of his legal profession and public work, and ever thereafter he was involved with Sardar Patel in many public and nation-building activities. Soon, he was drawn towards Mahatma Gandhi like other distinguished patriots of the day when Gandhiji settled down in Ahmedabad on return from South Africa in 1915.

Mavalankar joined the Gujarat Sabha, a political organisation and was elected its Secretary in 1916. Next year, Gandhiji was invited to accept the Presidentship of the Sabha. Mavalankar played an active part in the Kaira 'No-Rent' campaign. In 1918, when influenza broke out in Gujarat he organised relief measures and rendered yeoman service to the people during the famine of 1919.

He was the Secretary of the Gujarat Provincial Congress Committee during 1921-22 and organised the first Provincial Congress Committee under the new constitution of the Congress, adopted at Nagpur in December, 1920. He was also the General Secretary of the Reception Committee for the 36th Session of the Indian National Congress at Ahmedabad in December, 1921. There were many other connected activities such as spinning and weaving Khadi, national education etc. with which he was connected throughout this period.

In 1927 there were very heavy floods throughout the whole of Gujarat and Mavalankar once again suspended his legal practice to devote himself wholeheartedly to relief work on a large scale.

A big event of Mavalankar's life was the Gujarat College strike of 1928. The European Principal, Findlay Shirras wanted to penalise the students who gave blank papers in the terminal examination that happened to be on the day of the visit of the Simon Commission. The Commission was boycotted by all parties and the students could only absent themselves or give blank papers. The strike of which Mavalankar was the leader was against the Principal's repression. Gandhiji, Patel and others had extended their blessings to the strike. The strike with some 750 students continued for 35 days and ultimately the students won their point.

Mavalankar was keenly interested in the subject of abolition of capital punishment, and carried on correspondence with various important people in that regard. He was instrumental in bringing into being the National Rifle Association, of which he was the Chairman, as also the Institute for Afro-Asian Relations. He took keen interest in all aspects and activities of life — social, educational, literary, cultural and religious.

He was also connected with a large number of charitable trusts and organisations as President, Trustee etc. including the Harijan Ashram of Mahatma Gandhi at Sabarmati, Kasturba Gandhi National Memorial Fund and Gandhi Smarak Nidhi (Gandhi Memorial Trust) started in 1948 after Gandhiji's assassination. In December 1950 Mavalankar succeeded Sardar Patel as the Chairman of the Nidhi. He had also become the Chairman of the Kasturba Gandhi Trust. The tasks were strenuous but Mavalankar enjoyed them as they gave him an opportunity to serve the poor, the Harijans, the Adimjatis, the women and the masses. Work in connection with the Kasturba Gandhi and Gandhi Memorial Trusts took Mavalankar to all parts of India as he was anxious to personally see the working of all centres and meet the ordinary workers. Even at the risk of his health he undertook extensive tours.

During the struggle for country's independence, he had to undergo imprisonment several times, the total term running into six years. He took part in the Individual Civil Disobedience Movement of 1940 started by the Congress against the war. He was imprisoned from 26 November, 1940 to 18 November, 1941. Also, he was arrested on 9 August, 1942 at Ahmedabad as a sequel to the "Quit India" resolution by the AICC on 8 August 1942. He was released on 10 March, 1944.

#### **As Municipal Administrator**

Mavalankar's greatest passion and liking were for local self-government where he did his best throughout the long formative period that he was an active member of the Ahmedabad Municipality. Twice President of the Ahmedabad Municipality (1930-33 and 1935-36) Shri Mavalankar was first elected to the Municipality in 1919 and during 1919-1936 he occupied different offices. He devoted himself heart and soul to municipal work which



even in later years and throughout his life remained his first love. When in Delhi, he often used to say that in order to be successful at the national level one must first have his grounding at the level of Local Self Government and that he himself would any day prefer municipal work to his work at the national level. Whenever there was any conference or any discussion relating to local self-government bodies, Mavalankar was always ready to cooperate. He presided at the local self Government Bodies Conference held in Gujarat at Nadiad and also inaugurated the Local Self Government Ministers' Conference at Simla in June, 1954. Ahmedabad made tremendous progress during his regime, especially following the example of constructive and administrative work laid down by Sardar Patel as his predecessor in office from 1924-1928.

### **As an Educationist**

Mavalankar worked as Professor of Law at the Gujarat Vidyapeeth started by Gandhiji as part of the non-cooperation movement. He was connected with a number of educational institutions. The Ahmedabad Education Society was started in 1935 by him and his colleagues. He was the President of the Gujarat Vernacular Society (now known as Gujarat Vidya Sabha), a premier Society started in 1948 and working for the advancement of Gujarati literature and knowledge generally. He was the working Chairman of the Gujarat University Association as also Chairman of the Committee for Gujarat University appointed by the Government of Bombay. He worked hard to bring the University into existence, started the Gujarat University Trust and collected some 42 lakhs of rupees before the Bill setting up the University was passed. Donations were continued under the Ahmedabad Education Society of which also Mavalankar was the President. The total amount collected came to a crore and a quarter.

### **As a Writer**

It may be known to few that Mavalankar kept a regular diary of what he did from day to day. He had begun doing this from December, 1927. Two small volumes of extracts from his diary have been published in Marathi. Also, he wrote a book in Gujarati

titled 'Manavatana Jharna'. It contained some true stories about the prisoners, whom he had met and guided while he was in jail from 1942 to 1944. The book proved so popular that its first edition was exhausted in a few months' time, and a second edition had to be brought out. The book has been rendered into Marathi, Hindi and in Malayalam as well. Another book in Gujarati was devoted to giving his reminiscences of life with Gandhiji and the written communications received by him from Gandhiji. It is known as 'Samsmarano'. In English, Mavalankar wrote reminiscences of his life at the Bar under the title 'My Life at the Bar'. This book attracted wide notice in the whole country. The book was initially published in serial form in the 'Hindustan Times', New Delhi. Also, descriptive letters in Marathi written by Mavalankar in 1950 from Europe to his son have since been published in book form.

### As a Parliamentarian and Speaker

Thus Mavalankar's was a many splendoured personality. His contributions to national causes and service of the people were diverse and multifarious. But above all, he would be remembered by posterity as a great parliamentarian and as the first Speaker of independent India. He was indeed a born Speaker. During the nearly two decades he remained a legislator, he almost never sat in any House as an ordinary member. He was always Mr. President or Mr. Speaker.

*Bombay Legislative Assembly (1937-1945)* : It was in February, 1937 that Mavalankar was first elected a legislator; he represented the city of Ahmedabad in the Bombay Legislative Assembly. To his own surprise, he was immediately elected the Speaker of the Bombay Legislative Assembly and throughout the period of his membership (1937-1945) he remained Speaker of the House. Mavalankar was very conscious of the heavy responsibilities that devolved on his shoulders. Replying to the congratulations from all sections of the House on his election, he said:

"I have however, I assure you, undertaken this task in a spirit of humility and service; and, now I can say, in the confident hope of the cooperation of every member of this House, the task before us is indeed Himalayan. We are, as has been said by our Premier, on the threshold of a new regime

and the way in which we proceed to mould the destinies of this province is sure to have far-reaching consequences for the future. As has been pointed out by one of the speakers, we are the first Assembly under the new Constitution and if we are likely to be looked upon, in future, to be in a historic position, it is, to my mind, as well for us to remember that our responsibilities are also correspondingly heavy....I need hardly assure you that as the Speaker is a non-party man, I shall continue to be a non-party man and administer the rules and regulations with strict impartiality irrespective of any party or personal considerations."

His success as the Speaker of the Bombay Legislative Assembly made him a natural choice of the Congress Party for the Presidentship of the Central Legislative Assembly in January 1946, when the Congress again decided to enter the Central and Provincial Legislatures.

*Central Legislative Assembly (1946-47)* : After the elections to the sixth Central Legislative Assembly (1946-47), the first sitting of the Assembly was held on 21 January, 1946. Sir Cowasjee Jehangir, a nominated member was appointed Chairman to conduct the proceedings of the House till the President of the Assembly was elected. The election to the office of the President (Speaker) of the Assembly was held on 24 January 1946. It was a hotly contested and exciting election. Sir Cowasjee Jehangir was the official Government candidate and had the full support of the official bloc, the European Group and the Muslim League. He resigned the Chairmanship to contest the election. His nomination was proposed by Nawabzada Liaquat Ali Khan and seconded by Syed Ghulam Bhik Nairang. The Congress nominee was G.V. Mavalankar who was openly opposed by the Government. His name was proposed by Sarat Chandra Bose and Manu Subedar and seconded by Satya Narain Sinha and Sri Prakash of the Congress. Voting for the election of the Speaker at that time used to be by secret ballot. The committed strength of the two sides being what it was, Cawasjee Jehangir's election seemed to be reasonably well assured. When votes were counted, to the surprise of many, Mavalankar had won by a margin of 3 votes and was declared elected by 66 votes to 63. This happened perhaps because of some defections from the official bloc. A few of the official members of the Government seemed to have

been prevailed upon to vote for Mavalankar even at the cost of causing serious annoyance to the Government. In fact the Government appeared to be so annoyed that it was anxious to find out the names of those official members who had disobeyed the Whip and voted for Mavalankar and for the purpose asked the Returning Officer, M.N. Kaul to show the ballot papers. The Returning Officer, however anticipated such attempts and said he had destroyed the ballots.

Even while making formal congratulatory speeches members of the Muslim League like Liaquat Ali Khan indulged in generating some heat and creating some controversy on communal lines. Speaking on behalf of the European Group, P.J. Griffiths, however made a graceful speech and said:

"It is in no conventional sense that I rise on behalf of the European Group to offer you our sincere and whole-hearted congratulations on your election to this great office to assure you of our unqualified and ungrudging support and to affirm our belief that you will guide the affairs of this House with wisdom and impartiality. We in this Group come from a country whose pride it is to have given birth to the Parliamentary tradition and we realise to the full that the President of this Honourable House, as is the case with the Speaker of the House of Commons, is the focal point of that Parliamentary tradition. It follows that in so far as we maintain your dignity we maintain our own, in so far as we offer to you unquestioning obedience so far we teach the public at large to accept without question the decisions of the Legislature. In every respect the more honour we give to you, the more honour we show to the legislature itself and the more firmly we establish the Parliamentary tradition in this country. It follows from these considerations that now that you, Sir, have been elected to your high office, you have become the representative not of a section or of a party but of the whole House and you are therefore entitled to expect from every party and every individual of this House complete and unwavering support in the discharge of your duties. On behalf of this Group, I give you the fullest promise that that support will be forthcoming and we, for our part, have no doubt whatsoever that in return for that support from all

parties, you will protect them all alike, impartially and without regard to their different shades of political opinion.

My last word is this. It is our earnest hope that under your wise guidance the dignity of this House may be enhanced, that its powers may be extended and that before your term of office is finished this House, which is now a subordinate legislature, may be translated into a fully sovereign body. In the meantime it will be our aim to give you every assistance in the fulfilment of those difficult and responsible duties which you have taken upon yourself."

Mavalankar continued to occupy the office of the President of the Central legislative Assembly until 14-15 August, 1947. Indian Independence Act, 1947 declared the Constituent Assembly of India to be a fully sovereign body and on the mid-night of August 14-15, 1947, the Assembly assumed full powers of the governance of the country. Under the said Act, the Central Legislative Assembly and the Council of States ceased to exist after August 14, 1947, and the Constituent Assembly of India, which had been functioning since December 9, 1946, for the purpose of framing a Constitution, was empowered to function also as the sovereign legislature of the country. On August 20, 1947, when the Constituent Assembly was seized of a discussion on the incidents connected with the flag hoisting ceremony in certain parts of India, a point of order was raised questioning whether they could work both as the Constituent Assembly and the legislature of the country. A Committee under the Chairmanship of Mavalankar was appointed the same day (August 20, 1947) to consider the question and allied matters. The Committee submitted its report on August 25, 1947. On August 29, 1947, after considering the Mavalankar Committee Report, the Constituent Assembly resolved that the business of the Assembly as a constitution-making body should be clearly distinguished from its function as the Dominion Legislature and that a provision should be made for the election of a Speaker to preside over the Assembly while functioning in the latter capacity. In accordance with the aforesaid Resolution, the Indian Legislative Rules in force immediately before the establishment of the Dominion of India were modified and adapted by the President of the Constituent Assembly.

*Constituent Assembly (Legislative)* : When the Assembly met for purposes of ordinary law-making it was called the legislative wing of the Constituent Assembly or the Constituent Assembly (Legislative). Presided over by the Speaker, it functioned as the legislature of the country with the Secretariat of the pre-independence Legislative Assembly as the Secretariat. The first meeting of the first session of the Constituent Assembly (Legislative) was held in the Assembly Chamber of the Council House (now called the Lok Sabha Chamber of the Parliament House) on November 17, 1947 at 11 a.m. with the President of the Constituent Assembly in the Chair. Only one nomination, that of G.V. Mavalankar, having been received for the office of the Speaker, he was declared as duly elected. Dr. Rajendra Prasad vacated the Chair which was then occupied by Speaker Mavalankar.

*The Provisional Parliament (1950-1952)* : The people of India in their Constituent Assembly adopted, enacted and gave to themselves the Constitution of free India on 26 November, 1949. The Constitution came into force on 26 January, 1950, but some provisions relating to citizenship, elections and the Provisional Parliament were given immediate effect on 26 November, 1949 itself. Under article 379, the Dominion Legislature i.e. the Constituent Assembly (Legislative) became the Provisional Parliament immediately before the commencement of the Constitution. The Provisional Parliament was thus a continuation of the Constituent Assembly (Legislative) and there was no violent break with the past. It is significant that the word 'Parliament' was used for the first time in the history of parliamentary institutions in India. Even the adjective 'Provisional' was often forgotten in common usage and the Union Legislature or the national legislature of the Republic of India came to be called the Parliament.

Mavalankar continued to occupy the office of the Speaker throughout the Provisional Parliament. There could have been no better arrangement than having the same person in the Chair before and after Independence, who could utilize the experiences and skills gained in the two different situations for adjusting and modifying the procedures in accordance with the changed circumstances and to meet the needs of a responsible legislature of Independent India. Because he could link the past precedents with the fresh needs and effect changes while maintaining continuity, his

period of speakership could be considered to have been the most fruitful for the development and evolution of parliamentary procedures in India. Many of his important rulings were made in the light of his past experience in the Legislative Assembly. Replying to the farewell address given by the Speaker to the members of the Provisional Parliament on 5 March, 1952, the Prime Minister, Jawaharlal Nehru said :

".....you were sitting in the Chair, Sir, to guide us and we could not go far astray so long as you were there. In any event, whatever we may have done, there can be no doubt that such conventions as have grown up and such habits and procedures have been largely due to your able and, if I may say so, very understanding guidance of this House. And all of us, whether we come back to subsequent Parliament or not, have profitted greatly by that guidance of yours and in whatever sphere of activity we may indulge in, that profit will endure..... Above all I am sure we shall remember you, Sir, and what you have taught us during these years."

Provisional Parliament represented a most crucial phase in the history of Indian Legislature viz. that of transition from a colonial institution into a sovereign Parliament under the Constitution of independent India founded on the principles of a fully representative parliamentary democracy. Also, it marked the beginning of a new era of fully responsible government. Some procedural and other modifications were obviously necessary for conducting the business of the House in accordance with the provisions of the Constitution.

The more important changes necessitated due to the process of transformation were indicated by Speaker Mavalankar in a Statement made at the beginning of the Provisional Parliament. Some of the most significant developments all of which bore the impress of Speaker Mavalankar's personality could be summed up.

### Questions

The government became responsible to the legislature and had to be prepared to place before Parliament information on all matters of administration. All the Ministries/Departments were

divided into three groups – Group I, Group II and Group III – for answering questions. Different days were fixed for each different Group of Ministries/Departments. Since the House was meeting six days a week i.e. on all days except on Sunday, the turn of each group of Ministries/Departments came twice a week. Questions were addressed to the Ministry concerned.

*Short Notice Questions* : Procedure of short notice questions was started during the Provisional Parliament with a view to curbing the frequency of the adjournment motions, which members sought to sponsor for obtaining early information on matters of urgent public concern. These questions could be answered on a short notice of three days provided the Minister concerned agreed.

*Half-an-hour Discussions* : Another important procedural innovation made during the Provisional Parliament was that of enabling members to raise half-an-hour discussion on matters of sufficient public importance which had been the subject matter of recent questions in the House. It was started with a view to helping members to get fuller information and to raise more detailed points than could be done by oral questions and answers during the Question-Hour. It was expected that this provision will shorten the time for supplementaries and enable members to put through more questions for oral answers. Speaking in Parliament on 5 March, 1952, Speaker Mavalankar observed :

"To facilitate elucidation on points that arise during the Question-Hour, we have provided for, what we technically call, a rule for half-an-hour discussion and I am happy to say that advantage was taken of this by the members."

*Legislative procedure* : In the field of legislative procedure, an important provision was made during the Provisional Parliament to the effect that every Bill was to be accompanied by a financial memorandum inviting particular attention to the clauses involving expenditure and giving an estimate of the recurring and non-recurring expenditure involved in case the Bill was passed. It was also provided that the Chairman to the Select Committees would be appointed by the Speaker and, if the Deputy Speaker was a member of the Committee, he would be its *ex-officio* chairman. The quorum for the committee meetings was henceforth to be one-third instead of five as earlier. Following the creation of a Consolidated Fund, it



became necessary to revise the procedure in financial matters as well. Parliament was empowered to pass a Vote on Account before passing the whole Budget. Procedure for passing a Vote on Credit and Appropriation Bill was also laid down.

### **Adjournment Motion**

During the days of the Central Legislative Assembly, the government was not responsible to the legislature and, therefore, an adjournment motion could not be treated as a motion of censure of the Government. The position changed after Independence as the Government became responsible to Parliament. It was, therefore, not possible to apply the same rules admissibility after Independence. Earlier, due to the lack of adequate procedural opportunities to members, the provision of adjournment motion was used to draw the attention of the government to specific issues and also to criticise the government. After Independence, several other remedies became available for the purpose. Adjournment motions could, therefore, not be accepted on all and sundry issues. In the words of Speaker Mavalankar:

"Since 15 August, 1947, the whole political set-up has been changed. The government is popular and fully responsible to the elected representatives of the people. So, the rules about adjournment motions were to be applied in the same rigid sense as it was in the United Kingdom."

*Discussion on President's Address* : Before Independence and the adoption of the Constitution of free India, there was no provision for the discussion on the address of the Governor-General by the Houses of the Legislature. The address could not be made a subject of criticism in the central legislature as the Government was not responsible to the Legislature. It was in the Provisional Parliament that the practice of discussing the President's address on a 'motion of thanks' was actually started.

*Parliamentary Committees* : Rules governing the composition and procedure of parliamentary committees were amended under the guidance and directions of Speaker Mavalankar with a view to changing their character and to adjust them to the new political situation. Also, a number of new committees were set up. Thus it

was decided to have a Parliamentary committee which could examine cases of breach of parliamentary privilege and to report to the House, saving thereby the time of the House. The Committee of Privileges with a membership of ten was appointed, for the first time, by the Speaker on 2 April, 1950, just after the Provisional Parliament came into existence. However, the Committee did not make any report during the Provisional Parliament period.

The idea of a Rules Committee was also mooted at a suggestion of Speaker Mavalankar. Prime Minister Pandit Nehru made a motion in the Constituent Assembly (Legislative) on 31 August, 1948, for the adoption of the Rules by the House. He suggested that the House should approve the Rules generally and later they might be examined in detail by a Committee of the House. Members were asked to give their suggestions in regard to modifications in the Rules. On 1 April, 1950, the Speaker made an announcement in the House regarding appointment of the Committee under his chairmanship to examine any suggestions that might be received from members from time to time, for the amendment of the Rules of Procedure and Conduct of Business in Parliament and to make such recommendations as it might deem fit. From its inception upto 1951, the Rules Committee functioned as an advisory body to the Speaker. In May 1951, the Chairman of the Rules Committee (Speaker himself was the Chairman) observed that since the Rules Committee had already been functioning under an informal arrangement and the experience gained by the working of the Committee had been satisfactory, it was proposed to embody the provisions regarding its constitution, functions etc., in the rules themselves. The Committee agreed and the provisions relating to the Rules Committee were made in the Rules of Procedure for the first time in May, 1951.

*Important decisions/observations from the Chair :* Some very significant rulings of lasting value were delivered by Speaker Mavalankar during the Provisional Parliament. Given below are some of these:

1. Name of member giving notice of adjournment motion need not always be mentioned by the Speaker. Sometimes an adjournment motion is so obviously untenable and the desire for publicity is achieved by the very fact of a mention of

the name of the member giving the notice of it. In such cases the name of the member should not be mentioned. (7 March, 1950, pp. 1177-79).

2. A policy which is continuing from day to day cannot be the subject matter of an adjournment motion (15 November, 1950, Cols. 19-20).
3. A marginal heading is not part of a Bill, Amendments thereto are not permissible. (10 February, 1950, pp. 409-10).
4. During the discussion on an Amending Bill, only those sections are discussed which are sought to be amended and not the whole law (3 February, 1950, p. 189). Sections in the original Act which are not included in the Amending Bill cannot be touched. (8 February, 1951, Cols. 2573-81).
5. After having placed the Bill before the House, no clause of the Bill can be withdrawn. It has to be put and negatived by the House. (21 December, 1950, Col. 2215).
6. Private Members' Bills involving expenditure from the Consolidated Fund of India should have President's sanction before they can be considered by the House. (12 April, 1951, Cols. 6727-28).
7. The question of a Bill being *ultra vires* of the Constitution will not be decided by the Chair. It might be left to the House which can reject the Bill in case it is found *ultra vires*. If the House accepts the Bill for consideration, the party aggrieved has his remedy in the Supreme Court, or other Courts. (10 August, 1950, Cols. 765-81; 24 April, 1952, Col. 7366).
8. No debate is permitted, by convention, on an Appropriation Bill. (5 March, 1952, Cols. 1999-2000).
9. Re-committal of Bill to a new Select Committee is permissible. (4 September, 1951).
10. Members of the Select Committee should not try to participate in the debate (4 June, 1951, Cols. 10, 14-24).
11. For raising a point of privilege, Chair must be contacted in the Chamber first and made cognizant of the matter. It should

not be raised straightway in the House. (10 March, 1950, pp. 337-38).

12. It is within the powers of the House to constitute other Special Committees if there are any special circumstances and enquiries to be made. (6 June, 1951, Cols. 1024-26).
13. Merits of an order of a High Court should not be discussed in the House as the House cannot sit in judgement over the proceedings of the court. Copy of the proceedings of the House relating to a matter on which a High Court has passed orders should not be sent to the court. (3 March, 1952, Cols. 440-41).
14. It is for the Speaker to decide whether a *prima facie* case of privilege exists or not. If he comes to such a conclusion, he may send the matter to the Privileges Committee. (1 March, 1950, pp. 1019; 10 April, 1951, Cols. 6660-61).
15. No doubt, article 112 implied that the Appropriation Bill should be one but it did not provide for the operation of the Consolidated Fund once for all by one stroke. The very fact that the Constitution permits the House to have Vote on Account and Excess Grants, to split it into one or more compartments, proved that it nowhere restricts that the House shall consider the entire expenditure as one block and that it shall take only one Appropriation Bill. (24 March, 1950, pp. 2064-67).

*The First Lok Sabha* : The first general elections, also the first to be held on the basis of universal adult franchise were held in October 1951—February 1952. 173 million of India's population were enfranchised and 88 million of them actually went to the polls. Never before had such a large electorate exercised franchise anywhere in the world.

The first Lok Sabha was constituted on 17 April, 1952 and for the first time met on 13 May, 1952. It had 499 members. With 363 of the 499 seats, Congress was the dominant party. On 15 May Nehru moved that "G.V. Mavalankar be chosen as the Speaker." Though another member, S.S. More was put up as an opposition candidate, Mavalankar got elected with 394 Ayes and 55 Noes.

Amidst long clapping and thumping of desks, Jawaharlal Nehru, Maulana Azad and A.K. Gopalan conducted him to the Speaker's chair. And, Mavalankar became the first Speaker in independent India and, as such, the presiding deity of the House of the People (Lok Sabha) of the largest democracy on earth. Also, it was a House which generally speaking consisted of some of the most distinguished men and women and outstanding parliamentarians — so adept in parliamentary procedures and so talented, accomplished and skilled in the art of parliamentary debate that they could be proud of any Parliament in the world.

To mention a few by way of illustration, the Congress party included giants like Nehru, Purushottam Das Tandon, Harekrushna Mahtab, Nijalagappa, Shah Nawaz Khan, S.K. Patil, Mahavir Tyagi, N.V. Gadgil, O.V. Algeshan, K.D. Malaviya, Swaran Singh, R. Venkataraman and others. Mention may also be made of veteran Congressmen like B. Das — active since Swarajist days, Seth Govind Das, Achint Ram and Thakurdas Bhargava. The list of the members from the opposition side was also no less impressive. It consisted of freedom fighters and powerful debaters of a high order such as Acharya Kripalani, Ashok Mehta, Dr. S.P. Mukherjee, A.K. Gopalan, H.N. Mukherjee, N.C. Chatterjee, Renu Chakravarty, S.S. More, Tulsidas Kilachand, Lanka Sundaram, Meghnad Saha, H.V. Kamath, Sardar Hukam Singh and others.

Congratulating Mavalankar on his election, Jawaharlal Nehru spoke of his vast experience and felt that the first Lok Sabha was fortunate in having a Speaker of his calibre "to guide us, and if we go astray, to pull us back where necessary to admonish us and to check us." In his reply to all the congratulatory speeches, Speaker Mavalankar made a memorable speech full of ideas and guidelines for the future growth of parliamentary processes on right lines. While we could profit from British precedents and conventions where they were relevant in our situation, "it will be upto us to evolve our own conventions and forms in the background of our national character, genius, history and culture." Mavalankar was conscious of the fact that Parliamentary life was a tender plant that required delicate and careful handling and careful nursing. He considered it his special responsibility in the first Lok Sabha "to set up sound and healthy traditions" as whatever was done then was likely to become "a precedent for all times to come." He said:

"A Parliamentary Government is described as government by discussion. Every Member has the fullest liberty to express his own views, remembering that every other Member has the same liberty. It becomes necessary, therefore, to exercise restraint on the contents and the extent, as also on the language of the discussion. An atmosphere of sportsmanship, mutual goodwill and respect is an essential condition for the debates being useful, helpful and effective. This, in turn, will mean a disciplined mind, which will respect, not only rules and regulations, but also the innumerable conventions of parliamentary debates, everyone of which cannot obviously be the subject of a rule or regulation. To the extent to which persons holding different points of view, or ideologies exhibit the qualities of tolerance, "give and take," and make an effort to understand the differing points of view, to that extent only, the parliamentary Government stands the chance of being successful. It is not so much the laws or the regulations that will bring the desired results as the spirit in which the persons charged with responsibility act towards each other."

In regard to the role of the Speaker and the non-party character of his office, Mavalankar defined the contours and parameters that remain equally true today. He assured the House that while acting as the Speaker he would remain "absolutely a non-party man, meaning thereby that he keeps aloof from party deliberations and controversies" but that it was not possible in the conditions of our political and parliamentary life to remain as insular as the English Speaker. He added:

"We have yet to evolve political parties and healthy conventions about Speakership, the principle of which is that, once a Speaker he is not opposed by any party in the matter of his election, whether in the Constituency or in the House, so long as he wishes to continue as Speaker. To expect the Speaker to be out of politics altogether without the corresponding convention is perhaps entertaining contradictory expectations. From this point of view, as also from my moorings in the past, I cannot be out of that great organisation — the Indian National Congress — under whose banner I have had the privilege of serving in one capacity or another for the last forty years. Though a Congressman, it would be my

duty and effort to deal with all Members and sections of the House with justice and equity, and it would be my duty to be impartial and remain above all considerations of party or of political career."

Some of the important procedural points settled and principles laid down during Mavalankar's Speakership of Lok Sabha (1952-1956) speak volumes in regard to his unique role in the development of parliamentary institutions and procedures. Thus, some of the procedural points settled and principles laid down in the matter of parliamentary Questions were as follows:

- (i) While admitting notices to questions, Speaker does not judge whether the disclosure of information asked for is in the public interest or not. Neither does he compel the government to give such information, if it does not think it proper or desirable to do so. In other words, it is for the Government to decide whether a particular disclosure would be in public interest or not.
- (ii) If a Minister is unable to answer a question of sufficient public importance at short notice, the Speaker can direct the same to be placed as the first question on the list of questions for the day on which it would be due for answer. Not more than one such question shall be accorded first priority on the list of questions for any one day. [Rule 70 (3)]
- (iii) It would not be proper to send advance copies of answers to questions to Members as that would destroy the importance of the Question Hour (25 February 1953).
- (iv) Contents of a proposed Bill cannot be allowed to be elicited by means of a Question (20 March 1953).
- (v) Questions relating to matters within the purview of a Committee of the House should not be allowed to be asked on the floor of the House (17 April, 1954).
- (vi) When the Business Advisory Committee recommended on 7 September, 1955, *inter alia* suspension of Question Hour on certain days of the session, it was objected to by H.V. Kamath on the ground that it could be done only by the unanimous consent of the House and also that the questions listed for

those days should be transferred to some other days. Speaker Mavalankar thereupon observed that a new convention was being developed according to which it would not be necessary to transfer questions to some other day. He stated:

"The old convention does not stand now for the simple reason that it was a convention when there was no Business Advisory Committee. Now, the Business Advisory Committee which represents the entire House takes all points of view into consideration and comes to a conclusion. The report is before the House..... If the House accepts the report, then it becomes the order of the House....."

Several parliamentary committees were constituted for the first time by Speaker Mavalankar during the first Lok Sabha. The earlier committees like the Public Accounts Committee, Petitions Committee etc. were continued. Developments in the area of committees could be summed up as follows:

(i) *Business Advisory Committee* : The increase in the volume and the pressure of parliamentary work gave rise to a need to plan the business of the House within the available time. In his letter of 28 March, 1951, to the Leader of the House, Speaker Mavalankar had observed that in the absence of any procedure regarding allocation of time in respect of various items of business, excepting financial matters, the Speaker was always placed in a delicate position in regard to curtailment of debate and in particular, in accepting a closure motion, if moved. He did not approve of the British procedure of an "allocation of time" motion as it might prove to be cumbrous and much time might be spent over the motion itself. He said that he would prefer to entrust the duties connected with 'allocation of time' to a steering committee of the House. The Leader of the House agreed and rules were accordingly framed to set up the Business Advisory Committee which was constituted, for the first time, on the 14 July, 1952.

(ii) *Committee on Private Members' Bills & Resolutions* : On 13 March, 1953 a suggestion was made by K.A. Nambiar in the Lok Sabha that a Standing Committee on Private Members' Bills might be constituted to examine all Bills tabled by Private Members and to categorise them according to their relative importance. He also



suggested that at least one day in a week might be allotted for transacting the Private Members' business. The matter was placed before the Rules Committee for their consideration. In pursuance of the recommendations of the Rules Committee adopted by the House, the Committee on Private Members' Bills was constituted, for the first time, on 1 December, 1953, with an initial membership of 10. On 13 May, 1954, its membership was increased from 10 to 15 and the functions were enlarged so as to cover Private Members' Resolutions also within its ambit. The Committee was accordingly designated as the Committee on Private Members' Bills and Resolutions.

(iii) *Committee on Subordinate Legislation* : With a State devoted to the welfare of the people, it was natural that the Government had to assume multifarious functions and the manifold increase in governmental activity necessitated a plethora of delegated legislation. Dr. Ambedkar suggested as early as during the Budget Session of the Provisional Parliament in 1950 that following "a procedure which has recently been adopted in the House of Commons" a Standing Committee of the House be set up to examine delegated legislation and "to bring to the notice of Parliament whether the delegated legislation has exceeded the original intentions of Parliament or has departed from it."

Subsequently, on 24 June, 1950 Speaker Mavalankar conveyed to the Law Minister the feelings of the members of the House to the effect that Parliament should have some kind of control whereby it would be ensured that the powers of delegated legislation were properly exercised by the executive authorities. On 30 April, 1951, it was decided to frame rules constituting a committee. The first committee was appointed by the Speaker on 1 December, 1953. It was however named Committee on Subordinate Legislation presumably because it was felt that the rules and regulations framed under the laws passed by Parliament could more appropriately, be called subordinate legislation and the essential power of legislation could not be 'delegated' by Parliament. The first Committee on Subordinate Legislation consisted of 10 members. The strength was raised to 15 on 9 January, 1954.

(iv) *Committee on Government Assurances* : Before 1953, it was left to the each individual member to keep a watch on the

fulfilment of the promises or assurances given by the Ministers on the Floor of the House. This, the member could do informally or by asking Questions etc. But there was no obligation on the part of the government to make a report to anybody in this regard. As a result, some important matters were delayed, some escaped attention and in some cases where the Ministers made lavish promises, the administration found implementation difficult or impracticable. The Committee on Government Assurances was conceived with a view to keeping track of all promises and assurances made by the Government on the Floor of the House and ensuring that these were made with a full sense of responsibility and were actually fulfilled. The Committee was first nominated by Speaker Mavalankar on 1 December, 1953 with only six members. Nine members were added to the committee on 13 May, 1954. The Committee on Government Assurances was a purely Indian innovation and had in the first Lok Sabha the added distinction of being the only committee presided over by a member from the opposition, Sucheta Kripalani.

(v) *Committee on Absence of Members from the Sitzings of the House* : The Constitution provided that if a member remained absent from the sittings of the House for two months without its permission, his seat could be declared vacant. For seeking the permission of the House, a member was required to put up an application. These applications were considered by the House as a whole. The Rules Committee of Lok Sabha reviewed the procedure and found it difficult and time consuming and recommended the appointment of a committee to examine the applications and report to the House. The Committee was first constituted by Speaker Mavalankar on 12 March, 1954.

(vi) *Joint Committee on Salaries and Allowances of Members of Parliament* : This committee was for the first time, constituted by Speaker Mavalankar on 6 September 1954, to frame rules under the Salaries and Allowances of Members of Parliament Act. It consisted of ten members from the Lok Sabha and five from the Rajya Sabha.

(vii) *General Purposes Committee* : It was felt that there were several matters relating to the affairs of the House and its work which were not entirely in the Speaker's hand and which largely depended on the willing cooperation of the Government and/or of all

sections of the House. Difficulties in settling such matters caused delays. It was, therefore, proposed by Speaker Mavalankar that he should take into confidence and have informal consultation with the representatives of various parties and groups in regard to the directions in which the work of the House could be improved and organised on better lines. If the representatives of various groups and parties agreed to his proposals, he could go ahead with the confidence that he had the support of all sections of the House. Accordingly, a committee consisting of leaders of various parties and groups, chairmen of Parliamentary Committees, members of panel of Chairmen etc. to be called the General Purposes Committee was appointed by Speaker Mavalankar for the first time on 26 November, 1954.

(viii) *Public Accounts Committee* : In response to a recommendation contained in the fourth Report of the P.A.C., the Minister for Commerce made a statement in the House on 11 August, 1953. The Committee took exception to this departure made by the Minister from the well-established procedure in not having given an opportunity to the Committee to consider the statement before it was laid on the Table of the House. Speaker Mavalankar thereupon directed all the Ministries that in cases where the Government were not in a position to implement the recommendation made by a financial committee, the Ministry concerned should place their views before the Committee, who may, if they think fit, present a further report to the House after considering the views of the Government in the matter. On a suggestion by a member that a copy of *verbatim* record of a discussion, which took place in the P.A.C. in regard to a matter involving charges of corruption, should be forwarded to an inquiry committee set up by the Government, the Speaker found it inconsistent not only with the dignity but with the very purpose of a parliamentary committee. He observed that the committee in the first instance was supposed to make recommendations which the Executive was bound to consider and it would be for the Executive then to refer the matter, if they like, to any inquiry committee appointed by the Government. Also, discussions in the committee were in camera and as such were not to be disclosed to any outsiders. This was necessary for ensuring independent working of the committee and free and frank discussions within the committee.

On the question of appointing a committee by the Government consisting of the members of Parliament to consider a subject matter which was already under the examination of the Estimates Committee, Speaker Mavalankar ruled that before appointing any such committee consisting wholly or partially of the members of Parliament, the Ministry concerned should make a reference to the Lok Sabha Secretariat to ascertain whether a parliamentary Committee was already engaged on any of the matters on which the Government proposed to appoint a committee.

On 21 April, 1954 the Estimates Committee adopted a resolution laying down the principle that "no Member of the Committee should appear as a witness before any Committee, Commission etc. formally or informally in regard to a matter which is under examination of the Estimates Committee."

(ix) *Rules Committee* : The Rules Committee during the first Lok Sabha was called upon to consider several proposals for procedural reforms and for laying down fresh Rules of Procedure.

In its report presented to the Lok Sabha on 6 December, 1955, the Rules Committee recommended *inter alia* that

- (i) a provision might be added to Rule 94 to enable a member incharge of a Bill to authorise, with the approval of the Speaker, another member to pilot the Bill in case he was not able to do so;
- (ii) in case of the Bill which underwent amendments, the third reading might not start on the same day, unless the Speaker otherwise directed;
- (iii) the short title, the enacting formula and the long title of a Constitution Amendment Bill could be passed by a simple majority as they were only formal provisions and did not affect the Bill or its merits;
- (iv) Ministers might be debarred from the membership of the Committees on Petitions, Subordinate Legislation, Government Assurances, Estimates and Public Accounts;
- (v) the strength of the Estimates Committee should be raised from 25 to 30;

- (vi) the permission of the Speaker was needed for the service of a legal process or arrest of any person – whether a member or not – within the precincts of the House;
- (vii) there should be no reference to the strangers in the Galleries on the Floor of the House; and
- (viii) the rules should be amended to provide for the determination of the period of suspension of a member in each case according to the seriousness of the case, whenever any member was 'named' by the Speaker.

*Important Rulings from the Chair* : On the whole the first Lok Sabha under Mavalankar's Speakership was in a formative period – a period for laying down healthy foundations for building the strong edifice of parliamentary institutions and procedures. New situations had to be faced, fresh procedures evolved and appropriate rules laid down. And, in all this it fared very well indeed and passed on to the succeeding Houses high standards. Some of the important decisions/rulings of Speaker Mavalankar during 1952-1956 were as follows:

*Adjournment motion*

(i) The adjournment motion should not anticipate a debate in the House, i.e. if there is a fairly good chance of the matter otherwise coming for discussion on the floor of the House, it may not be permitted on an adjournment motion. An adjournment motion may be allowed only as a matter of exception, when there was no other opportunity or chance for the House to consider the matter. (16 May, 1952)

(ii) A matter is not considered to be urgent unless brought before the House at the first available opportunity. (22 May, 1952).

(iii) Subject matter of such a motion cannot be a Press Report as it is not treated as authoritative. (25 May, 1952)

(iv) Interpretation of provisions of the Constitution cannot be a subject-matter of an adjournment motion. (14 Dec, 1952).

(v) Debate on a fast-unto-death to compel the government to

take decision cannot be allowed through adjournment motion. (8 Dec, 1952 & 6 April, 1953).

(vi) Neither the Chair nor the House need go into ascertaining the facts of a subject matter sought to be raised through an adjournment motion. It can be postponed in order to enable the government to ascertain the facts of the case. (15 Dec, 1954 and 20 and 22 Dec, 1955. )

### *Bills*

(i) Only new points with prior intimation and approval of the Speaker can be raised while discussing an Appropriation Bill. (3 & 4 July, 1952 & 12 December 1952 & 7-8 April, 1953).

(ii) A member cannot move an amendment tabled by another member even though he may have been authorised by the latter. (29 July, 1952 & 4 December, 1952).

(iii) Principles of the Bill cannot be discussed on a motion for consideration of the Bill as reported by the Joint-Committee (1 August, 1952).

(iv) Whenever an objection is taken to the legislative competence of the House, it is not for the Chair to decide the matter but that may be taken into consideration by the House. (25 November, 1952).

(v) Introduction of a Bill dependent on another Bill pending in the House cannot be permitted unless the first Bill has been passed and assented to by the President. (24 August, 1953).

(vi) Recommendation of the President is not required for amendments which seek to reduce a tax or duty, while amendments seeking to enhance the tax or duty do require his recommendation. (10 September, 1953).

(vii) The House by agreeing to join a Joint-Committee as proposed by the other House, does not commit itself to the principles of the Bill. But if originating House refers it to a Joint-Committee, it commits itself to the principle of the Bill. (17 December, 1953).

(viii) Amendment for circulation of a Bill, after it has been passed by the other House is out of order. (8 May, 1954).

(ix) Guillotine does not apply to the Government Bills (24 November, 1954).

(x) Amendments disallowed in the Joint-Committee can be considered by the House. (25 November, 1955).

(xi) It is for the House and not the Chair to decide whether a Bill is *ultra vires* of Constitution or not. (15 April, 1955).

(xii) Bills attracting the provisions of article 117(3) may be introduced in both the Houses. (17 April, 1955).

*Debate :*

(i) Allegations against persons who are not present in the House to defend themselves, should not be made. (26 February, 1952).

(ii) Referring to Parliament as a 'talking shop' and the chamber as 'gas chamber' is unparliamentary. (4 March, 1953).

(iii) Merit of an order of a High Court should not be discussed in the House. (3 March, 1952 & 1 December, 1953).

(iv) Discussion on State subjects on which the State acts as an agent of the Union is permissible. (28 June, 1952).

(v) Quoting lines from newspapers in support of one's argument is in order. (10 July, 1952).

(vi) Power to expunge certain words from the proceedings is vested in the Speaker in his discretion (13 March, 1953).

(vii) Second speech by a member on a motion is not allowed (25 July, 1955). A member making an Explanatory Statement in support of his amendment for recommitment of a Bill to a Joint-Committee may, however, be permitted to speak again on motion for consideration of a Bill. (18 August, 1955).

(viii) Members should speak in third person and avoid personal explanations. (22 May, 1952).

(ix) Reference to individuals not belonging to House is not allowed. (3 June, 1952).

(x) Production of exhibits in the House is deprecated. (26 November, 1952).

(xi) Reference to an individual officer is not allowed. The criticism should be directed to the Minister concerned. (8 April, 1954).

(xii) No member can claim to speak as a matter of right. He must catch the Speaker's eye and wait for his turn. (18 June, 1952).

#### *Quorum*

Question of quorum not to be raised between 1 p.m. to 2.30 p.m. and the convention that the House shall not be counted between 1 to 2.30 p.m. should be observed unless the House decided otherwise. (8 September, 1954; 3 & 5 September, 1955).

#### *Point of Order*

(i) Point of order must relate to procedure only, other points under its guise are not permitted. (18 June, 1952).

(ii) A member may raise a point of order at any time on a matter or business then under consideration in the House. He should do so there and then and not after the business is over. (10 August, 1953).

#### *Resolution of Order*

Amendments to a resolution seeking to allocate proceeds of duty for particular purposes were out of order (24 November, 1953 & 23 November, 1954).

#### *Statements*

(i) Questions or discussion on Statements made by Ministers are not permitted. (19 November, 1952).

(ii) Policy statements should be made by Ministers on the floor of the House when the House is in session before releasing them to the Press or Public. (1 September, 1953).



(iii) No discussion is permissible on statement made by Attorney-General. (1 May, 1954).

### *Ordinances*

On 16 February, 1954 Dr. Krishnaswami initiated a discussion on taxation by Ordinances. He pointed out that during a brief recess of Parliament seven Ordinances, nearly one Ordinance per week, were issued. It was, he contended, a dangerous trend which constituted a serious infringement of the rights and privileges of the House. It was all the more serious, when the Ordinance issued involved fiscal matters, because sovereign authority in such matters vested exclusively in the Lok Sabha. Other members also described such legislation by Ordinances as 'lack of legislative planning' and an 'anti-freedom device'. Speaker Mavalankar also recognised it as an important constitutional question and called upon the Government to build healthy conventions in this regard. He said :

"It is not a democratic way of doing things, and it is only in exceptional circumstances that government may issue Ordinances. They can, only when they must."

### **Inter-Parliamentary Conferences**

Mavalankar led Parliamentary Delegations to Inter-Parliamentary Union and Commonwealth Parliamentary Conferences held in Ireland, U.K. and Canada in 1950, 1948 and 1952 respectively. He also attended the opening of the new British House of Commons and the Commonwealth Speakers' Conference held in London in 1950. In 1953, he attended the Coronation of Queen Elizabeth II and also a meeting of the General Council of the Commonwealth Parliamentary Association held in London at the time.

In 1946 itself, on taking over the Presidentship of the Central Legislative Assembly Mavalankar revived the practice of organising the All India Presiding Officers Conference, over which he presided for a number of years. These conferences helped in exchange of experiences and views and evolving certain uniform practices and procedures in legislatures all over India and building up healthy and valuable conventions of parliamentary democracy throughout the country.

### Summing up

Speaker Mavalankar was a veteran parliamentarian with deep knowledge and vast experience of parliamentary life. On the whole, for a period of over ten years (1946-1956), he guided the deliberations of India's Parliament with dignity, uprightness and impartiality which earned him not only the esteem and love of all sections of the House but also enriched and enhanced the prestige and dignity of the office itself. On the basic and essential norms of Parliamentary government, on the sovereign nature of the legislatures, on the independent role and functions of the office of the Speaker, on questions of Members' Private Privileges, on the necessity to have Parliamentary Committees to scrutinise public expenditures, on the need to maintain an independent Legislative Secretariat accountable only to the Speaker, on the need to use Hindi and other Indian languages instead of English alone in the conduct of business in the House, Speaker Mavalankar, had very clear perceptions and did not spare any effort in making them an integral part of the office. He set up many healthy traditions and conventions for the future growth of Parliamentary democracy in India and became known all over the world and more especially in Britain and other Commonwealth countries as one of the most outstanding Speakers of modern times. Indian polity was indeed fortunate in having had a Speaker of his stature and competence in the formative years when new procedures were devised, rules and regulations were framed, rulings and directions were issued from the Chair and healthy parliamentary conventions and sound precedents and traditions established to act as an inexhaustible reservoir of accumulated wisdom from which succeeding Houses and future generations of parliamentarians could draw guidance and sustenance. In the most meaningful and inimitable words of President Venkataraman, "for those of us who were fortunate to witness the dawn of India's Parliamentary system, Mavalankarji stands at the centre of that effulgence." He was able to "translate the idiom of revolution into the grammar of constitutional procedures."

Unfortunately, the period of Mavalankar's Speakership was cut short by his sad demise on 27 February, 1956. Even as Speaker, Mavalankar had remained equally devoted to the various trusts and

organisations devoted to social service, rural uplift and development of the under-privileged classes and travelled all over the country in his pursuits. During his intensive and strenuous tours in the South, Mavalankar had a heart attack on 27 January, 1956 at Vizagapatam in Andhra. He returned to Ahmedabad on 5 February and had another heart attack on 9 February night. Two of his four sons who were in England and Germany arrived on 12 February. Other relations also came from far and near places. He was happy to see all by his side. On 18 February he had a third heart attack. But, thereafter he was slowly recovering, cheerful and hopeful of soon returning to Delhi. A bulletin issued on 27 February morning was able to declare so much improvement that no further bulletins were considered necessary. Unfortunately it proved to be the last bulletin in another sense. For, the same day he suddenly collapsed and closed his eyes for good without anyone realising what had happened. As a biographer puts it, death had cheated them all.

Touching tributes were paid to his memory in both the Houses of Parliament in which leaders of all parties and groups participated. While paying homage to him, Prime Minister Nehru described him as the "Father of the Lok Sabha" who, throughout the formative but difficult days of Parliament worked as the "guiding deity trying to lay down and make precedents to be followed later and moulding the parliamentary life in India." He described his passing away as "break from a tradition, from almost an institution that had grown up here." Summing up his contribution to the parliamentary life, Nehru said:

"That is very big thing to say about any individual that he has conditioned and influenced and improved others. He has impressed the Lok Sabha and Parliament and through that again, to some extent, the country as a whole."

Members from the Opposition like H.N. Mukherjee, Ashok Mehta, N.C. Chatterjee, Hukam Singh and Dr. Lanka Sundaram described him as the "sheet anchor of parliamentary democracy" and "a genuine custodian of rights of opposition." Recalling his association with Mavalankar, the Deputy-Speaker described him not only as a great person, politician and the Speaker but also as a great statesman and patriot, who "laid democratic traditions and foundations solidly in the Lok Sabha."

Those of us who were in the Lok Sabha Secretariat then can never forget the atmosphere of utter shock, sorrow and gloom that prevailed not only in the offices in Parliament House but also in our homes. The Secretary, M.N. Kaul made a very touching and moving speech. The head of the family had died.

### *Postscript*

I might, in all humility, add by way of postscript, a bit of personal reminiscences and impressions connected with Dada Saheb Mavalankar and his Speakership. I have had the proud privilege of seeing and knowing all the Speakers of Lok Sabha so far—some from a little distance and others fairly closely. When with the background of a University teacher with some academic pretensions, I joined the Parliament Secretariat as a young officer, Dada Saheb Mavalankar was the illustrious first Speaker of Lok Sabha. In his case my impressions were largely formed from (i) viewing him function as the Presiding Officer from the Lok Sabha Galleries, (ii) the couple of occasions when he addressed the officers and staff, (iii) a solitary meeting with him in his Chamber and (iv) his orders, notings and remarks on the files that moved upto him and came back. As a junior officer, I could expect or ask for no more.

I vividly recall his impressive – somewhat awe-inspiring – personality. A great administrator and disciplinarian, he believed in building one unified hierarchy in the Parliament Secretariat with unity of command. Although under his stewardship there was large expansion in the Secretariat and the staff strength grew from a paltry fifty to about five hundred, he himself never interfered in administration of the secretariat and never recommended a single person for appointment thereby laying firm foundations of an efficient Secretariat built on respect for merit. He delegated authority and placed the fullest faith in the Secretary, Shri M.N. Kaul and his Joint Secretary Shri Shaktidher – the two worked in such close unison that they were often considered two bodies with one soul and one mind. They were the eyes and the ears of Dada Saheb. Once while addressing us, he called Kaul and Shaktidher as his two sons in the Secretariat. In fact, for all of us in the Secretariat he was truly a father figure, rather a *Pitamaha*. We all felt proud that we were working for and under a great Speaker and one who was among the

galaxy of great men the country was fortunate to have had at that time of her history.

Dada Saheb insisted upon "an independent Secretariat for Parliament" for the simple reason, he said,, "that the Speaker, as representative and head of the Legislature, must have the help and advice of people who do not feel themselves suppressed because of the powers of the executive government, who will give advice and put through the work irrespective of frowns and favours." He said:

"If my Secretary were to advise me on the admissibility of a question or the admissibility of a motion keeping in view as to what the Prime Minister will think of his advice, I think the purpose of having an independent Secretariat is lost. Our business is to uphold democracy."

The *Mool Mantra* that Dada Saheb gave to all of us and that permeated, in a very real sense, all our working and thinking in those formative days was that of not being influenced by any considerations of fear or favour. To all new entrants to the service of Parliament Secretariat he simply advised adherence to principles of freedom, faith, objectivity and speed:

- (i) Think and act freely without fear or favour,
- (ii) Have faith and confidence in your colleagues — delegate and assume responsibility at every level,
- (iii) Be objective and non-partisan — amidst politicians and politics but above all party and political considerations,
- (iv) Be quick in disposal, do not delay, do not pass the buck or toss the files, take responsibility and decide; in parliamentary work delay is inexcusable and time factor is often the most important.

It is these cardinal principles which laid the foundations of an independent and efficient Secretariat of Parliament and developed a distinct culture for parliamentary officials quite different from the culture of the executive bureaucracy.

Despite a rather tough exterior, Dada Saheb was a warm-hearted man. While speaking at the Silver Jubilee

celebrations of the Secretariat, he assured all the officers and staff that every employee of the Secretariat was his colleague and every merit that he had and every credit that was given to him actually belonged to the Secretariat. I remember, once sometime in 1955, I put up for information copies of some research brochures on which I had worked and advance printed copies of which had just then arrived. The file went up the hierarchy. The then Secretary, Shri Kaul marked it to the Hon'ble Speaker. It came back on my seat the same day with some very kind words of appreciation and encouragement. I knew I had received the blessings from the *Pitamaha*, Dada Sahab.

Dada Sahab was very anxious to provide to members maximum possible facilities to work and to become effective parliamentarians. He realised very early that information — full, objective and prompt information — was an essential pre-requisite for the successful functioning of any parliamentarian. He therefore set up a Research and Reference Service and strengthened the Parliament Library. He had ambitious plans for the Library and as early as during the first Lok Sabha period, he was convinced of the need of a separate Parliament Library Building. I can recall a meeting in the Speaker's Chamber held to discuss the matter. It is another matter and one of pity and sorrow that the dream of Dada Sahab regarding the Parliament Library Building has not been realised even after over three decades and despite several efforts made in the direction.

I have some vivid impressions also of the conduct of the proceedings of the House by Dada Sahab. He was a great disciplinarian and insisted upon the House functioning with the highest standards of dignity and decorum and the members from all sides of the House complying with the rules and regulations, conventions and precedents. In a House which consisted of great stalwarts both on the Government and Opposition benches and some very distinguished and difficult members, he could stand no nonsense. No one — Minister or other member — could walk up to the Speaker's Chair to have a word with him or the like. They could meet him only in his Chamber. In the House, if they had something to say they had to do so through officers at the Table to whom they could talk or send chits. No member could be seen walking between the Chair and a member speaking at the time. No shouting,

yelling, reading of newspapers, talking among themselves or otherwise disturbing the House by indecorous behaviour could be tolerated. In the best tradition of British Speakers Dada Saheb, spoke very little in the House. He sat in the Chair with a quiet dignity and some majesty about him. His demeanour inspired a sense of awe and commanded instant respect. Whenever he opened his mouth, he was heard in silence and obeyed. When he called "Order, Order" in his firm voice, it was like falling of a heavy hammer and dead silence descended on the House. It was inconceivable that any member would remain standing/or speaking after he had signalled them to stop and take their seats or when he himself stood up. To an occasional recalcitrant member who disturbed the orderly proceedings or continued to stand or speak, one stern look from the Speaker was enough to send waves of admonishment and obtain immediate compliance of the Chair's wishes. When the Speaker stood up, it was the ultimate signal for all others to sit down and to listen to the Chair in silence and with reverence. On his part, Dada Saheb had a mastery over the rules and procedures. He listened to various points of view and then made up his mind and gave his decision. Once he did that, nothing could change his stand. He did not allow his ruling to be questioned or discussed directly or indirectly. It was extremely rarely that Dada Saheb was seen on his legs in the House. It was hardly needed. Those were times very different.

Speaker Mavalankar was very particular to impress upon the Ministers that it was in their own interest and in the interests of the Government to respect the parliamentary procedures and practices and rules and conventions and never to forget that the Ministers themselves were first Members of Parliament, part of Parliament subordinate to Parliament and answerable to Parliament.

On principles, Dada Saheb could measure swords and afford to disagree with the mightiest and the greatest. He could refuse to allow Prime Minister Nehru to make a second statement in the House the same day as it was then not permissible under the rules. He could join issues with the Prime Minister in the matter of issue of Ordinances and question the desirability of agreeing to the prorogation of the House merely because Government wanted to

issue some Ordinances. When it came to the rights and prestige of the House *vis-a-vis* the other house in a privilege matter he could firmly disagree with the views of the Prime Minister expressed on the floor of the House and establish a convention for dealing with matters involving members of one House in cases of alleged breach of privilege of the other House. The convention lasts to this day and is followed.

And, yet the Speaker alone could do little if there was not at the helm of the government and as the Leader of the House the great democrat and respecter of institutions and parliamentary traditions, Jawaharlal Nehru who was quick to remind the Speaker himself how to retain the dignity of his office *vis-a-vis* the Prime Minister. Although they often met socially, Dada Saheb as Speaker scrupulously avoided calling on the Prime Minister. And, once when the Speaker wanted time to see the Prime Minister, it was the latter who reminded Dada Saheb that when the Hon'ble Speaker wants to see the Prime Minister, it is for the Prime Minister to go to the Speaker's Chamber and see him there after finding out *his* convenience. This is the stuff of which greatness is made, this is how parliamentary history is made and how great traditions are built.



# Speaker Mavalankar : An Appreciation

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– Professor N.G. Ranga\*

Speaker G.V. Mavalankar is acknowledged to be the Father of the Lok Sabha and one of the best Speakers we have had, whether in the State Legislatures or in the Lok Sabha. He was the personification of quiet dignity, coming into any circle with all smiles and innate self-confidence. He looked the part in every moment of his benign visage.

It is interesting to recall how he came to be chosen as the Speaker of the then Central Legislative Assembly. The British Government knew how strong, yet upright, a Speaker he had been in the Bombay Legislative Assembly but they did not want the Congress to win in that key election; especially soon after the epochal 1942 Quit India Movement. They also knew their advantages in the Central Legislative Assembly with Jinnah's League thirsting for the blood of the Congress and they had their nominated members also. So, they backed Jinnah's candidate. But, Sardar Patel did not like to give up the fight. He came to Delhi to use his good

\* Professor Ranga is the oldest member of Parliament (88 years). He is the longest serving member having completed more than 50 years' service as a parliamentarian. Also a former Chairman of the Public Accounts Committee.

offices and wanted us to risk the chance. Sarat Chandra Bose was our leader. We escaped defeat by the skin of our teeth. We owed our success to the support given by the Maharaj Kumar of Vizianagaram (Andhra) and to the brave neutrality of Himmat Singji of Navanagar. From the moment he became the Speaker, Shri Mavalankar, who was not till then known to be such an eloquent orator, proved to be the most successful Speaker. Even when he had to give a ruling against the British Government, he did it so gracefully and cushioned it by such choice expressions of decorum and precedent that it went well with the vanquished.

Shri Mavalankar took his Speakership of the Provisional Parliament entirely as a parliamentary mission and was bent upon building healthy conventions to strengthen the private members' rights, control and chasten all too easy proneness of the government to assume too much power, and also helping the ministry to state their case freely, fully and effectively. He was bent upon making the Parliament an efficient and effective critic of the government, a custodian of public interests and a powerful and *dharmic* wielder of parliamentary authority over ministers and the ministries.

He knew the weaknesses of the twentieth century British House of Commons and wanted to help our Parliament to avoid those weaknesses. It was a heroic fight for him, but he loved it to chasten members on one side and control the ministers on the other. It was because of this influence that he succeeded in establishing the powerful Estimates Committee with its non-official chairman and the convention has thus grown of having non-official chairmen for most of the Joint Select Committees. Shri Mavalankar realised that in a Parliament with a very weak Opposition, the well-known parliamentary weapons of "vote of no-confidence" and "Adjournment Motions" could not be so freely or usefully utilised. So, he adapted to our conditions the French device of "Interpellations" and the British device of "Asking for papers", thus introducing Half-an-Hour and Short Duration Discussions on important questions.

He used to tell us quite often how essential it was in the national democratic interests, for Parliament to learn to place any minister, however great he may be, in his place, properly chastened, and made fully conscious of his subordination to Parliament. He was so discreet and decent that he never gave any indication of a private

smile of satisfaction when he scored a triumph over any intransigent minister. For, he knew the triumph was that of the Parliament. After he became the Speaker of Lok Sabha, I could hear about his great and numerous triumphs only from other members and through the Press as I was a member of the Rajya Sabha between 1952-56. I was, however, privileged to have many discussions with him, while we were together on the Indian Parliamentary Delegation to the Commonwealth Parliamentary Conference held at Ottawa in 1952. He used to say that Parliament should become a business-like and disciplined institution; that members should learn to study more assiduously and aid, guide and control ministers and look upon the Parliamentary work as one of the most essential national responsibilities.

On seeing how the Parliamentary Chambers of every state in the U.S.A. and Canada were decorated with pictures, paintings, and frescoes of glorious events in their respective history, Speaker Mavalankar and myself wanted our Parliament too to be similarly decorated. And he did quite a lot in this direction on his return.

He found many conveniences and facilities provided to members of Parliament in the U.S.A. and Canada, such as adequate salaries, daily allowances, office-rooms, stationery, free railway passage and secretarial assistance and even pensions. Shri Mavalankar was keen to provide similar facilities to our MPs too, consistent, of course, with our comparatively poorer conditions.

He very much wanted MPs to study public problems diligently and use all the privileges and powers bestowed on them quite scrupulously in order to promote public interest and to strengthen the masses in their attempt to gain the ear of the administration. For this purpose he desired that MPs and MLAs who were the best public servants, should be given maximum facilities to discharge their duties.

Shri Mavalankar's affection for members of Parliament was proverbial. He had a soft corner in his heart for me. When I failed to get elected to the first Lok Sabha, I promptly sent in my resignation from the membership of Provisional Parliament, even though I could have continued as a member until the new Lok Sabha assembled. Many members who had similarly lost in that election continued to attend the Provisional Parliament. Shri Mavalankar

wrote an affectionate letter to me in which he deprecated my unnecessary resignation and assured me of the Parliament's regard for my services. And to show his affection and sense of recognition of my parliamentary services, he chose me for the Indian Parliamentary Delegation which attended the Commonwealth Parliamentary Conference held at Ottawa in 1952, although I was then in the Opposition and in the Rajya Sabha. What is more, he further asked me to lead India's delegation on the most important discussions at Ottawa on "Foreign Affairs". This showed the catholicity of his conception of patriotism and its votaries, whether they belonged to the party in power or the Opposition. I felt certainly very grateful to him, because such display of Gandhian affection has not yet become a general feature of our public life. We realised later that his choice had proved to be very wise, for when the head of the Australian delegation accused India of having been indifferent to Opposition parties like several other democratic countries, I was able to spring a surprise on him by saying that our very presence in the Indian delegation countered his accusation. When later I sponsored India's case for non-involvement in international rivalries and politics, coming as it did from a leader of the Indian Parliamentary Opposition, it carried great weight with the conference.

It is not generally known what a great impression Shri Mavalankar used to create in international conferences. A piquant situation arose at the Ottawa Conference, when the representatives of Pakistan raised, contrary to all rules of decency and decorum, the Kashmir and the Punjab Water disputes, while we were discussing South Africa's Malan Regime. Shri Mavalankar rose to intervene in that debate; we raised the level of outlook of the Conference so high and dealt with Pakistan's and Commonwealth's responsibilities so magnanimously that the whole Conference regretted Pakistan's uncalled for intervention. My interpretation of India's foreign policy as one of "non-involvement" as between the two great rival blocs came in for repeated and unfriendly comments from different delegations, but Shri Mavalankar stood by me like a rock and his determined but smiling support made others realise the seriousness of India's decision.

Mavalankar's public activities were not confined to Parliament alone. He set an example to ordinary MPs by his scrupulous devotion to extra-parliamentary but non-partisan duties.

Mavalankar's contribution to the Kasturba Fund and the Gandhi National Memorial Fund is unique, in that he displayed truly Gandhian attention to democratic decisions, scrupulous use of every rupee to the best purpose and the choice of the most acceptable public workers as their agents. He died of a heart-attack during his tour of the Andhra, undertaken in connection with collection of these funds. While Parliament chose him as the Speaker, Bapu had chosen him for the Kasturba Fund and Sardar Patel had chosen him for the Gandhi Fund. He was such a trusted colleague of both Bapu and the Sardar. As an evidence of his happy relations with the late Prime Minister Nehru, Panditji's eloquent obituary tribute is on the records of Lok Sabha.

Shri Mavalankar did not succumb to the then general temptation of seeking opportunities to meet the Prime Minister. He never met him officially as the Speaker, though they used to meet each other in social functions. Thus has grown a convention that the Speaker does not meet the Prime Minister as such on any question pertaining to parliamentary work. I do not know if such a convention prevails in England. Even when some piquant situations arose regarding the procedural questions as between the Constituent Assembly and the Provisional Parliament, they were sorted out as between their respective secretaries Shri H.V.R. Ayyangar and Shri M.N. Kaul. Jawaharlalji could only use his good offices.

The present-day Lok Sabha is very much different from that of Mavalankar's time. He would have been surprised by what now happens during the "Zero Hour". Mavalankar had no need to suspend the sittings of Lok Sabha even for an hour. Public issues falling within the purview of the State list of responsibilities were not allowed to be raised in his Lok Sabha. Now-a-days privilege motions against ministers and MPs threaten to become the order of the day and walk-outs are too frequent.

Sometimes I am a witness, sitting as I do in the central bench facing the Speaker, to both the Speaker and MPs continuing to exchange remarks with each other. All this cacophony display comes within the so-called Zero Hour.. It depends upon the patience

and humour of the Speaker as to how long it continues. Often the Speaker gets exasperated by the noise or tempers from some or all sides and calls upon the ministers to begin to place their papers on the Table of the House and thus ends this Zeroism.

What are the topics indicated by MPs. during this Zero Hour? The news items in daily papers lead the MPs. At one time they were sought to be raised as 'Adjournment Motions', duly notified, properly argued as to their public importance and the Speaker's decisions used to be final. Now, in the noise and din of Zero Hour does the Press know what all topics are sought to be raised? Does any MP care if any other MP of his own party is also on his feet, indicating the same topic or something else? They have to take special trouble – contact later the pressmen and indicate what they have tried to highlight in the House. Much of this confusion can be avoided.

The guidance of the Speaker is necessary to enable peaceful and meaningful deliberations and decisions to be achieved democratically. The smooth functioning of our legislatures depends upon the degree of self-discipline and sense of responsibility that our legislators are able to display to ensure free and fearless debate and our parliamentary progress.

May I repeat the appeal that I made in 1988 during their Golden Jubilee Celebrations to the Maharashtra MLAs over whose Assembly that doyen of Speakers, Shri G.V. Mavalankar presided over half a century ago? Let us not convert legislatures into round thanas or contests between disorderly legislators and Marshalls. Let not our legislators become sleeping partners or absentees or mere voting machines. Let them listen to and learn from debates, enrich discussions and reflect people's needs, feelings and sufferings with a sense of tolerance. Let legislatures be enabled to serve as educative arenas and champion exponents of people's creative and constructive thoughts. May Mavalankar's spirit of tolerance and persuasive and good-humoured debates enrich our parliamentary democracy.

## **G.V. Mavalankar : A Tribute**

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**- Satyendra Narayan Sinha\***

Mahatma Gandhi called him "baby", a term of affection. Jawaharlal Nehru described him as the "Father of the Lok Sabha". Ganesh Vasudev Mavalankar was both the child of the freedom movement and the father of the great traditions of parliamentary democracy.

It was the discipline and dedication of four decades of work in the independence movement which brought G.V. Mavalankar to the Central Legislature in 1946. He was elected as the President of the Central Assembly in 1946 and continued in that capacity until August, 1947. In November 1947, he was elected Speaker of the Constituent Assembly (Legislative). With the coming into force of the Constitution in January, 1950, he became the Speaker of the Provisional Parliament. After the general elections in 1952, he was elected as the Speaker of Lok Sabha; and he held that office till his death in 1956. Thus for a period of about ten years, he presided over the legislative bodies at the Centre.

The qualities of discipline and dedication, which he had acquired as the soldier of the freedom movement under the Mahatma,

\* Shri Sinha is a senior member of Parliament and a former Chairman of the Estimates Committee of Lok Sabha.

shone through his career as the presiding officer of the Lok Sabha. He joined the freedom movement in 1919 and three years later gave up his lucrative legal practice to dedicate himself fully to the national struggle. He participated in each of the action programmes laid down by the Mahatma and went to jail in 1930, 1933, 1940, 1942, etc. In between he presided over the Ahmedabad Municipality, undertook extensive social work and was Speaker of the Bombay Provincial Assembly.

His epochal contribution, however, was his role as the first Speaker of the Lok Sabha. This task was cut out for him when he was elected as the Speaker of the Constituent Assembly (Legislative) in 1947. He saw the soul of democracy lay in "free, frank and impersonal discussion" of every question, "viewed from the point of view of the betterment of the conditions of the masses and with an international outlook on world peace."

Mavalankar was quick to recognise that the Lok Sabha, representing the will of the people had a role different from the earlier Assemblies whose main purpose was to secure independence. He stressed this change of role when he became the Speaker of the Lok Sabha. Pointing out that the "very fact of the end of the foreign rule" had brought to the forefront vast differences in ideologies, Mavalankar urged his colleagues in the House to go by the essentials of parliamentary debate. "Every Member has the fullest liberty to express his own views, remembering that every other Member has the same liberty", he pointed out. He called for an atmosphere of "sportsmanship" mutual goodwill, and respect" which would be the essential condition for the debates to be useful. Today, four decades later, one wonders whether these observations are in anyway less relevant when sometimes emotion takes over reason in the proceedings of the Lok Sabha and the House comes to be adjourned because the business cannot be transacted due to the turbulence of disaffection.

Right from the beginning, Mavalankar stressed the importance of conventions. Members must have a "disciplined mind which will respect, not only rules and regulations, but also the innumerable conventions of parliamentary debates, everyone of which cannot be the subject of a rule or regulation," he said. While respecting the conventions and regulations of the British House of Commons,



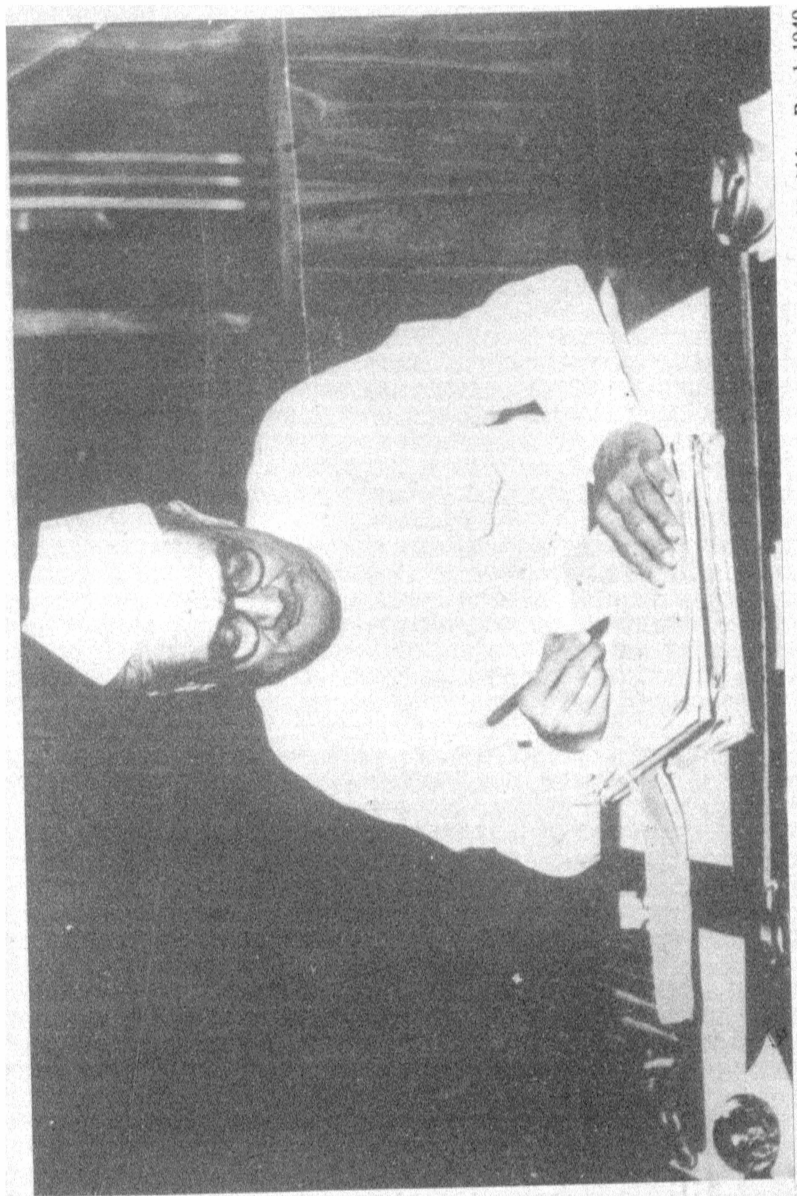
Mavalankar was careful enough to stress that we would have to evolve our own also. About the British parliamentary conventions, Mavalankar felt that "to the extent they deal with general human nature" they would be useful as precedents, but the other British conventions would have to be viewed differently: "It will be up to us to evolve our conventions and forms in the background of our national character, genius, history and culture."

Much of the respect that he earned as the first Speaker of the Lok Sabha was due to the conventions he helped evolve while presiding over the House. He spoke the least and yet, one look from him often was enough to silence an errant Member; and in this Pandit Jawaharlal Nehru also helped and between them the firm foundations of parliamentary democracy were laid in those troubled initial years.

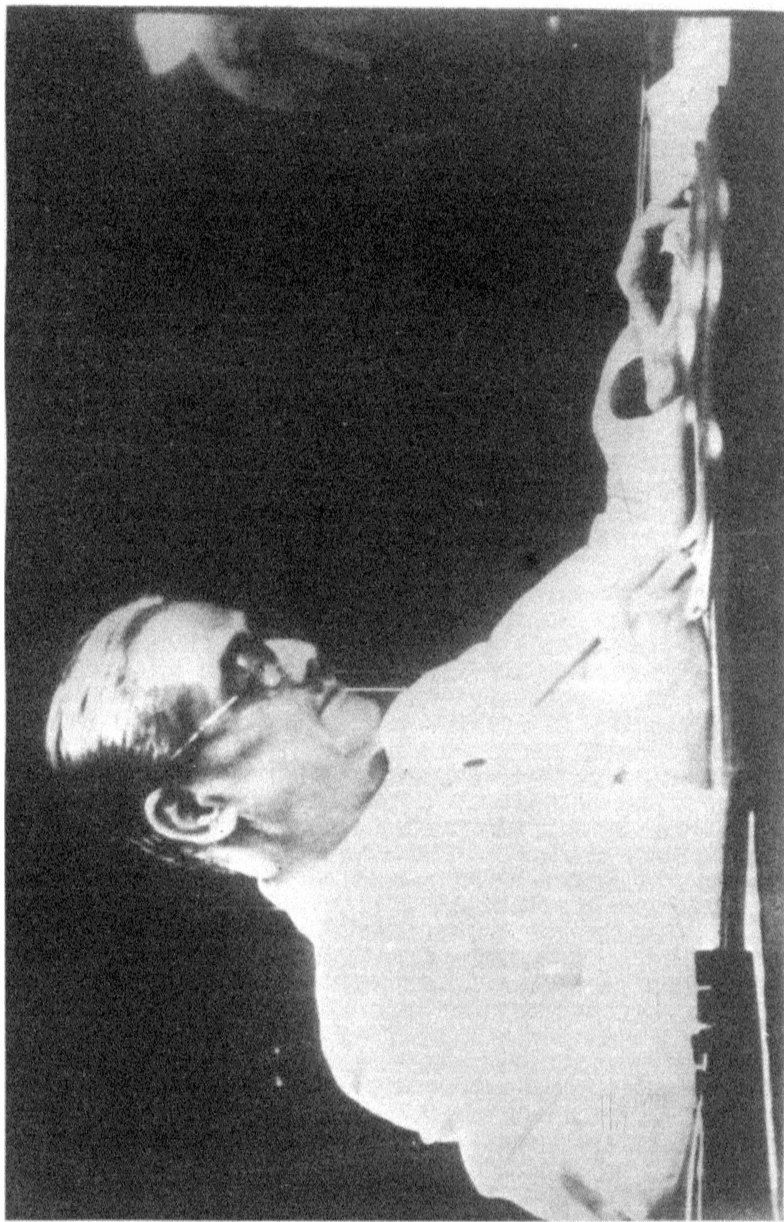
Mavalankar wanted the Congress Party to respect the tradition that the incumbent Speaker should be assured that his parliamentary seat would be his as a matter of tradition. This would free him from any anxiety whether he would get the party ticket for the next election and enable him to perform his duties with undivided attention. He was also careful to ensure that the Legislature Secretariat was built up as an independent institution under the Speaker. He even went to the extent of opposing late night sessions pointing out that this meant a great strain on the Secretariat which was not justified. He also saw to it that the practice of making a minister the Chairman of the Estimates Committee in the State Legislatures was abolished in favour of one of the members being made the Chairman. The system of Parliamentary Committees to oversee the functioning of the government, owes much to his leadership in the initial years of our Parliament.

The most important characteristics of this great personality were his independence, courage and faith in himself which helped him establish the great traditions of Speakership. Once he came to know that certain questions asked by an Opposition member were being delayed inordinately because they related to some suspicious deals of a cabinet minister; he made a public declaration of this and that was enough to end this practice. He thus secured for the member his right to get an answer to a question however embarrassing it might have been to the government. For the Speakers to follow him

in this great tradition, Mavalankar has laid down the law. In his own words, "the success of parliamentary democracy depends not only on the impartiality of the presiding officer — the Speaker— but also on his courage and indifference to the favours and frowns of the executive government." In that one sentence, is a code of conduct for an institution he himself did much to raise in public esteem.



Shri G.V. Mavalankar at work at his official residence 20, Akbar Road, 1940.



Shri G.V. Mavalankar working at his desk in the Speaker's Chamber,  
Parliament House.



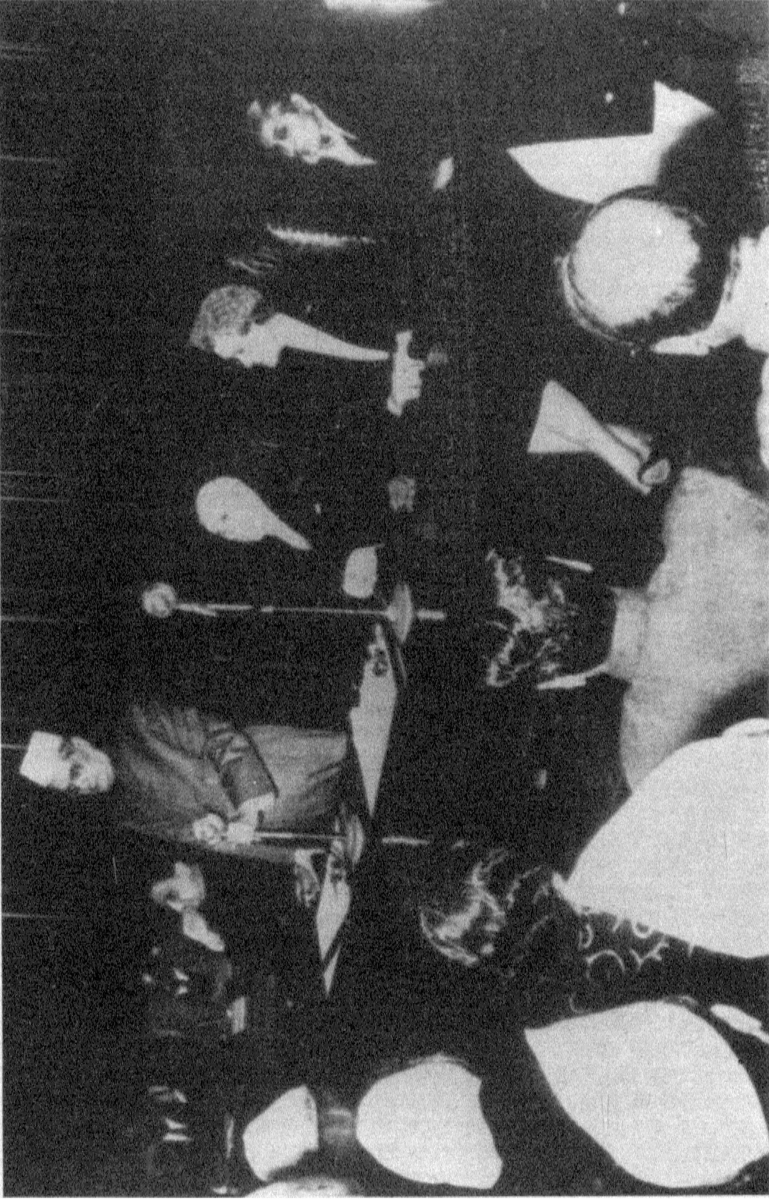
Shri G.V. Mavalankar with Prime Minister Nehru at the All India Military and Rifles Training Association Meeting in New Delhi.



Shri G.V. Mavalankar with Dr. Radhakrishnan and Mrs. Mavalankar.

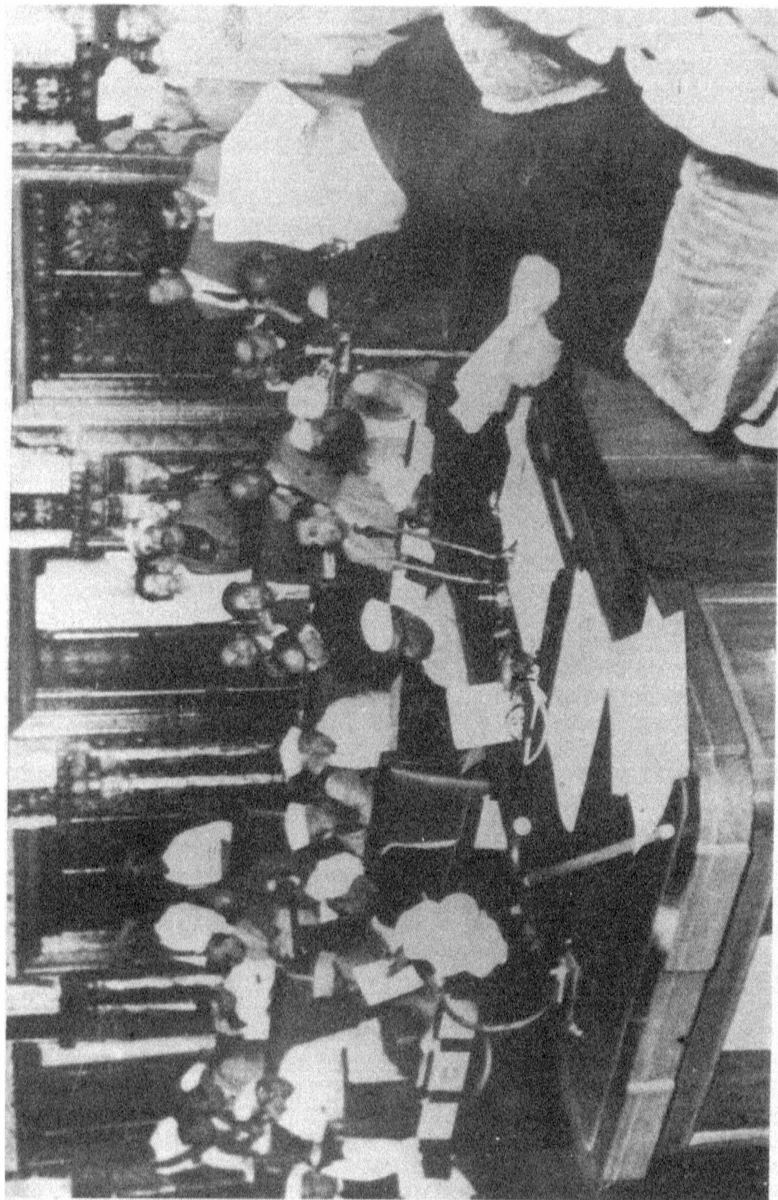


Shri G.V. Mavalankar on the occasion of a foundation stone laying ceremony at Kapadwanj Railway Station in Gujarat.

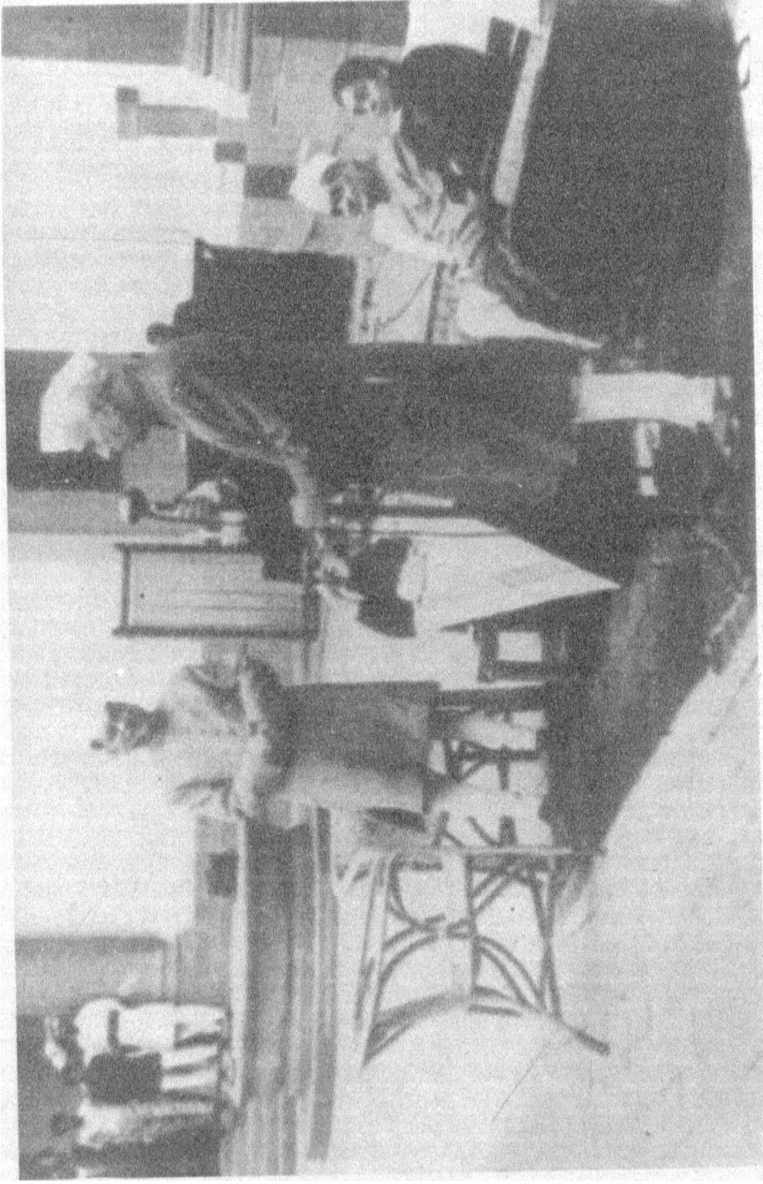


Shri G.V. Mavalankar welcoming Lord and Lady Stansgate, formerly Col. Wedgewood Benn, Labour M.P. who visited India in his capacity as President of the Inter-Parliamentary Union, November 1955.





Presiding Officers' Conference at Srinagar in Session, June, 1954.



Prime Minister Nehru felicitating Shri Mavalankar at a function in Parliament House. Also seen in the picture are Shri Satyanarayan Sinha, Maulana Azad and Mrs. Mavalankar.

## **G.V. Mavalankar : First Speaker of Independent India**

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- Frank Anthony\*

I am glad to contribute this article to the brochure to mark the birth centenary of the late Speaker Shri Ganesh Vasudev Mavalankar. I am perhaps among the few, if any, members of the Lok Sabha whose membership of the Central Legislature covered the whole period of Dada Saheb (as he was known) as the Presiding Officer. I was a member of the Central Legislative Assembly (as it was then known) from 1942 ; that was in the pre-Independence days.

### **Distinguished Versatile Career**

If I may elaborate from my personal experience of Mavalankarji's distinguished stewardship, he had a most distinguished and versatile career. He was for many years a distinguished lawyer. He had a long devoted tenure of membership of the Ahmedabad Municipality from 1919 till he became its President in 1930. He continued to be the President of the Ahmedabad Municipality till November, 1933; and was again elected President of

\* Shri Anthony is a senior member of Parliament having the largest tenure of service in Lok Sabha.

the Municipality for 1935-36. He was elected Speaker of the Bombay Assembly in July, 1937, and he held that office till 1940. In 1946, he became President of the Central Legislative Assembly. During the period before he became Speaker at the Centre, he played a versatile and often decisive role in educational and social activities.

Mavalankarji was elected as President of the Central Legislative Assembly on 24 January, 1946. He continued in that post until August, 1947 when India became independent. In November, 1947 he was elected Speaker of the Constituent Assembly (Legislative), when for the first time the designation 'Speaker' was used : thus he was the first Speaker of the Indian Parliament. In 1950 he became the Speaker of the Provisional Parliament which lasted until the general elections of 1952. On 15 May, 1952, he was elected as the first Speaker of the House of the People (Lok Sabha), which distinguished office he held till he died prematurely on 27 February, 1956.

### **Firm Without Being Rigid**

To begin with, Mavalankarji was firm without being rigid. No member was allowed to behave, deliberately, in an indecorous manner by shouting, yelling, standing while the Speaker was on his feet. Not seldom, Mavalankarji had an incorrigibly irresponsible member removed from the House.

When he had to deal with legal matters, give rulings, he was brief but incisive and clear. Decorum, proper discipline, propriety of behaviour, not walking between the Chair and a member who was speaking, certainly not sitting in the well of the House, were the order of the day : no attempt was tolerated from a member to be wiser than the Chair with regard to rulings.

### **Highest Debating Standards**

Yet the standards of debate were relatively much higher than today. A vital practice with Mavalankarji was to call a speaker not by rote or any mechanical formula according to the number of a Group that he may belong to. From the Opposition he called, unerringly, a member whom he considered well-acquainted with the subject of the debate and who would give tone and calibre to the

debate. Very often, although nominated and Independent, I was called as the first speaker from the Opposition. I remember, vividly, Mavalankarji calling an Independent sitting in one of the back rows of the Opposition (I think his name was Patnaik) who showed depth and knowledge in defence matters.

I always sat as an Independent, although nominated, and for many years in the front row, because I drew my strength from my basic elective capacity as the elected President-in-Chief of the All-India Anglo-Indian Association which was and is par excellence the only organised body, with a network of branches throughout the country, and which can and does speak for the Anglo-Indian Community as a whole. Although I was nominated, often on Government resolutions, when I was convinced, I spoke and voted against the Government.

### Commonwealth Conference

Another matter stands engraved in my memory. Mavalankarji called me to his chamber and informed me that he was considering naming me as one of the leading members of the Indian delegation to the Commonwealth Conference to be held in Britain in 1948. What stands out particularly in my memory is that he asked me a rather personal question. He asked how I would dress? I replied that I felt I was one of the best dressed members of the House, but I dressed as an Anglo-Indian. Then he put to me a specific question whether for a special official function I would wear a buttoned-up coat. I replied that I did not have such a coat : that for ordinary functions I would wear a suit with a tie and for official functions I would wear my dress-suit with a bow. He was satisfied, showing that he had no misconceived sectarian prejudices.

### Letter to His Son

Writing to his son, Purushottam Ganesh Mavalankar on 4 December, 1987, among other things I said, "As the seniormost member of the Lok Sabha, today, in terms of the longest uninterrupted tenure, I had the good fortune to be a member during your father's distinguished tenure. I recall by way of comparison, much to your father's tremendous advantage, the

development of parliamentary institutions during his tenure and during the period of many of his successors."

The son, after his father's distinguished stewardship, was elected as an Independent to the Lok Sabha : he proved an articulate, highly respected member of the House.

## **G.V. Mavalankar : His Work and Ideals**

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**- D. Basumatari\***

On the occasion of his birth centenary, I pay my tributes to the memory of Shri Ganesh Vasudev Mavalankar, a great son of India. Mavalankarji, also called with respect as Dada Saheb, was a man of principle and quality who always searched for truth. He said, "Truth is God. Therefore, follow what you believe to be true. Let your conscience be your guide." To relieve humanity of its sufferings and ailments was the ideal which always attracted him in whatever capacity he worked.

While being in the legal profession, Mavalankarji looked upon Law as the very life breath of a civilized society. He believed that the best law is that which is based on the firm foundation of the ethical values of justice and equity. About the role of the lawyer he has said, "The Lawyer has a special responsibility to discharge within the framework of society as an agent who plays such a large part in the administrative mechanism of justice."

While practising as a lawyer at Ahmedabad, he came into contact with Mahatma Gandhi, and that proved to be a turning point in his career. Inspired by the ideals of Gandhiji, Shri Mavalankar

\* Shri Basumatari is a senior member of Parliament and a former Chairman of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

associated himself in social and political activities. He joined the Gujarat Sabha, a political organisation and became its Secretary in 1916. Contact with Mahatma Gandhi changed the course of his life. He suspended his legal practice in 1921 and was elected General Secretary of the Reception Committee of the 36th Session of the Congress held at Ahmedabad that year. Shri Mavalankar also taught as Professor of Law at the Gujarat Vidyapith started by Gandhiji.

In his capacity as the Secretary of the Gujarat Provincial Congress Committee he was associated with various fields of activities for example, spinning and weaving khadi, national education etc.

Having devoted a good number of years (1919-37) to the municipal work, he vitalized the importance of the municipality and its place in the self-governance of the country. Viewing it as fundamental in the colossal task of nation-building, he considered municipality not only as an institution for providing civic needs and amenities, but also as an educational branch to democratise the minds of citizens and to prepare them to shoulder the responsibilities of the independence and self-governance of the country. He maintained that the outlook of the administration must necessarily become the swarajist outlook, and must visualise the happiness of each individual, which means meeting the moral and material needs of one and all. He contributed his best in the field of local self-government during all the 18 years, first as member and later as President of the Ahmedabad Municipality.

Shri Mavalankar made sacrifices for the cause of India's freedom. He was jailed in 1930 and 1933 for participation in Civil Disobedience Movement. For offering individual Satyagraha, Shri Mavalankar was arrested in 1940 and kept in Sabarmati Jail. Although released in 1941, he was arrested under Defence of India Rules in August 1942. He was finally released in March 1944.

A great turning point in the career of Shri Mavalankar was when he was elected Speaker of the Bombay Legislative Assembly. His performance as Speaker in the Assembly made him the natural choice for the Presidentship of the Central Legislative Assembly in 1946. There was a great contest at the time of election but the Government candidate lost. When India became independent,



Shri Mavalankar was again elected Speaker of the Constituent Assembly (Legislative) in November 1947. Pandit Nehru congratulated him on his election by saying "You bring to us accumulated wisdom of that high office .... our guide is a true and trusted Guide." When India became a Republic in January 1950, he again became the Speaker of the Provisional Parliament and continued in that office till general elections in 1952. After the elections Shri Mavalankar again became the Speaker of the House of the People.

During his long tenure of over ten years as the Speaker, Shri Mavalankar enhanced the glory and dignity of Parliament. He was instrumental in drawing up the Rules which now govern the proceedings of the House. His farsightedness and his zeal for parliamentary control over the Executive is evident from the fact that he had fought for and convinced the then Finance Minister of the need for setting up of Parliamentary Committees, namely, the Estimates Committee and Public Accounts Committee. The Public Accounts Committee as it was set up in 1921 was not strictly a Parliamentary Committee because the Finance Member was its Chairman. The Estimates Committee was a new Committee on the pattern of the House of Commons Committee. Both these Committees became Parliamentary Committees with members elected by the House. Other Parliamentary Committees were also set up during the stewardship of Shri Mavalankar as Speaker.

Being a very disciplined and impartial Speaker, he was successful in maintaining a democratic atmosphere of cordiality and give and take in Lok Sabha which enabled him not only to discharge all his duties to the satisfaction of all sections of the House but also to feel genuine pleasure in his work. As a great parliamentarian, he always encouraged the members to apply their minds not merely to the procedural forms, but to the substance and help evolve healthy traditions. He visualized the Question Hour as an important device to ensure cordial relationship between the Legislature and the Executive and considered it to be the duty of every Presiding Officer to see that Questions are answered quickly, fully and truly. Analysing the essence of Adjournment Motion, Calling Attention and Half-an-Hour Discussion, he considered these as opportunities for members to seek information or

to ventilate their grievances or express their feelings on various matters.

Shri Mavalankar's contribution in maintaining the independence of the Lok Sabha Secretariat is also appreciable. He had great love for the staff. At the Silver Jubilee celebrations of the Secretariat in 1954 he had said : "I can assure everyone working in the Lok Sabha Secretariat that he is my colleague, and whatever the merit of the Speaker is really the merit of the Secretariat as a whole."

Mavalankarji devoted his whole life to the cause of social welfare. Analysing the circumstances of Indian society, he conceived rural areas as fundamental in any scheme of nation-building and national regeneration. As the Chairman of Gandhi Smarak Nidhi and Kasturba Gandhi Memorial Trust, he made these trusts instrumental for the welfare and education of women and children, upliftment of Harijans and the development of Gram Udyog.

Shri Mavalankar was known throughout the world for his contribution to parliamentary democracy in India. He led parliamentary delegations to the Commonwealth Parliamentary Conference in U.K. and Canada in 1948 and 1952, respectively. He also attended the opening of the new British House of Commons and the Commonwealth Speakers' Conference held in London in 1950. In 1953 he attended the coronation of Queen Elizabeth II. He was due to attend the Commonwealth Parliamentary Conference at Jamaica in the beginning of January 1956, but under medical advice he had dropped the idea. However, his election as the Chairman of the General Council of the Commonwealth Parliamentary Association in January 1956 at the Conference, brought a great honour to India. It was for the first time that an Asian member was elected Chairman of the General Council in the history of the Association.

Shri Mavalankar presided over the Conferences of Presiding Officers of Legislative Bodies in India for a number of years. He helped in evolving uniform practice and procedure all over the country. He viewed the Conference of Presiding Officers as an opportunity to discuss various problems of democracy and to compare notes and exchange views. He tried to make it a forum to evolve conventions and traditions best suited to develop democracy in India through common thought and discussion. To

quote him : "These conferences give us an opportunity of personal contacts for comradeship in the service of our country and will go a great way in enabling us, therefore, to discharge our responsibilities more efficiently."

On 27 February, 1956 this great son of India passed away. Shri Mavalankar was so highly respected that while paying homage to his memory on the same day in Lok Sabha, Pandit Nehru said that he was not only the first Speaker but also the Father of Lok Sabha and his name would be associated with the Lok Sabha and Parliament "for long time to come as the person who gave it shape and direction and gave it the stamp and impress of his personality."

## **Dada Saheb Mavalankar**

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– S.L. Shakhder\*

Shri G.V. Mavalankar, the first Speaker of Lok Sabha, was a multifaceted personality. He was not only a man par excellence but a successful advocate, eminent parliamentarian, politician and a great Speaker. With a keen judicial mind, he took immense interest in every proposal that was placed before him and, if convinced, gave his unstinted support in putting it through, which resulted in a lot of improvement and changes in procedure in a very short time with effortless ease. His was a unique way of dealing with people. Possessed with a keen desire to see the building of a new India of his dreams, he devoted his entire life to the service of society.

When the Constituent Assembly was deliberating over the new Constitution, Nehru, Patel and Dr. Ambedkar kept in close touch with Mr. Speaker Mavalankar and respected his advice on provisions relating to Parliament. Dada Saheb, together with Shri M.N. Kaul, the then Secretary of the Constituent Assembly (Legislative),

\* Shri Shakhder is a former Secretary-General of Lok Sabha; a former Chief Election Commissioner; and Honorary Officer of Lok Sabha.

suggested provisions relating to President's Addresses, Ordinances, Presiding Officers, Secretariat of Parliament, Privileges of Parliament, financial provisions such as taxation and appropriations by authority of Parliament and law and other related provisions. The Drafting Committee of the Constituent Assembly accepted all these proposals and the Constituent Assembly approved them. These form an important part of our Constitution today.

Speaker Mavalankar, who had the distinction of presiding over India's House of the People (Lok Sabha) in the initial years was a great Speaker, a born Speaker, in the words of Pandit Nehru. There was no doubt about his basic uprightness and impartiality. He was precise in his rulings and would insist on correct procedures. He wore the vestments of parliamentary propriety and there was always something in his words which indicated a fundamental seriousness and a passion for the correct working of the parliamentary process. Pandit Nehru was ever conscious of the fact that a sound parliamentary system could be successful and enduring only if the Speaker was a person of integrity and vision. We were fortunate that he chose Shri G.V. Mavalankar as the first Speaker of Lok Sabha. Pandit Nehru was sure of the skill and integrity of Shri Mavalankar who could hold the correct balance between the ruling and the opposition parties to enable the House to function efficiently and in the interests of the people whom it represented. During the formative period of India's emergence as an independent nation Mr. Speaker Mavalankar gave shape to many conventions of parliamentary democracy. During his Speakership, proceedings of the House got stabilised and functioning of the House became smooth and orderly.

Shri G.V. Mavalankar never hesitated where parliamentary forms were concerned e.g. a case of a breach of privilege of one House by a member of the other House. Shri N.C. Chatterjee, a member of Lok Sabha, had once allegedly used some derogatory words against a member of Rajya Sabha in a speech in Simla. The Chairman, Rajya Sabha, issued him a contempt notice, which later formed part of privilege proceedings in the Lok Sabha. Prime Minister Nehru suggested in the House that the erring member should apologise to the Chairman of the other House and the matter be closed. The members of the House were agitated and Mr. Speaker Mavalankar was called upon to give a ruling in a tension ridden

House. Any weak Presiding Officer would have accepted the suggestion of the Prime Minister as a way out of the impasse but not Mr. Speaker Mavalankar. He gave an extempore ruling immediately that he would not advise the member to apologise since that would mean submitting Lok Sabha to the jurisdiction of the other House and, as head of Lok Sabha, he would never do so. Later on, the Speaker's stand was considered right by Pandit Nehru. Mr. Speaker Mavalankar set up healthy precedents and we have now a firm procedure to settle all these disputes on clearly laid down guidelines.

I do not know to what greater heights he would have risen had nature placed him in an executive position. Dada Saheb, as he was affectionately called, knew, as an administrator, how to delegate authority and to refrain from interfering with the discretion of his juniors. During his tenure of Speakership, he never recommended a single person for appointment. He always reposed abundant confidence in his advisers and gave expression to it publicly. The influence of his personality permeated through the entire Secretariat in as much as no one at any level ever thought of doing anything below standard. Everyone felt mortified as to how he would look in case his action was judged by Dada Saheb to be wrong. He thus inspired respect and awe by his conduct and character and inculcated a sense of fairness, discipline and objectivity in every one with whom he came into contact. The result was a high sense of devotion to duty and a high degree of efficiency in the whole Secretariat. Dada Saheb himself always did his work quickly and no matters ever remained pending with him for more than a day. His was an objective approach so that he never thought that he was unerring or infallible. He argued, listened patiently and changed his mind but only if he was convinced that it was the right thing to do.

He was a great advocate of decentralized administration and considered it to be the very foundation of nation building. He often said that it was necessary that a Central Minister should pass through a period of municipal administration and state administration so that he understood the local problems and brought about in his mind a synthesis of local needs and the Central demands. Having a clear grasp of administrative technique, its shortcomings and strong points, he opined rightly that reforms could

be introduced slowly and effectively and only, if one was master of details. One day a young person who had just been appointed a minister, discussed with him some sweeping measures which he wanted to introduce after assuming office. Dada Saheb, feeling that his was more an approach of an excited person than a cool, sober and matured one, replied : "This administrative machine has ground all the administrators in the past and no administrator has yet conquered it." Later, it came to pass that the Minister concerned far from introducing the reforms which he had in mind, became a victim of surrounding circumstances and eventually proved a total failure.

Dada Saheb was essentially a man of compromises but at the same time, he was steadfast on his fundamental principles. He could discern between a principle and a non-principle and once he had made up his mind, there was no question of shaking him off his ground. He could feel instinctively as to what line he should take in a particular matter and very often he was right. One day he wrote a letter to the Prime Minister on a burning issue and before sending it, he showed it as usual to Secretary, Lok Sabha, Shri M.N. Kaul who consulted me. We together felt strongly that the letter should either not be sent or it should be modified suitably because his line of approach was contrary to the prevailing view. We discussed the matter with him and put forth our arguments. He listened to us patiently and said he was clear in his mind that the letter should go to the Prime Minister as it was. We obeyed. Prompt came the reply from the Prime Minister that he not only approved of the line of action proposed by Dada Saheb Mavalankar but wholly agreed with it.

I recall seeing Pandit Nehru clash with Mr. Speaker Mavalankar once on the floor of the Lok Sabha when the latter firmly disallowed him from making a second statement on the same day in contravention of the then rules. Pandit Nehru bowed gracefully to the Speaker's firm ruling.

The issue of promulgation of ordinances had been a subject of telling correspondence between Mr. Speaker Mavalankar and Prime Minister Nehru. Shri Mavalankar felt acutely that in a parliamentary system laws must be made on the floor of the House and not by executive fiat. He said that the constitutional power of issuing ordinances should be exercised selectively and only

when there was really such an urgency that the matter could not wait till the next session was held. He decried the use of this power as an alternative to parliamentary power. It happened always that whenever an ordinance was issued, Mr. Speaker Mavalankar would at once write to the Prime Minister and point out that there was no urgency. Once Mr. Speaker Mavalankar was so incensed that he didn't agree to the prorogation of a session so that government may not have legal authority to issue an ordinance. This must have haunted Prime Minister Nehru, for whenever a ministry would propose an ordinance, he would return it for strict re-examination. This showed Nehru's extreme form of deference to the Speaker that he had to forego his undoubted power of promulgating an ordinance when a situation called for the issue of an ordinance. He also agreed to debate the issue in the House. The Government clearly emphasized that they and they alone were the judges of the necessity of an ordinance and the occasion when they should promulgate it. Courts too have upheld this contention. But Nehru realised that legal and enabling power is one thing and the exercise of it in a democratic way is another. He believed in the latter. Prime Minister Nehru saw the wisdom of Mr. Speaker Mavalankar in restraining the government from acting recklessly. It is these such little incidents which give strength to the system and make the institutions everlasting.

The authority of the Speaker to administer the Secretariat of the House was recognised by Pandit Nehru, from the beginning. This undiluted power of the Speaker is unique and peculiar to India unlike other countries. When the Central Legislative Assembly terminated on 15 August, 1947, the Central Assembly Department continued. An argument was developed by Dr. Rajendra Prasad, the then President of the Constituent Assembly that the Legislative Assembly Department should merge with the temporary Secretariat of the Constituent Assembly. When Shri Kaul pointed out to Pandit Nehru that if the staff of the Legislative Assembly Department was spread over, the separate entity of the Department would be broken up, Prime Minister Nehru passed orders that while the staff of the Legislative Assembly Department may work in the Constituent Assembly Secretariat, all orders issued by the President of the Constituent Assembly in this matter should be governed by the consideration that the 'entity' of the Legislative Assembly Department was not broken up. This arrangement lasted for a



short period from August to November 1947. And when the Constituent Assembly (Legislative) was formed in November 1947, the Legislative Assembly Department was named Parliament Secretariat (Provisional) until 1952 and became the nucleus of the Lok Sabha Secretariat when the first general election was held and two Houses came into being. During this early period the independent character of the Secretariat was questioned by the Home and Finance Ministries of the Central Government and they proposed that the Officers and staff of the Parliament Secretariat (Provisional) should be under the administrative control of the executive and be governed by the orders of the Central Government from time to time. Mr. Speaker Mavalankar felt that independence of the Speaker and the Legislature Secretariat was essential not only for a proper discussion, freedom of speech and free expression of opinion, but for the very existence of the legislatures as really democratic bodies. He wrote a strong minute and opined that it was derogatory of the position of the independent Parliament that its Secretariat should function under executive Government and officers of the Government. The matter went up to Sardar Patel, the then Home Minister, who, in consultation with Pandit Nehru, ordered that the independence of Parliament Secretariat shall be maintained under the authority of the Speaker. This one order helped greatly in the development of sound parliamentary system in India as the officers and staff felt free to discharge their functions unfettered by any thought of toeing the Government line. The Secretariat acted without fear or favour in establishing correct procedures and in enhancing the reputation of the Committees of Parliament, which came to play an important role in overseeing the ministries of the Government.

During the early days of independence, he had an onerous task of guiding the various Parliamentary Committees. Soon after independence, Mr. Speaker Mavalankar proposed that Public Accounts Committee which was in existence since the days of the Central Legislative Assembly under the British Government and the new financial committee called the Estimates Committee which had come into being following the suggestions of Shri Kaul and Shri Mavalankar, should function under the overall control of the Speaker so that Parliament's supremacy over the Executive was not in any doubt. Prime Minister Nehru agreed. A little later government officers began to feel the strain of independent examination by the

Committees. A few senior Secretaries of Government had represented to the Prime Minister Nehru that the Committees' examination was too much for them. After one such complaint by the then Secretary of Defence Ministry, Prime Minister Nehru spoke to Shri Ayyangar, the then Deputy Speaker and Chairman of the Estimates Committee. Shri Ayyangar took a firm line that officers of Government had no business to complain to the Prime Minister and if they had any grievance they should come to the Chairman. Prime Minister Nehru saw the point and instructed his officers accordingly. This enabled the Committees to perform their tasks without any hindrance and since then there has been perfect accord between the financial Committees and the administration.

Realising the need of adequate parliamentary control over public enterprises, Mr. Speaker Mavalankar gave an anxious thought to the matter and issued directions so as to ensure that whereas parliamentary supremacy had to be accepted, it should be so conducted that the autonomy of the undertakings was not affected and detailed examination was avoided. Later on, the Committee on Public Undertakings was established and it has worked smoothly over the years. Alongwith Prime Minister Nehru, Mr. Speaker Mavalankar also made an important contribution in the setting up of various other important Committees *viz.* Business Advisory Committee and Committee on Assurances, which led to efficient working of government *vis-a-vis* Parliament.

Rules and practices in our country give power to the Speaker to appoint Chairmen of Parliamentary Committees, to select members for parliamentary delegations and to nominate members to government committees etc. whereas in other countries such powers are normally exercised by the House which in effect means the government with the support of the ruling party or in consultation with opposition parties. Mr. Speaker Mavalankar saw the wisdom of the rules and invariably consulted Prime Minister Nehru as also the leaders of the opposition parties and groups before making appointments or nominations.

Mr. Speaker Mavalankar presided for a number of years over the annual conferences of Presiding Officers of Legislative Bodies in India. He made all his efforts to utilize these conferences for evolving not only an appropriate coordination of

parliamentary practice and procedure throughout India, but also in laying sound traditions. It was his firm belief that though the written constitution may visualise a number of contingencies, it cannot be seriously denied that it is impossible for any set of intellectuals to devise a complete code, which will be applicable to all cases at all places and for all times. It was, therefore, for the Presiding Officers of the Legislatures to so shape the written constitution with consistent conventions as to bring out the greatest benefits to the people, who are represented through legislatures. Dada Saheb's addresses to the Presiding Officers' Conferences, members of Estimates and Public Accounts Committees, Subordinate Legislation Committee, Chairmen of Committees, etc. contain a wealth of administrative truths and reflect his deep knowledge and experiences of human nature in administration.

My experience is that Dada Saheb showed abundantly in his life and actions what a true character he was and how he enriched his own life and that of others with whom he came into contact. Although his admirers and subordinates were aware of his greatness and his contribution towards the growth of the particular institution with which he was connected, he would always in all humility say "I am lucky that I have got honest men to work with, that they are giving of their best to me and that they are loyal and devoted to their duty." He was a man of will, determination and courage and inside this exterior there was a soft heart which gave expression through words of sympathy, cheer and reasonable decisions.

Dada Saheb was human in approach and a real socialist. He would talk to everyone regardless of his status in society. There was something strange in him which made him never to lose discipline, sense of proportion or respect. In 1952, I accompanied the Indian Parliamentary Delegation to the Commonwealth Parliamentary Conference in Canada, under the leadership of the late Dada Saheb Mavalankar. From there some of us went to the United States of America on a study tour. One day in Washington as we were leaving our Ambassador's house after a luncheon party some difficulty arose about the cars. There were only a few cars which could not accommodate all in the party. However, with some adjustment, every one, excepting myself, was seated. Dada Saheb, on noticing this, said to me : "Come in; sit beside me." I hesitated

for a while as I found that on the back seat, where he and Smt. Mavalankar were seated there was hardly any room for a third person and the front seats were all occupied. He understood my hesitation and said : "Don't feel embarrassed. You are one of my family and I am prepared to call you my son but for the objection of my wife and sons, who may feel worried about your share in my property." I immediately replied : "I renounce all my claim to all your riches and property and only crave for your parental affection." At this every one had a good laugh and I got a seat in between Dada Saheb and Smt. Mavalankar and we motored along. I cannot say how much this has influenced my conduct and character and approach to problems. The words were not only said but I cannot recall during the six years of my association with Dada Saheb even one occasion when he dealt with me other than as father.

*PART TWO*  
**HIS IDEAS**

**Speeches and Writings of Shri G.V. Mavalankar**

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## Heralding a New Era\*

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Honourable members, I thank you heartily for the very great honour that you have done me by electing me to this Chair and particularly by expressing confidence in me. I do feel the responsibilities of this office much more than what I would ordinarily have felt. I am conscious of my shortcomings, and your speeches have made me conscious of the heavy responsibilities. I have however, I assure you, undertaken this task in a spirit of humility and service; and, now I can say, in the confident hope of the co-operation of every member of this House, the task before us is indeed Himalayan. We are, as has been said by our Premier, on the threshold of a new regime and the way in which we proceed to mould the destinies of this province is sure to have far-reaching consequences for the future. As has been pointed out by one of the speakers, we are the first Assembly under the new constitution and if we are likely to be looked upon, in future, to be in a historic position, it is, to my mind, as well for us to remember that our responsibilities are also correspondingly heavy. With the decision of that great national assembly, the Congress, to accept office, the country is expectant of a new era of hope, of a change in the outlook, system and traditions of the Government. In fact, I am very glad that so many speakers have referred to that expectation, and it will be for us all to lead to the fulfilment of the popular

\* On election as Speaker of the Bombay Legislative Assembly, 21 July, 1937.

expectations. I need hardly assure you that as the Speaker is a non-party man, I shall continue to be a non-party man and administer the rules and regulations with strict impartiality irrespective of any party or personal considerations.

## Conferences of Presiding Officers : Nature and Role\*

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You are all probably aware that the meetings of this Conference of the Presiding Officers of the provincial legislatures began under the presidentship of the Honourable Sir Frederick Whyte in September, 1921, and, thereafter, there have been sessions of the Conference under the distinguished presidentships of the late Mr. V.J. Patel and his successors.

The object of the Conference, as stated in a Resolution thereof in December, 1923, was to secure "the appropriate coordination of Parliamentary procedure throughout India." The idea originally emanated from the late Lord Montagu who took much interest in the establishment of Parliamentary institutions in this country.

A quarter of a century has elapsed since the presiding authorities of all the Indian Legislatures began to meet in Conference. There have been, during this long period, very revolutionary changes in the outlook about the functions of Government, and, therefore, about the substance and the spirit of Parliamentary procedure also, though the changes in the forms of the procedure may not have been so fundamental. It is impossible for the

\* At the Conference of Presiding Officers of Legislative Bodies, New Delhi, 7 January, 1947.



Indian Legislatures to escape the influence of the trend of events, notwithstanding the historical, political, and constitutional limitations, within which they have been functioning.

The First Conference, presided over by a nominated President, became from 1926 onwards a Conference of elected Presidents. In mentioning this, I mean no disparagement to the distinguished men who occupied the presidential chairs prior to the Conference of 1926. My only point is that the Conference of elected President was more democratic. Even then, the provinces had legislatures, to which the executive were not wholly responsible.

On the introduction of provincial autonomy in 1937, we had a new era in which the provincial legislatures had more features in common with the British House of Commons than they used to have before. The application of the parliamentary form of procedure to bodies to which the executive was not responsible, was obviously incongruous in substance, though the usefulness thereof, to a great extent, could not be questioned. The 1937 change-over removed this inherent incongruity; and with the real introduction of democratic principles and of an executive responsible to the Legislature, the Conference also acquired a different and real meaning. It was a transition from forms to substance.

Even then, the Centre continued to be the same as before; and though, the legal or constitutional position continues to be the same to this day, the character of the Central Assembly is, in substance and spirit, entirely transformed with the advent of the Interim Government. We have now, therefore, to approach the various problems that are likely to arise with a sense of reality and as an experiment of democracy-in-action. This is different from what we used to have before.

I might be permitted to observe, at this stage, that even when the Indian Legislatures are fairly on the way of being sovereign bodies, they will still continue to be different, in an essential respect from the Mother of Parliaments. The Indian constitution will be a written code, and not an indigenous growth, like the British Parliament, whose constitution is unwritten, and is the result of years of experience of people, determined to work the democracy in

their country, notwithstanding very vital differences of opinion. This method of growth has a very material advantage, as the attention of the House is always concentrated more on the substance, which it aspires to achieve. A written constitution, whatever its merits may be, will not be an entirely indigenous growth, as the British Parliament has been. In this view, the task before us is peculiarly heavy, if we fix our eyes on the objectives, for which the Legislatures have been brought into existence. We have to struggle for achieving these objectives not only within specified limits of the constitution, but by such specified procedure as may be laid down. Though the written constitution may visualise a number of contingencies, it cannot be seriously denied that it is impossible for any set of intellectuals to devise a complete code, which will be applicable to all cases at all places and for all times. It will be for us, as Presiding Officers of the Legislatures to so shape the written constitutions as to bring out the greatest benefits to the people, who are considered to be represented through the legislatures. We must remember that it is not the completeness of any code of laws of constitutions that will make for the best or the most democratic government of a country; but it is the spirit and outlook of the men who work the constitution that will largely take us to the desired goal. In other words, while the constitution will give a frame-work for our guidance, we shall have to deal with the human part thereof, and so change or adjust the work and procedure, from time to time, as to enable us to bring out the maximum benefit intended by the constitution.

Such Conferences will give us opportunities of pooling resources, as also of learning by experience and by exchange of views. They give us an opportunity of personal contacts for comradeship in the service of our country, and will go a great way in enabling us thereby to discharge our responsibilities more efficiently.

I would conclude with what my distinguished predecessor the late Mr. V.J. Patel said during the course of his opening speech at the Conference which met exactly 20 years ago (6th January, 1926), at this very place: "We must remember that we have to create sound traditions of our own, and in doing so, we should always be willing to follow the House of Commons whenever possible and desirable, taking care at the same time not to slavishly imitate

British Parliamentary traditions whenever they do not conform to Indian needs and Indian conditions. Such a task is well worth our earnest efforts and I trust that we shall succeed in reconciling the desire for freedom of expression and action which we felt and which our fellow-members feel, with that sense of responsibility which should characterise all activities of a country's Legislature."

## Democratic Standards and Traditions\*

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Many of the members assembled here as legislators of free India have had experience of Indian legislatures functioning under the British *aegis*. All the members have hitherto engaged themselves in the most difficult and intricate task of constitution-making. Today, we are meeting under wholly different circumstances and with a different character of business. We have begun to function as a legislature or Parliament of Sovereign India, having an independent and distinctive place on the world map. We have aspired and will continue to aspire to maintain the best relations with all the powers of the world and we hope that India will be privileged to play an important role in the achievement of world peace and prosperity.

Free, frank and impersonal discussion of every question, viewed from the point of view of the betterment of the conditions of the masses and with an international outlook on world peace is, I may be permitted to say, the very soul of democracy, for which the last devastating war was said to have been fought. In order to work for the fulfilment of that democracy, we shall be required to lay down our own standards and establish traditions and with the

\* On his unanimous election as Speaker of the Constituent Assembly (Legislative).  
17 November, 1947.

sincere co-operation of all the members of this august Assembly, I hope to be helpful in upholding the best democratic standards and traditions and the dignity and independence of this House.

## Independence of Legislature Secretariat

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The point that is to be considered by us is a very short and a small one. I do not think there is any difference of opinion on the fundamental principle that the Speaker and his department must be absolutely independent of any kind of executive control. On that proposition, I think there is hardly any doubt. So the only question that now practically arises for consideration is whether we should achieve that independent position or have it guaranteed by any provision in the Constitution itself or whether we shall have it by convention. Now, if we are of the view that we should have it not by convention but have it secured by a statutory provision in the Constitution, we must pass a Resolution to that effect and invite the attention of the Hon'ble President of the Constituent Assembly and those who sponsor the Draft Constitution in the Constituent Assembly to our Resolution, with a request that proper provision may be made in the proper place in the Constitution.

You will see that the Central Assembly has been functioning with a popularly elected President from 1925—Hon'ble Mr. Patel was the first President — and though it was functioning at a time when the Government was not responsible to the legislature, the convention

\* At the Conference of Presiding Officers of Legislative Bodies, New Delhi, 10 April, 1949.

of the independence of the Speaker's office and a separate department for the Speaker and his control over that department have been accepted right from 1929 even under those old conditions when the Governor-General and his Executive Council were practically all-powerful.

An interesting position had arisen, or was likely to arise with reference to the scope of the Economy Committee appointed by the Government of India. The Committee was appointed specially for the purpose of examining the staff position of the various Ministries of the Government of India and the question arose as to whether the Legislative Assembly Department also would come within the purview of the scrutiny of the Economy Committee. There also the position taken by me was that while I had no objection to have the advantage of the scrutiny of the Economy Committee, I would not accept anything that they said, if I did not agree with them. That was the stand taken by me, and I asked the Secretary to put before them the whole departmental position, including my proposals for expansion. This is what the Secretary wrote at my instance:

"There is a further important aspect of the matter to which I am directed to invite your attention. The Speaker is the head of the Legislature and in order to maintain the independent position and dignity of the Legislature, the Speaker's Department is placed under his sole and independent control. It is now a well settled convention both in the United Kingdom and in India that no parliamentary questions are answered on the floor of the House in respect of the Speaker's Department, nor is the matter discussed in the House in the shape of motions for reductions of grants or by any other parliamentary procedure. That does not mean that information regarding the Speaker's Department is not available. The Speaker is at all times willing that any Member wishing to have information about the staff position or any other matter relating to his Department should be readily supplied with it by the Secretary and if the Member has any suggestions to offer, the Speaker is always ready to discuss the matter with him. The principle being clear that all matters relating to the Speaker's Department should not be discussed on the floor of the House, I am directed to request that no reference to it

should be contained in any report, as the same may be placed before the House and a discussion thereon may follow. He is, therefore, of opinion that all the information required by the Committee may be supplied to it by the Secretary and the Speaker would be glad to consider suggestions, if any, that the Committee may have to make, but the observations of the Committee should be forwarded to the Speaker confidentially and should not form part of the report. The Honourable the Speaker will take an early opportunity of mentioning this aspect to the Chairman of the Committee also."

This was the Committee's reply :

"As desired by the Secretary, Legislative Assembly Department, these observations will not form part of any printed report compiled by the Committee."

Now it will be for you to discuss, as I said, the means of giving effect to this — whether by convention or by appropriate provisions in the Constitution Act. The object may be achieved in different ways—by some provision in the Constitution, by an Act of the Legislature or even by rules made under the authority of the Constitution Act.



## Functions of Presiding Officers and Role of Legislatures\*

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I must first give you a resume of what we had decided on the 10 April, 1949 and what has been done in pursuance thereof. We passed two Resolutions, one for the statutory recognition and another for interim recognition of that sound convention of independence of the Speaker and his Department, on the lines of the position at the Centre till the Statute comes into force.

The text of the Resolution was :

"This Conference of Speakers and Presidents of Legislative Bodies of all the Provinces, States and States Unions in India is of the opinion that the Secretariat of the Speaker or the President, as the case may be, should be placed on an independent footing and free from the control of Executive Government, and that necessary provisions to that effect should be made in the draft Constitution."

As I then promised, I made a request to the Honourable Dr. Ambedkar, the Drafting Committee, the Honourable President of

\* At the Conference of Presiding Officers of Legislative Bodies, New Delhi, 1 September, 1949.

the Constituent Assembly and the Honourable the Prime Minister to finalise the draft for the purpose desired by the Conference. For this purpose, I requested our two friends, the Honourable Speaker of the West Bengal Legislature and the Honourable Speaker of the Central Provinces Assembly to supply me their drafts as they had studied the subject more closely. It is not necessary for me to go into details as to what draft was proposed, what discussions took place thereon, and how it was finalised later on. I might only state that the Drafting Committee of Constituent Assembly were good enough to co-opt, for the purposes of this draft the Honourable Speakers of the United Provinces and the Central Provinces as members of the Drafting Committee. I am glad to be able to say that, as a result of an amount of consideration and discussion, the principle of independence has been substantially incorporated in the Statute. According to the new Article adopted by the Constituent Assembly, the Legislature will have a separate Secretariat staff. The Legislature may, by law, regulate the recruitment and conditions of service of persons appointed to such staff, and until a provision is made by the Legislature, the President or the Governor may, after consultation with the Speaker, make rules regulating the recruitment and conditions of service of persons appointed to the Secretariat staff. I may, however, state here that the statutory provision will not by itself give us what we aim at, *namely*, the responsibility of the Executive to the Legislature, but it will all depend upon how in what spirit statutory provisions are worked in practice by all concerned.

We are thankful to the Drafting Committee and the Honourable Dr. Ambedkar for appreciating the spirit of our resolution and accepting the principle that we stand for. On account of the reports about the trend of discussions in certain quarters, that have come to me, it is my duty to assure all concerned that no President or Speaker has ever had any desire of being an absolute and irresponsible autocrat in the House, or of any autocratic exercise of power. No conflict between the presiding authority as representing the House and the Executive can ever be intended. It would be the effort of every presiding authority to maintain the best traditions of democracy and to help the government of the day to function smoothly and in the best democratic manner.

Since the attainment of independence, the Legislatures have

to play a more important and definite role in shaping the future destinies of the country. We claim to be the components of a Sovereign Republic, having ancient culture and a large population. We claim to have a definite message for the world, which is ever worried on the question of maintenance of peace, though it has been living in peace for the time being. The minds of men are not at ease, and there is an amount of turmoil on account of differences in ideologies as to the form of society most conducive to a lasting peace. We are passing through very anxious transitional period. We have faith in democracy as a solution for evils, as also for promotion of peace.

As presiding officers of the Legislatures, our main functions will be to advance democracy, which means, for all practical purposes, maintenance of balance between good government and maximum of individual freedom. The essence of parliamentary form of democracy is the attempt to settle all differences by mutual discussions. Frank criticism of the Executive Government, publicity to details of administration through searching questions, a full and free discussion of all measures, a keen watch on the finances, and proper legislation are some of the main functions of the Legislature, and it will be the effort of every one of us to safeguard all these as essentials of true democracy.

We have, therefore, not merely to apply our minds to the procedural forms, but to the substance, and evolve traditions. It is not possible to have a complete and exhaustive code of rules of procedure meeting or covering every possible case, and much will depend upon the precedents that we settle. I may here sound a note of caution. Though we have probably much worth copying in the substance of the rules and the procedure of the House of Commons, we have to remember that the mere acceptance of parliamentary forms is neither enough nor even a proper guide at all times. Many of the forms, and even the substantive rules of Parliament are a matter of historical growth out of the peculiar circumstances prevailing in England. We have to see what suits the genius of our people and mould the traditions accordingly.

## Parliamentary Committees and Effective Government\*

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I may first invite your attention to a very important change – revolution – in our parliamentary life, which does not seem to have been fully appreciated. Though we have been conversant, for a long number of years, with parliamentary *forms* of government, we never had the *substance* of it, inasmuch as Government was neither responsible nor responsive to the House. The powers of the House were restricted and the House had not the liberty of shaping the policies of Government as they desired. As a result we have been accustomed to work the parliamentary forms of government, in a spirit and manner far different from those in the House of Commons. Generally speaking, we did not feel responsibility in the criticisms we passed or in the policies or measures we proposed. If I may say so, in our parliamentary life, we have evolved a destructive genius instead of a constructive one. Without having any such intention, our minds always suspect the *bona fides* of the ministers, the officials, and we are, as it were, trained to believe that we shall be serving the best interest of the country, by opposing the official proposals, without any serious effort on our part, for study or thought over the actual problems that require solution. The result of such approach has

\* At the first meeting of the Estimates Committee, 18 April, 1950.

been, as I see, notwithstanding our independence and responsive character of government, we are not yet tuned to shoulder and share the responsibilities with the executive government of the day.

My point in saying this is not to find faults but only to emphasize the need of a change of outlook and approach to the problems before us. It will not be sufficient for us now to point out the faults and the holes in any scheme laid before us by the Government, but we shall have to study all the factors concerning any problem, think over as to what we would do if entrusted with the work and then suggest the remedies. Unless we begin to feel that our function is to prepare ourselves for shouldering the responsibilities of Government and to apply our minds and energies accordingly, it will be difficult for our parliamentary system to function, in times to come, to the best advantage of the people.

We have here a system of having Advisory Committees, a also Committees like the Estimates Committee and the Public Accounts Committee of the House in connection with the general administration. To my mind, the principal objects of having these various committees are :

- (i) To associate with and train as large a number of members as possible, not only in the ways in which the administration is carried on, but also to make them conversant with the various problems that Government have to meet from day to day;
- (ii) To exercise control on the executive so that they do not become oppressive or arbitrary;
- (iii) To influence the policies of Government; and
- (iv) To act as a liaison between the government and the general public.

In this view, the members of the Committee, the ministers at the head of the administration and the officials concerned can all be compared to a group of a happy family, members of which are going to put their heads together for solution of problems and betterment of the citizen's life in the country. Obviously, the Committees as well as Parliament cannot do anything else than settle the policies leaving it entirely to the executive to work out these policies in detail

and execute them as best as they can. Of course, the Committees of this House will keep a watch on the execution just to satisfy themselves that such execution is within the limits of the policy laid down, and is carried on in the best manner possible. The Committee will also see whether a revision of the policy is necessary in the light of the results. From the type of questions and criticisms coming from Members, which I am hearing from day to day, it appears, as if each one of us is more concerned with the executive administration and not with general policies or objectives, we have and ought to have in view. The outlook naturally becomes a bit too personal and too narrow. This has to be avoided, as the fundamentals of a democracy are mutual toleration, trust, impersonal criticism and compromise.

One cannot lay too much of stress on the broad, clear cut scope of the functions of the Parliament. The fundamental fact is that it is not an Executive body. By its very numbers it cannot be so. Though sovereign and superior to the Executive Government, the scope and nature of its functions are limited on account of its size. It can act only through the agency of the Executive enjoying its confidence and it can settle the policies most acceptable to and conducive to the interests of the totality of the people whom it claims to represent and serve by the method of full, free and frank discussions with a will to understand the differing views and with a willingness to accept compromise as an essential for having the largest possible measure of agreement. The chief functions and scope of work in Parliament and its various committees are therefore (a) deliberations and discussions; and (b) watch, supervision, guidance and control of the Executive through these deliberations and discussions. Within the policies laid down, the executive must have a free scope without interference in the day to day matters or details of administration.

I may now say a few words about the approach towards the permanent official. After all, it is through him that any Government can function; and a large portion of Governmental success will practically depend upon his efficiency, character and sense of justice. It would be wrong to assume that every official is an autocrat or has some ulterior motive, or has not the interest of the public at heart. His view-point and ideology may not make him see eye to eye with us but he has traditions of loyalty, discipline and respect for law and rules. The experience and the information,

leave aside the intelligence, of the permanent official, is an asset which we must be in a position to make the best use of, and that can be best achieved if we could encourage, in our relations with the permanent officials a spirit of comradeship and mutual respect for the common good of the country.

With these preliminary observations as my background, for a proper evolution of parliamentary government and parliamentary life in our country, I would now come to the specific object for which we meet today. We have three different committees relating to the finances of the Government : (i) the Standing Finance Committee; (ii) the Estimates Committee and (iii) the Public Accounts Committee. Though the spheres of work of these Committees are well-defined, it is not possible to say that their fields of investigation are mutually exclusive. An enquiry about a particular policy may require information in respect of the actual expenses of the past and estimates for future. An enquiry about estimates may require information about policies. The three Committees are, therefore, very intimately connected and inter-related and it is only a matter of convenience that the entire field is divided into three divisions.

We are concerned today with the Estimates Committee. The functions of the Committee are broadly stated in sub-clause (1) of Rule 145 and the other sub-clauses of that rule lay down the procedural part. The Committee will also be laying down its own rules for its work. The work of the Committee is very onerous and important. Unless the Committee closely studies and thoroughly grasps both the purpose as well as the machinery of executing the plan, the estimates of which are before it, it will not be able to examine fully and properly the relevant estimates and to suggest economies in money, time and energy. An efficient examination by the Committee will go to create consciousness in Government machinery that there is someone who will scrutinise what is proposed. This in itself is a great check on the Executive. The examination, that is properly carried out will lead to general efficiency of the administration. The examination by the Committee may also be useful as a guide for both future estimates and future policies.

In order to be able to have such an examination of the

estimates, the Committee may not try to cover the whole field of administration. It should select a few ministries each year and cover the whole field in 3 or 4 years. They should try to be intensive and not extensive, if they wish to have their impress on the policies and expenditure of government. It is needless to add that such thorough examination is impossible unless the Committee devote themselves as students of the relevant activities of Government. You will note that the rule expressly provides for appointing sub-committees solely with the object of enabling it to study the administration intensively by division of work.

Further, in a country-wide and huge administration, no individual officer or Minister can have overall picture of the whole, and there is, therefore, a natural tendency of departmentalism, and there is no incentive to economy. The examination by the Estimates Committee, through the check that it can exercise, will exert an amount of influence both in respect of economies and policies and the information that Members get in the Estimates Committee can be put to very great use for the work of the Standing Finance Committee as also for the Public Accounts Committee.



## **Sovereignty of the Legislature\***

We are now meeting for the first time under our new constitutional set-up. The Constitution came into force from the 26th of January this year, and both because of the change in the status of Bharat as also because of the provisions of the new Constitution, the situation is very materially, if not entirely, changed as regards the functions and powers of the various Legislatures in the Union. The principle of the Sovereignty of the Legislature has been accepted in essence, by the executive being made fully responsible to the Legislature. Though the Constitution has provided for a President for the Union, and Governors or Rajpramukhs for the various States, it is well-known that they are constitutional heads and will be acting on the advice of their Ministers. The sovereignty is thus transferred to the people, who will exercise it through their chosen representatives, forming the various Legislatures. That change, though not apparent on the face, is a fundamental one, and in all our deliberations we have to keep it constantly in mind and shape our precedents and rules for business in Legislature on this basis.

The most important changes which the Constitution has

\* At the Conference of Presiding Officers of Legislative Bodies, New Delhi, 21 August, 1950.

made relate to the following matters :—

- (a) The independence of the Legislature Secretariat.
- (b) Provisions *re*: financial matters.
- (c) Provisions *re* : privileges of the House and the members.
- (d) The language for the Union Legislature as well as the States Legislatures.

You all know that the kind of democracy and, therefore, the form of Government that we have set before us, is the parliamentary form of Government on the lines of those institutions in the United Kingdom. The system that the United Kingdom has evolved is a wonderful combination and adjustment of three different elements which go to make for a fully representative Government ensuring the liberties of the people and the rule of law as well as the maximum possible efficiency. The Legislatures are substantially deliberative bodies and representative of the people; they consider, discuss or debate the general lines on which they would like the Government of the country to run, and they have also authority to make laws for the purpose. They have neither the power of executing any of their decisions, nor the power of interpreting the laws made by them.

At the same time, they have enough power to keep the Executive in check by means of criticism, which may be in the form of questions, debates, resolutions and also by financial control. They may accept, amend or even reject the Demands for Grants, if they are not satisfied with the way in which the Executive carry on their work and wish to change the Government.

Within the authority of the powers and the monies granted by Parliament, the Executive have complete freedom to carry on the administration, without interference from Parliament in the day to day administration. This necessarily leads to efficiency of the administration, though it also contains the germ of autocracy and irresponsibility, the extent of the growth of which will depend upon the vigil or laxity of the Parliament. Then, they have got an independent judiciary, which interprets the laws. Not being connected either with Parliament or with the executive administration, it is capable of taking a detached view and is able thus to keep the

executive within the law and assure to the people, that there will be rule of law leaving no scope for individual idiosyncrasies.

You will note that all these three elements are amply provided for in our Constitution. The Constitution provides by various Articles potentialities of due and proper check on the executive in the matters of finances. It will not now be necessary that the Budget should necessarily be passed before the 31st of March every year. The Legislature may give a vote on account to keep the Government going for a few months; and the Legislature itself, by appointing an independent Committee, carry on the scrutiny of the Budget in all details for the next two or three months. This not only enables the House to have a greater scrutiny and control, but it goes a long way in associating members with the problems, difficulties and defects of the administration. It gives members ample opportunities of study and knowledge at first hand and also powers of scrutiny in matters touching the administration.

As a result of our recommendations to the Constituent Assembly for a provision in the Constitution for an independent Secretariat for each Legislature, we have now Articles 98 and 187 which create the required type of Secretariats for the Legislatures. But I may state here that the mere formal creation of a separate body will not, *by itself*, achieve the objective. Everything will practically depend upon the personnel of the Secretariat, and it would take us some time to give the requisite training to the personnel and establish traditions. In this respect, I am very happy to state that the traditions we have at the Centre for a long time are well-worth study and copy of the various Legislatures in the Union.

You will remember that, at the previous session, we had appointed a Committee with the Honourable the Bombay Speaker as Chairman, to consider the question of the privileges of the House and the members. Before the Committee met, a material change in the situation has been brought about by enactment of the provisions of Articles 105 and 194 in the Constitution of India. The privileges of the House and the members are now equated to those of the members of Parliament in the United Kingdom. It is true that the exact privileges are not mentioned, but it is easy, whenever an occasion arises, to refer to authoritative texts and know what the privileges are. The Committee appointed by us have taken great pains

and deliberated on the matter for three days last month and have submitted to us their unanimous report a copy of which is being circulated to you and will form the subject of deliberations by you. I take this opportunity of expressing our thanks to the Committee for their labours in the matter.

I believe it might not be out of place here if I were to express as to how I feel about the question of legislation on matters of privileges. I may at once say that I have an open mind and would willingly abide by the decisions that the Conference takes. But my own reaction for the time-being is that we may allow the matter to rest for the present where it is, specially in view of the present level of parliamentary life in the country and the set-up of Governments. The Constitution has granted the maximum possible privileges when the same are equated to those of the House of Commons. Legislation in respect thereof is therefore, now not at all necessary, or at least not so necessary as it was when the privileges were very much restricted. Further, I feel two great difficulties and handicaps if we were to think of any legislation in respect of the privileges. These are :—

- (i) Any legislation at the present stage would mean legislation only in regard to matters acceptable to the executive government of the day. It is obvious that, as they command the majority, the House will accept only what they think proper to concede. It is important to bear in mind that the privileges of members are not to be conceived with reference to this or that party, but as privileges of every member of the House, whether he belongs to Government or the opposition party. My fears are, therefore, that an attempt at Legislation would mean a substantial curtailment of the privileges as they exist today. We may think, therefore, of legislation after a few years, by which time we may expect that sound parliamentary conventions will grow. Today, I am afraid, we have only the form of Parliamentary government but comparatively little of the substance of it.
- (ii) My second reason is that any legislation will crystallize the privileges and there will be no scope for the presiding authorities to widen or change the same by interpretation of the privileges as they exist in the British Parliament. Today they

have an opportunity of adapting the principles on which the privileges exist in the United Kingdom to conditions in India.

It will be for you, gentlemen, to come to your conclusion after considering and deliberating upon the report submitted by the Committee.

With reference to the parliamentary control on the executive, I might invite your attention to the desirability of providing by rules of procedure the formation of the Public Accounts and Estimates Committee, which are responsible to the presiding authority and work through the Parliament Secretariat. Here, I might invite your attention to Rules 143 and 144 of the Rules of Procedure and Conduct of Business in Parliament. The authority to nominate a Chairman of the Committee is vested in the Speaker, and any points of difficulty or doubt arising during the course of the work of the Committee are referred to the Speaker for his decision. The Parliament Secretariat arranges to call for such information as the Committee may want from the Executive Government. A detached, independent and disinterested view is thus brought to bear both upon the scope, as also outlook of the Committee, who feel the atmosphere of freedom and are able to tackle the executive much more effectively than what is possible within the official limits and official environments. I am happy to tell you that I am expressing this opinion from what I have heard from the Estimates Committee of Parliament, and I am sure, in course of time the Executive Government will also appreciate the help that they get from these committees. This is a matter of special importance, if we remember the fact that the set-up of administrative machinery has a past inheritance of keeping away the popular representative from the details of the administration as much as possible. The official world as well as the members are not now in opposition camps, as they used to be, and both have now a common national interest in joining hands for the purposes of economy and efficiency in the administration. It would, however, take some time before this kind of psychological approach is developed, and till then it is possible that such committees may be disliked or viewed with suspicion. All the same, it should be our

duty to mould them on the lines I have stated above.

Before I conclude, I would invite your attention to the question of language in the Legislatures. Provisions in respect thereof are made in Articles 343, 345 and 351 of the Constitution. I need not dilate upon the details. But I think it should be the best effort of everyone of us to encourage the use of Hindi, or the other languages as mentioned in the Constitution, and help to be free from the domination of a foreign language in so far as our national deliberations go. I do not mean to suggest that we shall discard English, or that we have any kind of opposition to it. It is a world language, contains a wealth of knowledge and literature, and our history has got its moorings in that language. We cannot simply afford to ignore it in our own interest. But, whatever that may be, it is clear that our representatives in national assemblies must be able to conduct their own affairs in their own language.

## Estimates Committee and the Administration\*

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We are meeting after having experience of one year of the functioning of this Committee. When the Committee met for the first time, I had expressed my views sufficiently about the scope of work and the approach that the Committee should have to the questions before it. Subsequently, I had another occasion to meet the Committee on the 5th of December, 1950, when we had an exchange of views and took stock of the work done till then. As this Committee is a Parliamentary Committee, which means that the members composing it will be acting with the help of the Parliament Secretariat, I think it necessary to keep myself in touch with the Committee, off and on. Apart from addressing the meetings at times, I have also had the advantage of going through the draft reports, before they were finally approved by the Committee. The main idea in doing so was to see and know, what the Committee thought or felt about a particular subject. Although the Committee itself would be responsible for all the conclusions which it has come to, my idea was to see whether some of the conclusions were justified by the arguments advanced or whether the arguments were proper in support of the conclusions. As I am myself a believer in a firm, at the same time, very moderate language, I was careful to see that the language or the expression in which reports

\* Addressing the Estimates Committee, 7 May, 1951

were couched was firm and at the same time moderate. I am thankful to the Committee for having taken into consideration such suggestions as I had to make, though they were of a minor character.

The object as well as the functions of the Committee are laid down in Rule 145 of the *Rules of Procedure and Conduct of Business in Parliament*. The Committee has also made its rules for its day to day work. They are all well-known to you. This time, I propose to place before you, some points which are not of very extraordinary importance in the sense of being new points. You all know them. Yet looking to the importance of the functions of this Committee, I feel it is very necessary to state them so that we may have a clear idea about the kind of Government that we should have in this land and the Committee may apply its mind in that background in suggesting economies in the methods of administration.

Administration is not an end in itself. It is conceived for the good government of the country as a whole; and, therefore, the attitude, approach and character of the administration must be rooted in the fundamental idea that, the Government of the country is carried on democratic lines with a human understanding and human approach and that it does not become a mere machine for carrying on certain orders and laws. I wish to invite your attention to this fundamental aspect. I have believed, for a number of years, that our administrators, good and efficient though they are still relatively lacked the human outlook and the human approach. They laid too much stress on rules and regulations, with the result that the ordinary man for whose benefit the Government is carried on is entirely lost sight of. I do not wish you to accept this statement as gospel truth, simply because it comes from me. I am only placing before you my point of view, because we are all meeting here as colleagues for a common objective.

I think we are having too much of centralisation of administration in all respects. It appears to my mind that we must decentralise to the maximum extent possible. Unless we decentralise as much as possible, it will not be possible to carry on a democratic administration in a vast country like ours for the benefit and happiness of people, on whose behalf we claim to stand here as administrators. Therefore, our administrative system must aim



at decentralisation. Though we may have different departments, we must lessen departmentalism. In other words, we must develop what is called a *Sarvodaya* outlook. Unfortunately in our system of administration though there is division of work for the sake of convenience, the outlook has become rigid to such an extent that, not only one department does not know what is happening in other departments, but no problem appears to have been considered as part of one whole affecting the society.

I do not propose to go into the wider aspect of things, but if you look generally to our programmes of legislation, the programmes in which our industries are conceived or controlled by us, you will see that problems are taken up individually, within their own limits without proper thought or consideration being given to other aspects of social or political life. For example, while dealing with labour problems, we have no consideration practically about the progress or the good of the industry. I do not say we do not mean it. But we are laying too much stress there on one side only. Similarly, when we talk of the middleman, the impression on one's mind is that our whole effort is to put down the middleman in his profits without considering the good of the society or even the unemployment that is caused by depriving the middleman of his earning. Take any Bill. You cannot go on legislating merely with reference to particular problems arising out of a situation which appear to you as either unbearable or unreasonable. You have to take into consideration the economics of the entire society, its state, its genius upto now, and any reforms that we want to make must have relation to the progress of the society as a whole.

The fundamental principle of democracy, to my mind, is not the vote on adult franchise. The vote is only a machinery, a means to an end. If it is our idea that any democracy should work properly, then that democracy must so act that every individual is prepared to render a willing cooperation to what the Government is doing. You cannot enforce your laws merely by force. It is difficult to have peace and progress in the country, if the Government were to maintain law and order by force, or maintain a vast machinery of officials to enforce their policies, whatever the policies may be. The more we legislate, the more encouragement we give to evasion of rules and therefore to a more lowering of the moral tone of the people. Therefore, we realise the importance of

what Mahatma Gandhi said. He described *Swaraj* as the maximum of good government with the minimum of laws and interference. Call it decentralisation, or progress, or intelligent understanding of the situation by the people, or less of administrative interference—call it by whatever name you like—the substance is that we must proceed on these lines. This basic aspect, is to my mind, relevant and important because you will be dealing with various departments of Government and you will have to see, how far their policies are justified and what we should do to change them for the purpose of better administration. Of course, all this will not be within the scope of enquiry or recommendations of the Estimates Committee, but if the Committee have these fundamentals always present in their mind, I am sure a good deal can be done by the Committee to influence the policies of Government indirectly, if not directly. So that is one of the fundamental approaches to which I would like to draw the attention of this Committee in considering all the various problems that come before it.

So far as the Committee's work is concerned, I find you have gone through about four Ministries or batches of Ministries. You have had a peep into the working of the then Ministries of Industry and Supply, Commerce, Works, Mines and Power and you have also dealt with the reorganisation of the Secretariat and Departments of the Government of India. I think that all the Reports that you have made are very useful and instructive. Apart from the intrinsic value of these Reports, what I value is that Members of Parliament are now coming to grips with the administration, that is to say, they are having an understanding of the entire system of administration, the problems of the administration, the mistakes of the administration and various other things. What is required for the success of a popular democratic government is an understanding, by every Member of Parliament, of the real problem that the Minister has to tackle. It will not do if we merely criticise and then ask the Minister or the Government as to what they have done in a particular matter. We must have some idea of the vastness of the problems before Government, and realise the necessity of study on a large number of problems. We cannot expect a Minister to come to ready conclusions without a proper study. There are many problems which require thinking. From that point of view, I have many times felt that one of the chief defects of our legislative and other programmes is that they are not very well-digested. I have heard hon.

Members complaining many times that such and such Bills are ill-drafted. But do you expect all things to be done simultaneously and in a thorough and complete manner? These things require, apart from a comprehensive view of the situation, some time to digest. I say this from my own experience. What is really needed is not immediate legislation or immediate changes in a haphazard manner or a mere symptomatic treatment of the disease but a deeper study and a still greater amount of thought. We are suffering in all our legislations today from a lack of clear-cut thought of the principles underlying them. Take the case of cottage industries in relation to bigger industries. It is a question of the entire picture of the industrial advancement of a country. If India means to develop, our attention has to be on rural and cottage industries. We must spread out and decentralise. These ideas are very easily expressed. The chief difficulty is how to put those ideas into effect. And that cannot be done by appointing a committee or by enacting a law. We must have men who have thought of these problems, studied them, made great personal observations by moving out in the country and are qualified to speak on these things. It means time. You cannot go on legislating unless you have time at least to see how your legislation is working. While reviewing the administration of Government we must not forget the human touch. You have made recommendations about red-tape. How are you going to get rid of red-tape unless you decentralize and leave more powers in the hands of the subordinates? I quite agree that power is likely to be misused but it is a question of balance.

I shall give one instance and that will show to what extent red-tape has taken root in the administration. I refer to cloth control. I invited the attention of the Hon'ble Minister for Commerce to an instance in Ahmedabad. There is a community in Ahmedabad called the *chit*-partners. Two thousand people are engaged in this business and they earn their livelihood by manual labour. Since there was first control this business was somehow going on. But when control was reinforced as a revised system goods became scarce and were available in the black-market. So these people formed a union of their own. There were 750 members (families). Some of them were known to me and they represented their difficulties to me. They wanted at least a quota of 500 bales per month. One bale consists of 1, 500 yards. You can just imagine what the printing labour charges on 1, 500 yards will bring to a family of

4 or 5 people. From the month of May 1950 they could not get that quota. These people represented to late Sardar Patel when he was in Ahmedabad. Of course, he moved in the matter and a letter came from the Centre or from the Textile Commissioner, Bombay, saying that 200 bales would be given to them per month. The poor people continued to be given mere promises on paper. When the Commerce Minister visited Ahmedabad about the end of January this year they again made representations. In reply the Department wrote that their quota had been increased to 300 bales per month. But actually they were granted nothing. The cloth never came. That state of things went on till they saw me at Ahmedabad on the 10th of April, when I was there. I heard them and went through the papers. I understood that all the goods that were actually supplied to them from May 1950 till the 10th of April amounted to 493 bales, although they were promised 200 bales per month sometime in October last and 300 bales per month in about January this year! Then I sent a note to the Minister who promised to do what he could in the matter. Some two days back, I was informed by the Minister that orders for the release of 481 bales were passed on the 24th of April. But on enquiry, I came to know that no intimation of the despatch of the goods had reached the party even as late as the 5th of May. In the meantime, what was happening? These people, having nothing to work on, having no money whatever, were selling their properties and many of them were practically starving. What is this kind of red-tape in the administration?

What I am trying to explain is that your approach to problems has to be human and the administration has to put more faith on the people.

It is a human failing that we try to get facts only to suit a particular point of view. That is a wrong process to my mind. We must see all the facts that are presented to us by the Ministry or by the executive and then try to come to certain conclusions, which in turn cannot always be right. We must be prepared to revise our decisions if we happen to be wrong. That is the best approach and unless that approach is there, I do not think we shall be able to do anything to better the administration. Any criticism based on correct facts and correct appreciation of those facts is likely to appeal to a large section of the Government. Let the Ministers, if they like, commit mistakes, instructed or otherwise by their Secretaries or staff.

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Because they have to attend to many things, it is possible they may make mistakes. But, so far as Parliamentary committees are concerned, there must not be a single fact alleged in your reports which cannot be supported by evidence. Only if our reports are of that kind, the Committee will gain prestige. If there is any loose statement which the Committee has later to withdraw, the prestige of the Committee will tumble down. It is better, we do not say; what little we say should be based on solid facts.

One thing that is most important is the organisation of study groups, which I have been insisting and which was also agreed to by Hon'ble Members in the Inter-Parliamentary Union. There is ample scope here to form study groups for different subjects and for having sub-committees so that the Committee could cover a wider field. I would insist, if it were possible, to have more intensive than extensive work. It does not matter whether all the Ministries are covered by the Committee or not. We may cover one Ministry during a period of three years, because, I feel sure that whatever you examine in one Ministry is bound to have its influence and reaction on all the Ministries. If you try to cover a wider field with possibilities of making mistakes, the object of setting up this Committee will, I am afraid, be defeated. Let us therefore be intensive.

## Financial Control : Public Accounts Committee

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The Estimates Committee in a sense, having to do with the running expenses of the year, have something more to do with the running administration. By that, I do not mean to suggest that this Committee has nothing to do with the administration or that its functions are merely *ex post facto*. It can influence a good deal, even the running administration, as we always profit by past experience. So the experience and suggestions of this Committee will be helpful a good deal to the Estimates Committee and their deliberations also are bound to be helpful to you—though not as much as your deliberations are to the Estimates Committee. That way both the Committees are inter-related. It may also be said that all Committees of Parliament are inter-related, because they are merely different organs of the same body or body-politic of our Republic intended to serve the best interests of the People.

And when we come to a large administration of a governmental machinery, particularly such a big administration as the Government of India, which is concerned with the entire Union, there is a much greater need of the financial control. When we say

\* Addressing the Public Accounts Committee, 9 May, 1951.



financial control, it is not the idea that we try to sit tight on somebody. No, we try to sit tight on ourselves. Because, we are all functioning towards the same end through different directions. The Ministry functions. Then, the several Ministries connected with the whole administration function, though of course they function as Departments. But they function for one common idea. Just as in the body the same blood must run through all the veins and the purity of the blood has to be maintained, so that the vein in each organ might develop into proper proportions and strength, so in administration also, though different functions are allotted to different bodies or different departments the purity or the ideal must be the same all-round. Unless, we are in a position to achieve that, it will not be possible to run an ideal administration in the best interests of the people taking into consideration the welfare of every person. It is not a rule for the few but for the entire benefit of all people. From that point of view, a system of financial control very properly devised and very carefully worked is, to my mind, the *sine qua non* of good administration. The administration, of course, will not be just a machine. It will have a human element, a human touch. We shall not be rule-bound : yet it does not mean that we shall all be free to act as we like. We must go by certain rules and regulations. But a financial control is necessary, because, when the administration is so wide that one part of it does not know what the other part is doing, each part looking to its own little field of jurisdiction, it tends always to become more costly; sometimes it becomes wasteful by duplication of the same thing in different departments. It is therefore necessary that there should be a complete check-up of all expenditure. And when we are exercising the power of taxing the man in the remotest corner of the country who is not yet conscious of his right to ask for accounts from us of what is taken from him as taxes, our responsibility becomes all the greater.

I, therefore believe that there can never be too much of financial control in any parliamentary or democratic Government. It is possible that some of us may some time be criticising wrongly or may be having fantastic notions — may be, having notions which have no relation to realities or facts; and yet taking all that into consideration, it is not possible to complain that there is too much of control. The control has to be there and, therefore, you will see that, in the system of Government control at various stages is

contemplated. In the first place, Government cannot spend what you do not sanction. That is the first control. If you are dissatisfied with the way in which the Government are acting, then we say : "We will not allow you the budget grants."

How far we are able to do that is another matter. I am talking about the theory of it and our attempt has been to reach the ideal through this parliamentary system of Government. The second control is that they must put the whole amount into the Consolidated Fund, so that nothing can be drawn out merely because the vote is there. Before drawing, the legislature or the departments are to be satisfied that the money is being taken out for the purpose of which it has been sanctioned.

Then, there is the Estimates Committee which also exercises a sort of control, examines the thing as to how far these estimates are correct, what scope of economy is there, etc. Then after this, there is audit which is to see that the money is spent in a proper manner and the accounts are properly maintained. The keeping of accounts is not merely a formal matter, but it is a matter of substance.

We want the people in *Swaraj* (self-government) to be so strong and to be so intelligent that they will refuse to part with a single pie by way of taxation to any Government including their own, unless, the Government is in a position to account for every pie that is taken as taxation, and satisfy the people that Government have spent the money for the best purpose possible and for their benefit. In fact that is, I believe to be the substance of self-government. That is what we want.

It is true that, so far as the expenditure is concerned, the auditor's findings are, in a sense, limited. They are bound to be, because we want to examine the whole field of expenditure by compartments—by division of responsibilities. The auditor, when he sees an item of expenditure, will first verify as to whether there has been a budget provision for this, whether the money was voted for a particular item or head of account and whether the expenditure is incurred with proper sanctions which are required by the rules and regulations of the department, i.e., the Ministry of Finance. That means the auditor will be sitting as a sort of watch-dog to see that nothing is removed outside unless that is authorised by the budget grant passed by the Parliament and that,

whatever is removed, is spent for the purpose for which it has to be used. If grain is given for purposes of seed, if I may use this analogy, the auditor will see that the seed is not utilised in preparing cakes, that it goes to the field to be used as seed. That is the purpose of the audit. Ultimately, of course, even if you find that the money has been properly spent but still if the money has not been spent with proper sanction or in a proper manner, the auditor will point out the defect. All this knowledge is of importance to see as to how far the rules we have made to achieve the highest degree of efficiency for spending and accounting, are properly adhered to. Of course, the question of false vouchers and false accounts is quite a different matter. In spite of the best control exercised by the Government, Legislature and the Auditor, false accounts and false reports are brought to light in the course of public administration. They are, of course, matters of exception rather than the rule. Such matters come before the Public Accounts Committee with the report of the auditor who will point out all sorts of irregularities, cases involving expenditure not covered by the grant, and the re-appropriation of funds within a grant or appropriation without the formal orders of the competent authority.

Then it will be for this Committee to see something beyond that. As the Committee consists of Members of Parliament it means that it consists of people charged with the responsibility to ensure that every item of expenditure is incurred in accordance with the rules laid down for the purpose. As Members of the Public Accounts Committee, without looking into the merits of the expenditure posted in the accounts, you are charged with satisfying yourself that the monies shown in the accounts were legally available for and made applicable to the service or purpose to which they have been applied. Being the Members of Parliament, who sanction the budget, the knowledge that you get here ought to be helpful to you in exercising or checking the estimates when they are being sanctioned and that knowledge is useful for the Estimates Committee as also for the Standing Finance Committee. Therefore, the Committees of Parliament which apply their mind to this expenditure at one stage or another will take into consideration the objective as to why the monies were sanctioned; they will not discuss that policy underlying them; they will try to grasp the policy. I will make the point clear by going a little further and say that the committee will have, to my mind, the authority to consider as to whether the

money spent for a particular policy has been fruitfully spent or not. The auditor cannot go into that. The auditor will say: 'According to the Resolution, the money has been spent.' He will certify to that effect, but it will be for the Committee consisting of Members of Parliament responsible for good administration of the country, to see whether the expenditure, though properly incurred so far as the keeping of accounts are concerned, and so far as the financial sanctions are concerned, whether the policy in pursuance of which the work has been undertaken has really been a good policy and whether from that point of view the money has been actually and properly applied or not. This function is a little wider but in substance the opinions that you form, the experience that you gain, are useful for the administration. That to my mind, broadly speaking, is the function of the Committee. It is not, merely the function of the Committee, hereby to point out the irregularities. You have been appointed by the Legislature and if you do not express where you are not satisfied then there is no meaning in having a Parliamentary Committee.

The usefulness of the Parliamentary Committee is to bring under examination, in the light of experience gained after having worked the schemes, to be able to advise and report to Parliament whether the monies that they have voted have really been spent for services which, in the opinion of this committee are useful or serviceable to the nation. The Estimates Committee will deal with the estimates and that is a different aspect but the same aspect practically in a different form. They also will apply their mind in the same manner as this Committee will apply their mind, in the light of your experience because after all they are trying to save something for the future but here you have a picture of the past and that places the Ministry of Finance, the Government and the Estimates Committee in a better position. That seems to me to be the scope of the Committee. Sometimes, much is made of the rules, whether under this rule it can be done or under that rule it can be done etc. To my mind, in any administration if you want to have the administration as a composite one and not in compartments, there is nothing which is quite independent of another. All things are inter-dependent of one another. All things are inter-dependent and though my hand is separate from my eyes, my body being a whole the same blood is being circulated and one part has got relation with the other. For purposes of finance and better work, we have departments and we

have different committees, but, if anybody asks me as to whether that is exclusive of the other, I am prepared to say that theoretically at least it cannot be. They are all interdependent taking a broad view of the matter and not trying to be too technical about it. These, as I have already stated are the objectives.

A note on "Parliamentary Control of Public Accounts" by Basil Chubb has been circulated to you. I take it that you must have gone through it. It is very interesting to read and I should like to invite your attention to three points only. The functions of the Committee as defined there are to ensure that money is spent as Parliament intends. That is the most important point. Members of Parliament will better understand the intention and the mind of Parliament than the Comptroller and Auditor-General and they can better exercise their discretion and judgment. The second is, to ensure due economies and, the third is to maintain a high standard of public morality in all financial matters. Wherever we find that something is done which is of an extravagant character even though it comes in conflict with the interests of a particular officer or for the matter of that, even a member of Parliament, it should be the duty of this Committee to point that out. If we really want to rise in the eyes of our countrymen, our function should be strictly honest. If a matter is wrong we must raise our voice and create a public opinion even though it may involve the displeasure of some. It is one of the most important things to maintain a high standard of public morality.

I need not go into the other matters; there are one or two things which I found very useful in this note and to which I may invite your attention. So far as the Budget Estimates are concerned, so long as the proposals are before the House for sanction, not only you may have, but you should have your party alignments, because you come with a programme and you are entitled to say this much should be spent on this and this much should not be spent on that. But, the moment it is sanctioned, whether by a huge majority or a small majority, it is the sanction of the entire House and it becomes the business of every man in the country and every Member of Parliament to respect the final decisions of the House. We do not pass all our Bills unanimously; there are many dissentients. But still, is it open to anybody to say when he is prosecuted under a particular law, that that law does not

apply to him because he had voted against that law? Similarly, as soon as the expenditure is sanctioned by the House whether you like it or not, at the time the expenditure comes for examination, party politics should never enter into the consideration. You are not sitting in judgment of the expenditure incurred keeping in mind your likes and dislikes. You cannot ignore an irregular expenditure merely because it is incurred say, on *Khaddar*. You may like the idea of, say, the upliftment of the Tribal areas. The moment you find that some money is spent irregularly, you should not say, it is all right, because it is spent for a good purpose. You are sitting there to go by what the Parliament has thought over the matter. That is the principle of democratic Government on Parliamentary basis. We are divided, opposed, so long as we discuss a matter and so long as finality is not reached. The moment finality is reached, it should be the effort of every one to support that. Of course, it is open to any one to agitate and reverse the decision; that is a different matter. So long as the decision stands, it must be loyally given effect to. Unless we have that kind of mentality, it is not possible to run successfully any Parliamentary system of Government. The direct corollary is that there must not be any party politics so far as examination of these accounts is concerned.

The other point, which I have often stressed, is that our approach to this examination has not to be that of an opponent who is sitting only to find faults, though it is the duty of the Committee to find out the defects and to correct them. The officials of the Government, the officials of the Audit Department, the officials of the Parliament Secretariat and Members of Parliament are all conceived to be a bigger family, each one playing his part for a common objective. Therefore, the approach of looking upon the permanent officers of the Services either in the Executive Government, or in the Audit Department or in any of the Government offices as some kind of opponents, who can never be trusted, who have always to be cross-examined, and in that cross-examination, one has to start with the presumption that they have to hide something from us, is a wrong approach. It is only a mere chance that one is in the Services and the other is in the Parliament. A man in the Services is no less honourable or less patriotic than a man who comes to the Parliament. I have sometimes, noticed this sort of approach even in putting questions; sometimes when I hear the questions in Parliament, my blood curdles; not at the

way in which the question is put, but the mind behind the question. We can never proceed further if we have an approach of antagonism, if I may say so, an approach of distrust. It is only trust that will beget trust; it is always courtesy which begets courtesy. We cannot carry on a Government on democratic lines, unless, we understand and realise that, every one has got his self-respect, appreciates courtesies and confidence that you place in him; that is the only way, to my mind, of securing the loyalty and co-operation of the Services; not only by regulations and rules.

Whatever rules we may have, they will remain on paper and the human ingenuity will always find a way to avoid the rules. Therefore, even in cases, where you find that money has not been properly spent or proper sanction has not been obtained, or that the interpretation put by the Executive Officers, or the Audit Department is wrong, we have to see their point of view; and unless, one is convinced by proof, not by mere suspicion that there is something wrong somewhere, in the sense that there is some misappropriation or mishandling of the money, our approach has always to be one of sympathy and one of give and take. That is my approach. If we follow that approach, I am sure, the Committee's work will be not only facilitated, but the Committee would be getting more help from those who are in the know of the day to day administration. After all, to what extent can the Committee look into the administration? It is only those who are in the know of day to day administration that can tell us. Only if your attitude is one of sympathy, if you treat them as colleagues, there is greater chance of success in the examination than if your attitude is of mere criticism.

## Role of Legislators\*

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The new Parliament, which came into existence on the recent general elections, consequent upon the dissolution of the old Parliament, (which was called "Provisional Parliament") is the first Parliament of the Sovereign Democratic Republic of India under the Constitution framed by the Constituent Assembly, functioning from the 26th January, 1950. The structure based on adult franchise is a very bold experiment of constituting a Democratic Republican Government without any parallel in history. Many had and still have doubts as to how this democratic constitution will function in terms of the happiness of the masses and their progress towards the kind of society, as visualised by the Constitution – a society wherein there "is social, economic and political justice, there is opportunity of thought, expression, belief, faith and worship, there is equality of status and of opportunity and a bond of fraternity, assuring the dignity of the individual and the unity of the Nation." These doubts are legitimate, as what we have been able to achieve till now is but a very small infinitesimal fraction of what we have aimed at. It is no easy thing to organise three hundred millions of people, to take them out of poverty, squalor and ignorance, in which they are so deeply sunk. The removal of the foreign yoke was in itself a great thing. But it is in a sense a negative part of our undertaking. We have removed an obstruction and achieved the right

\* Written for ' The Light House ' ,25 April, 1952.



and liberty to act on our own without any intervention from any outsider. But the substance of our aim is a positive quantity and it cannot be said to have been achieved merely by the removal of impediments in the way. Our real task of establishing a Democratic Republic therefore, really began by the adoption of the Constitution. We are yet a long way off from the goal. Not only that, but the path is up-hill, and the "Shrine" is as highly situated as Gaurishankar of the Himalayas.

All the same, we have, notwithstanding our faults and failures, every reason to feel confident that we are destined to have a fruition of our goal if we can gauge about the possibilities from the conduct of our people during the recent General Elections. In spite of the vastness of the country, in spite of different divergent ideologies, in spite of ignorance, it cannot be denied by any reasonable man that the *Voter* has shown capacity to understand, the capacity to judge and has exercised his vote in a peaceful orderly manner. This in itself is a great thing and gives bright promise for the future.

The Parliament (consisting of the House of the People and the Council of States) and the legislatures in the various States are duly constituted, and have begun or will shortly begin functioning in their respective territorial and administrative jurisdiction. The work before them is no easy thing, and the future will depend upon the way in which our parliamentarians conduct themselves, not only in the Houses of Legislatures, but outside also.

The work before us is now entirely of a different character. A soldier for freedom requires the qualities of valour, discipline, preparedness to sacrifice everything. It was enough that he obeyed the orders of his Commander, who was in charge of the operations. More or less, the necessity was the possession of martial qualities. We have now the task of consolidation of the territories won, and though the possession of some of the martial qualities will still undoubtedly be helpful and necessary, it is now the qualities of statesmanship and administration which will enable us to consolidate and march further on the path towards our goal. In addition to the qualities of valour and sacrifice, which will have to be applied now to different fields in different manners, we have to cultivate habits of study, accuracy, etc. Efficient administration cannot be run on one's capacity for eloquent talks. Unless we leave off the

glamours of a political life and publicity and take to the basic work of national reconstruction in the social and economic field, it will be idle to expect the fulfilment of our dream. We must, therefore, take with greater zeal to what Gandhiji used to call "constructive activities".

One of the mis-conceptions seems to be that those alone serve the country who hold the reins of ministerial power, or enjoy prestige as Members of Legislature. That is one part of the mis-conception. The other part of a still greater mis-conception is that a political status internationally or, even within our own ranks and, therefore, only political work is of importance, for making India a sound Democracy. Far from it ! Whatever the form of our political freedom, or liberty, it can never be stable, nor can it be had in its fullness unless the entire society is permeated with the spirit and practice of democracy. A *Rule* of the few wise on millions steeped into ignorance and poverty cannot even go a sufficient way for world-peace, and, therefore, the best political work, the basic political work, is the organisation of the entire society. It should be, therefore, the care and effort of every legislator to take stock of conditions in his Constituency in relation to the general conditions in the country, as also the international situation, and apply his mind and work for the social and economic uplift and advancement of his Constituency. This should be the chief objective, and he must remember that he is returned to the legislature to mould legislation, as also to guide the government for such legislation, as may be necessary for bringing about social and economic amelioration, remembering always that old habits die hard and that, therefore, the mere enactment of laws, unless backed by field-work among the people, will achieve nothing. Perhaps the laws initiating the ideologies aimed at will be more observed in breach and lead to demoralisation, either by breaches of law or by a double life, both of which are dangerous to the peace of society. Let there be no mistake that, though legislation may be necessary, yet it is not an end in itself. The real work is the creation of a healthy public opinion, which will be respected by all and will mould the conduct of every citizen. It is, therefore, that in the present set-up we must attach greater importance to study, thinking and planning, all these being necessarily accompanied by action on the part of the legislator himself. For this purpose, he has to keep himself in constant touch with his electorate, and not only represent them, but

to guide them and to interpret their difficulties and views to the Government. It is said that parliamentary government is a government by talk. It is true but only partially. A talk is helpful if it takes the form of a discussion after study and understanding, if it is a creative thing and if it is backed up by creative work. If, on the contrary, it is merely negative in action and ends in offering criticism for whatever is done by others, that talk will lead us nowhere. Every legislator has, therefore, to remember that he is to function as if he is a responsible Minister and his sphere is not limited to fault-finding and criticism, but extends creative suggestions and work.

This leads me to a very important aspect of the standards of personal conduct of a legislator. The essence of good democracy is "good citizenship" and "high standard of public life". The legislator has a great responsibility as he may be looked upon as an example of a public worker. He has, therefore, always to be truthful, honest, tolerant of criticisms, prepared to understand the differing points of view, prepared to compromise for common good, and above all, to discharge his duties in a spirit of selfless service. The office of a legislator or Minister has not to be looked upon as a place which endows power and prestige. It is a position which gives opportunities of service, and if the legislators discharge their duties in this spirit, I have no doubt that our democracy and our parliamentary life will stand the highest in the world.

## **Parliamentary Government : Relevance of British Conventions** \*

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Obviously, the character of this House is different from its predecessors. Uptil now whatever our ideologies and notions of public welfare and the functions of Government, we were all engaged in dislodging the foreign rule in our land; we have been successful in achieving independence and we are now masters of our own destinies. But the very fact of the end of the foreign rule has brought to the forefront the vast differences in ideologies; and though our objective is common, as defined in the Constitution, we differ widely and sharply as regards the ways and means. This is but natural, and in a sense necessary also for any parliamentary Government to function properly and for the real benefit of the people. At the same time, each one of us has to remember that, howsoever great the difference in viewpoints and methods, we are all meeting here, as representatives of the nation, for one common cause, which is, in the language of the Preamble to the Constitution, "to secure to all its citizens, justice, liberty, equality and fraternity." All that we speak or do here has to be looked at and judged in this background of our common ideal and each one of us has to see for himself as to whether and how far he helps "to secure to all the citizens" what the Constitution aims at. Consciousness of this limitation will, I am sure, go a great way to

\* On his election as Speaker of the Lok Sabha, 15 May, 1952

ensure the requisite atmosphere for the efficient functioning of a parliamentary democracy.

A Parliamentary Government is described as government by discussion. Every Member has the fullest liberty to express his own views, remembering that every other Member has the same liberty. It becomes necessary, therefore, to exercise restraint on the contents and the extent, as also on the language of the discussion. An atmosphere of sportsmanship, mutual goodwill and respect is an essential condition for the debates being useful, helpful and effective. This in turn, will mean a disciplined mind, which will respect, not only rules and regulations, but also the innumerable conventions of parliamentary debates, everyone of which cannot obviously be the subject of a rule or regulation. To the extent to which persons holding different points of view, or ideologies exhibit the qualities of tolerance, "give and take," and make an effort to understand the differing points of view to that extent only, the parliamentary Government stands the chance of being successful. It is not so much the laws or the regulations that will bring the desired results as the spirit in which the persons charged with responsibility act towards each other.

Our constitution has mainly adopted the English model for our Parliament. Legislative institutions from the time of their introduction in India have been moulded on the same lines for obvious historical reasons. Many of the rules of procedure and standards of conduct current in the British House of Commons are the outcome of experience of long standing. To the extent they deal with general human nature, they serve us as good precedents by which we may profit. Such of the English conventions or forms, as are the result of the history of their struggle for freedom, will have to be viewed differently; and it will be upto us, to evolve our conventions and forms in the background of our national character, genius, history and culture. Parliamentary life has only recently begun in our land and it is yet a tender plant that requires delicate and careful handling—and, if I may say so, careful nursing. It is therefore, the special responsibility of this Parliament to set up sound and healthy traditions, as, whatever we do now is more likely to be a precedent for all times to come. Unless, therefore, we keep continuity and respect traditions, it will be difficult to have stable Governments in the land which may be able to serve our people in the manner we

desire.

I consider it necessary to say a few words about the non-party character of the Speaker in view of the practice in England. The position of the English Speaker is a matter of historical growth and it has been established, at the end of centuries of struggle of the Commons for independence. Its evolution to the present stage has taken place after the establishment of the full authority of the Commons. The position is undoubtedly an ideal one, provided it is accompanied by the other essential corollaries of democracy. While, therefore, I shall always strive for the establishment of that ideal, it is obviously not possible, in the present conditions of our political and parliamentary life, to remain as insular as the English Speaker, so far as political life goes. But the Indian Speaker acting as such will be absolutely a non-party man, meaning thereby that he keeps aloof from party deliberations and controversies; he does not cease to be a politician merely by the fact of his being a Speaker. We have yet to evolve political parties and healthy conventions about Speakership, the principle of which is that, once a Speaker he is not opposed by any party in the matter of his election, whether in the Constituency or in the House, so long as he wishes to continue as Speaker. To expect the Speaker to be out of politics altogether without the corresponding convention is perhaps entertaining contradictory expectations. From this point of view, as also from my mootings in the past, I cannot be out of that great organization—the Indian National Congress—under whose banner I have had the privilege of serving, in one capacity or another for the last forty years. I, therefore, continue to be a Congressman just as any Indian can continue to be a Hindu or a Muslim or a Parsee, etc., and still he is no less an Indian so far as the national questions are concerned. Similarly, though a Congressman, it would be my duty and effort to deal with all Members and sections of the House with justice and equity, and it would be my duty to be impartial and remain above all considerations of party or of political career.

## Future of Democracy and Speaker's Position \*

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We are at present passing through historical as well as very critical times for our new democracy. When I say this, I am not referring to the various political questions agitating the governments all the world over, as also the various governments in our land. I am restricting myself to the question of establishment and growth of Parliamentary Democracy.

Our elections based on adult franchise was a unique step on a huge scale. and I think, you will all agree that the peaceful elections have given us promise of a great democracy in future. Whatever may be the present complexion or colour of the persons or parties, who have been voted to power and work in the Legislatures in various parts of the country, I should think from the way in which the elections were contested, and carried on, that our people have grasped the fundamentals of democracy, which means change by reasoning, arguments and discussion and not by force or violence. So long as that fundamental is before every one of us, we have every hope in the fostering of democracy, notwithstanding small or big pitfalls or drawbacks here and there. For the time being, I feel that we are standing surely on a firm foundation of democracy and the main purpose of our meeting here is to build

\* At the Conference of Presiding Officers of Legislative Bodies, Gwalior, 24 October, 1953.

a structure equally strong and equally befitting to our ancient culture and the greatness of our land.

I have already stated before that I prefer a change by healthy conventions rather than by specific written provisions, whether embodied in the Constitution, or otherwise. This does not mean that I under-value the importance of the written word. It is necessary, but it has got the drawback of being rather rigid and unresponsive to a willing and progressive change suitable to the changing conditions. I am making this observation because, we have a written Constitution, and it is likely that we might become static if we try to interpret the provisions of the Constitution in a lawyer-like rigid manner, without reference to the spirit of the Constitution and the changing circumstances from time to time. Though every democracy has necessarily to have a shape and a form, the substance of democracy cannot be its outward structure or the body or the form prepared for that democracy. Elections to the legislatures, rules and regulations are all necessary things for the working of the democracy. But it has to be remembered that these are only a means to an end, the principal aim being the good of the people and a government responsive to the popular will and acting in a responsible manner.

The legislatures are intended in a sense for effecting a peaceful and gradual evolution, or if you so like to call it, a revolution in the society and in the Government. The aim is to avoid all violent struggles as used to be the case in former times. For real democracy, one has therefore, to look not merely in the provisions of the Constitution, or the rules and regulations made for the conduct of business in the Legislatures, but one has to foster a real democratic spirit in those who form the Legislature. If this fundamental is borne in mind, it will be clear, that though questions would be decided by majorities, parliamentary government will not be possible if it is reduced to a mere counting of heads or hands. If we are to go merely by majority we shall be fostering the seeds of fascism, violence and revolt. If on the other hand, we could help to foster a spirit of tolerance, a spirit of freedom of discussion and a spirit of understanding we shall be fostering the spirit of democracy. Personally I think there is ample scope for fostering this spirit through the legislatures provided the presiding person has sufficient courage, openness and breadth of mind, and the desire and



spirit to understand, and the presiding officers can then have an effective check on the intolerance, party spirit etc. both in the government and the opposition ranks. The problems, therefore, before us are not so much as to what rules or regulations or what the provisions of the Constitution are as a liberal interpretation, which will advance the democratic spirit among the members of the Legislatures.

The question as to how far Speakers should be linked to their political parties, and how far they should take part in politics is engaging the attention of this Conference from 1937 onwards and various views have been expressed. The question has now assumed a different importance since the attainment of independence and the emergence of various political parties in the Legislatures. A question somewhat akin to this is raised in a point with reference to the position of the Deputy Speakers. Though the wider question as to the Speakers is not put in the Agenda, I would request you to consider that also in view of its importance and the present political conditions and party alignments.

I would now invite your attention to the points in the Agenda. To my mind the points dealing with the necessity of an independent Legislature Secretariat and formation and functions of Financial Committees, are of fundamental importance. They go to the root of the efficiency of Parliamentary government. Unless Parliament is in a position to assert its independence as against the executive, there can be no hope of real democracy, or Parliamentary Government; and it becomes more difficult where the members are organised as parties. This question is both important and delicate in the present set-up, when political life in the country is not impersonal, is not wholly organised on the basis of programmes and almost all the legislatures have a comfortable majority only for one party and the Opposition is so much divided in ideologies, parties and also in persons. Majorities are undoubtedly an advantage to push through the programme of the party in majority but there are also danger spots therein, which are likely to render harm to the best interests of the party itself and also to the progress of democracy in the country. Knowing or having very large majorities, the administration tends to become stiff, uncompromising and sometimes unresponsive even to reasonable criticism and shows fascist tendencies. The political life has yet to be organised and based solely

on programmes and it will take a long time before conditions settle down and political life reaches the level in England or other countries of the West. The independence of the Speaker and the Legislature Secretariats is therefore a matter very vital and essential not only for a proper discussion, freedom of speech and free expression of opinion, but for the very existence of the Legislatures, as really democratic bodies and not merely handmaids to the executive.

Every Government must have the power to impose taxation. But at the same time, as it is the tendency of executive governments all the world over to spend the taxes only in that way which they think best, there must be effective control and opportunities for criticism by members of the Legislature. The schemes which a Government may sponsor may be right or may be wrong may be good or bad. As, however, they have to function through the administrative machinery which in modern times, is very complicated and huge, it becomes many a time matter of doubt, as to whether monies raised by taxes are really applied for the purpose for which the taxes were raised or levied or applied in the best manner or with the utmost economy.

I need not refer to the report made to the various legislatures by their Public Accounts or the Estimates Committees. These have given very illuminating examples of the way in which the finances of the country can be dealt with. Personally, I feel therefore that no control by the elected representatives of the people, on the transactions of Governments can ever be too much. And may I say it is necessary in the interest of the Government itself as representative of the people and exercising taxing powers for the popular benefit, to submit to as large a control by the legislature as can be imposed or allowed.

There is yet another feature to which I think I may refer, though the subject is perhaps somewhat remotely relevant to the present issue. But I think, it is so related to the subject on hand that I must refer to it to illustrate the necessity of control.

There are various taxing authorities in India. The Municipalities, the State Governments and the Central Government are the three main authorities. They are all supposed to tax the people for the benefit of the citizen. The division of jurisdiction

in the field of taxation is more for the purposes of convenience and division of work; but essentially the sole purpose of all taxes is the benefit of the citizen. Unfortunately, a system or a sort of departmentalism has grown not only in the administration of individual governments, but in the set-up of the entire government of the country. Each taxing authority thinks in separate compartments of its own needs only without any consideration as to how far the citizen as a unit is benefited by the number of different agencies claiming to serve him and how far he is able to bear the total burden. There seems to be no co-ordination either in the imposition of these taxes or in the expenditure thereof by the different authorities. Each moves in the groove allotted to it and the tax-payer becomes as it were, a beast of burden.

To my mind such a thing is unfortunate; but I am here concerned only with illustrating the need of economies and wise spending by the various administrations; and therefore, the necessity of strict control of the legislatures over the expenditure and imposition of taxes by governments.

The other points in the Agenda are undoubtedly very important, and I am sure, you will give each point your due attention. There are however, two points essential for the proper functioning of democracy to which I may invite your attention.

It is the everyday experience of every one of us that the administrative delays in respect of even the smallest matters are now reaching the limits of tolerance. Unless some steps are devised for expediting disposals, I am afraid, democracy itself will be lost in the deluge.

Another aspect refers to the business in Legislatures. It appears that in some State Legislatures the right of interpellations by members is almost reduced to nil. I do not mean to suggest that questions by members are not permitted. But what I mean is, that the answers to interpellations are so delayed and sometimes interpellations are replied to so vaguely or so indifferently that the very purpose of interpellations is lost. Interpellation is a very important right which helps the members to keep the day-to-day administration under public gaze, which is so essential for efficient and honest administration. To my mind, it should be the duty of every presiding officer to see that interpellations are answered

quickly, fully and truly. The Legislature is the head which acts through the Government and the Government has, therefore, to show proper courtesy and consideration for the Legislature. At times it seems that there is a lack of proper appreciation of the relationship between the Legislatures and the executive governments. We as Presiding Officers have to do our best to see that governments conduct themselves as responsible to the Legislatures.

Though I respect English precedents of the House of Commons, I feel that we should not feel ourselves bound to accept a thing as correct or proper because they accept it as such in England. The English precedents have in some cases a historical background, and, therefore, they have some peculiar conventions. We have no such background so far as our Constitution and Legislatures are concerned. We have, therefore, to create our own precedents and traditions though we should respect and derive strength from English precedents. As illustrations of human experiences, they are of a special value but not for guidance in matters peculiar to our situation.

## **Problems facing the Legislatures\***

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The most important resolution—in a sense a vital one for the growth of democracy on proper lines—that we had passed last year expressed the view that the various Legislature Secretariats should be placed on an independent footing and free from the control of the executive government.

In this connection I had stated that I shall be proceeding very cautiously and that I will not proceed with the subject till I feel a positively favourable atmosphere. Looking to the present set-up in the various States and to the hugeness of the task of bringing about an ideological revolution in such a short time as seven months, I have thought of taking up this question at a later stage after some other questions, such as that of Speaker's position which was the subject-matter of another resolution last year are dealt with. The case in respect of an independent Secretariat will gain ground as we proceed in democratisation in respect of other matters relating to the legislatures. I have no doubt that as time goes on the Legislature Secretariats have to be quite independent of the Executive influences. The ideas about the present set-up of administration are undergoing a change; and though it may take some time to see them put into effect the change in the Legislature Secretariat set-up will be coming more rapidly than expected as the Legislatures begin to make

\* At the Conference of Presiding Officers of Legislative Bodies, Srinagar, 14 June, 1954.

their influence felt on the Executive government. There are a number of small and big administrative questions involved in the matter of an independent Secretariat for Legislatures in every State and these have to be tackled first. The process is necessarily slow and long.

However, I addressed the Prime Minister of India on the question of creation of separate Secretariats in Part C States. While sending this letter of mine to the Home Minister for the latter's comments, the Prime Minister stated to me as follows :—

"While there is undoubtedly some advantage in having such Secretariats, there is also the disadvantage of adding somewhat to the burden of those Part C States."

The Prime Minister also expressed the view that the future of these States is likely to be considered by the Commission for Reorganisation of States. Hence the matter had to be necessarily left at that stage. But the important point to be noted is that the principal consideration which weighed with the Prime Minister was one of finance. On the question of separate Secretariats being of advantage to the legislatures, he seems to have no doubt.

Then, we had resolved that a Convention should be established to the effect that the seat from which the Speaker or the Chairman stands for election should not be contested in elections held from time to time and Government as representing the majority party should be pressed to take steps for making a beginning in that direction. In this connection, I addressed a letter to the Prime Minister as Congress President as Congress being at present, the majority party in almost all the legislatures it was the proper party who should be approached first for taking initiative to create convention. I may now approach the other groups also. I am circulating to you a copy of my letter dated 10th February, 1954 to the Congress President along with a copy of the circular issued by the General Secretary of the Congress. I understood from the latter that the Working Committee of the Congress had not passed any resolution in specific terms, but they generally discussed the position and what the Secretary of the Congress communicated to me was only the substance of the conclusions of their deliberations couched in his own language. Obviously they accept the desirability of laying the wider convention that the Speaker's seat should not be contested but that will require the concurrence of other

political parties which they felt was not possible to obtain. But the important point is that they have accepted that it is a right convention and further they have also accepted the position as set out in my letter that, so far as possible they should not set aside a Speaker while considering his nomination for general election and then his election to the Speakership. So far as possible the practice should be to give him the party ticket so that his future candidature at the general election is assured. I think so far as it goes, this decision is a good advance in the desired direction. All conventions grow bit by bit and have to be built up step by step. In my view, we have laid the first brick very firmly and we have now to strive further.

I may mention here the necessary counterpart of this convention; and it is that the Speaker has to abstain from active participation in all controversial topics or politics. The essence of the matter is that a Speaker has to place himself in the position of a judge. He has not to become a partisan so as to avoid unconscious bias for or against a particular view and thus inspire confidence in all the sections of the House about his integrity and impartiality. If we are able to build up this convention on our own, then only we shall be able to justify, in course of time, the other one about the Speaker's seat being uncontested.

I now come to some general problems common to all legislatures which require solutions if legislatures are expected to function efficiently and effectively. The most important of these problems is that of finding time for what can be said to be the normal work, which the present-day legislatures have to put through. With the change in the nature of Governments from Police to Welfare State there is necessarily a change in the nature and volume of legislative work, direction of policies as also in the nature, necessity and quantum of parliamentary supervision and control over administration generally and various other activities of Government. Unless there is a proper and sufficient check from the popular point of view the administration tends not only to become mediocre and wasteful, but it is likely to become burdensome and irksome to the tax-payer instead of becoming an instrument of service to him. Side by side there is also the danger of too much control which might make the administration lose all initiative and the object which the legislature has in view is likely to

be defeated. The problem therefore is of maintaining a proper balance between the liberty of action on the one hand, and control the method and quantum on the other. How can we best achieve this balance by any rules, regulations or even by conventions? The raising up of the general level of the electorate and consequently that of the legislatures, may be helpful to an appreciable extent. But as that will take a long time, it will be conceded that some conscious effort is necessary from the beginning to maintain such balance.

As the Government activities are now tending to cover all aspects of life, the sphere of legislation is increasing considerably and naturally the question arises how long in a year will the legislature be sitting to dispose of legislative and other business. What should be the proper scope and length of discussions in matters of legislation? Hitherto the convention has been that excepting in financial matters and a few others, there should be no time-limit when Bills are being discussed. Experience has, however, shown that it is not possible for the legislature to put through its business within a reasonable time unless some device of saving time is evolved. Time-limit may be one of these remedies.

The difficulty chiefly arises because our notions are not yet tuned to the change and the changing character of Government business. We are yet dominated by old ideas of individual liberty and though we are talking of planned society, planned economy etc., we are not yet acting in terms of planning the business of the legislature. But it is obvious, unless we have a planning in the conduct of the legislative business, the legislatures will not be able to serve to the fullest extent that they are expected to do. So far as Parliament is concerned, an attempt is being made in various ways, one important aspect of which is the institution of the Business Advisory Committee. At present this Committee takes into consideration the total of Government business which has to be put through in a particular session and then makes the allotment of time in respect of each Bill taking into consideration the overall picture of the business and the importance and the controversial character of the Bill. But the principle has to be taken further. It is not enough to allot time for the Bill as a whole, it is also found necessary to make special allotments for various stages of Bills, but there is yet no specific attempt to put any time-limit on the speeches. As the attempt is in the experimental and



formative stage, the allotment of time is made with the consent of all the different sections of the House. The allotment is therefore sometimes erring on the side of extra time being given. But even with the extra time, the results are encouraging.

Then there is also the question of delegated legislation which is devised to save time of the House by vesting the Executive with power to make certain rules and regulations which have the force of law in pursuance of the power vested in the Government by the enactment. Here too one has to be on his guard. The power of making rules when left to Government without any scrutiny by the legislature is likely to be exercised more widely and sometimes for a purpose or in a manner different from what the legislature has intended and it therefore becomes necessary to have strict scrutiny of the rules and regulations that the Government make from time to time in pursuance of their Rule making powers. For this purpose we have devised in Parliament a committee called the Delegated Legislation Committee. It examines rules and regulations made by Government and submits reports to the House. I have no doubt that scrutiny by legislators will keep the exercise of the powers by the executive within proper limits provided, of course, the members are alive to their duties and discharge them carefully.

But the main problem is not solved by curtailing only the time. It is necessary that as many legislators as desire to take part in any discussion on legislation or other matters should be given an opportunity to express their views. Much can be done even under the present conditions. If members were to be alive to the rules of relevancy and avoidance of repetition there could be some substantial saving of time. But it is perhaps too much to expect this in the early period. The members have also to be made conscious of the necessity of consideration for other members who require to be given chances so that the restrictions of time on speeches become more self-imposed than as a matter of imposition by the Chair. One other remedy that is being tried is to have a Select Committee on almost every important Bill with a comparatively large number of members, coupled with the convention that those whose names appear as members of the Select Committee should not try to catch the eye of the Speaker. The idea is that as members of the Select Committee are going to get the fullest chance of thrashing out the Bill, what is needed is that they should give opportunities to

others outside the Select Committee to express views which those others would like the Select Committee to take into consideration. I am happy to state that this convention is welcome by the Members of the Lok Sabha and promises to give very good results.

I may here refer to one possible misapprehension which some members carry, as I note from informal talks. This convention of not allowing a member of the Select Committee to speak holds good only while the motion for reference to the Select Committee is being discussed. Once the report is presented to the House, it is certainly open to every person who desires to speak and is lucky enough to catch the Speaker's eye to get a chance.

Besides legislation, there are many other subjects which come before the House for discussion. The Annual Budget is a normal thing. But in addition there are many other matters which come before the House for discussion in one form or the other and time has to be found for all these. I need not go into all the details in respect of the various ways in which discussions can be limited to specific points. Time of the House can also be saved by formal or informal discussions outside through various Committees or Groups.

The other important question is parliamentary control over the various trading activities of government. This control is exercised indirectly through the right of interpellations, resolutions etc. But that is a very remote and small fraction of the control. There has to be some effective control over the policies and finances of these trading activities. Such control is exercised through the Estimates and Public Accounts Committees. To my mind, these Committees have to be wholly constituted from amongst members without any direct or indirect control or influence of the ministers. I am glad that the Estimates Committees have been formed in some legislatures, though I am told that, in some cases, they are presided over by the ministers incharge. I am afraid this is not a healthy practice. Officials and experts of Government should always be at the service of the Estimates Committee to explain any points of doubt or difficulty but the Committees have to be left free to deliberate in their own way and call for such information as the Committees may deem fit. Such a course will have no disadvantage, but on the contrary will have a two-fold advantage. In the first place, members would be

enabled to work and think for themselves with full freedom and without any direct or indirect official influence and, in the second place, Government will be able to have an independent review and criticism of their administration. The independent member will bring to bear upon the question a fresh and unbiased mind free from considerations of prestige.

This question of Parliamentary control has assumed a special importance in view of the recent growing practice of creating what are called "statutory autonomous corporations" for running services or concerns on business principles. Unless such corporations are under the control of experienced businessmen reputed to have competence and integrity, the mere creation of corporations with "autonomous" powers will not achieve the desired end. If such bodies or corporations are to be run by the personnel of the permanent services, there is no practical advantage in creating the autonomous and separate corporations. However competent a person may be in administering the routine government business he cannot be expected to have that business experience and acumen which go a great way in making a concern a success. There is, therefore, every possibility of the so-called autonomous corporations being merely extensions of Government departments without having the various checks which the concern would be under if it were not run by a statutory corporation. In this background, the question of parliamentary control becomes one of vital importance. As the Legislature finds the money for running all such corporations, it follows that the legislature is entitled to have full information necessary to guide or shape the policy of the undertaking. The only autonomy will consist of carrying out the policy within the limits laid down by the legislatures. It is therefore, clear that while there should be no interference in the day to day administration, there has to be scrutiny and information must be supplied to enable the legislature to see as to how far the object of floating the corporation is being carried out. This question is a new one but is likely to assume great importance in the future in view of the policies of floating autonomous concerns to carry on the work on business principles.

## Subordinate Legislation\*

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Parliamentary democracy is a young plant in our country and it requires very careful handling and nourishment if it is to grow to its full stature for the benefit of our people.

Parliament is undoubtedly representative of the people and it is assumed to work for the benefit of the people. This implies a very close collaboration between the people and their representatives, who have to fulfil a number of duties as such representatives in our country. The role of a legislator is two-fold : he has not only to represent the public view in the legislature but he has to educate the electorate by conveying to them the intentions of Parliament and its objectives in the various measures, legislative or otherwise, which Parliament is taking from time to time. In doing so, the legislator has also to know and study not only the views of a particular question, but more important than that, he has to see how far the administration set-up for giving effect to the laws and policies of Parliament prove really beneficial to the people, in what respects they become a source of inconvenience or harassment and therefore require a change. The administration functions within the walls of the Secretariat and though it may consist of men of goodwill, intelligence and learning, they cannot be fully alive to the popular reactions as

\* Addressing the Committee on Subordinate Legislation, 7 December, 1954.

also to the inconveniences and hardships which the people feel in the course of the administration of laws. It is therefore the legislator who has to act as a liaison and mould the administration to the best advantage, convenience and good of the people.

These days, when the nature of Government has changed and is fast changing, the duties of Parliament are also getting manifold and onerous. In our conception of the State, as a welfare State, the administration pervades every walk and aspect of a citizen's life and naturally, therefore, the scope of legislation is very wide, and the number of laws that are required to be enacted is quite large.

In such a state of things, it is impossible for any body of legislators to deliberate upon, discuss and approve every little rule or regulation, which may be essential for the purpose of administering the various laws, schemes etc., which Government may sponsor. There is also the limitation of time on account of the various duties and obligations that Parliament has to perform : it has to keep a general supervision and watch over the executive; it has to exercise control over finances; it has to lay down general policies for the guidance of the executive and many other things. Parliament can, therefore lay down, even in the matter of legislation, only broad aspects of a measure and leave the details to be worked out by the executive to give effect in the desired manner to the wishes as expressed by the legislature in an enactment.

This has necessitated the delegation of parliamentary power of legislation to the executive within the scope and limits that the legislation may impose. Experience has shown that the work of Government has to be carried on more by the rules made by the executive than by the few principles which are laid down for the Government by Parliament. The rule-making power thus vested in the executive by legislation, has given rise to a kind of "new despotism" as experienced parliamentarians in the U.K. would say. It is for the purposes of keeping this new despotism under control within due limits and on proper lines that Parliament functions through this Committee.

It is to be conceded that delegation of power is both a necessity and a risk. We have therefore to do what we can to minimize the inherent risks in the wrong or bad exercise of the

rule-making power.

I need not dwell upon the duties that your Committees have to discharge. They are broadly laid down in the Rules of Procedure, but I may here say that the Rules of Procedure should not be taken as the final word. As we are new, we are trying to shape our functions and we shall be guided by our experience and make such changes in our Rules of Procedure as we may find necessary from time to time, to achieve the objective of having the best parliamentary democracy. In other words, I may say that the Rules, though a guide are mere statements of what our experience has shown us; and from that point of view, there will always remain a scope for improvement of our rules. Your duties, therefore, are not necessarily limited to what is stated in the Rules. Though the rules will be a substantial guide in the matter, you have to bear in mind the objective and consider the matter before you, in the perspective of the objectives before us. In course of time, we shall be able to stabilise the scope and duties of a Committee like yours. We have to proceed moderately and cautiously.

It will, therefore, be clear that the Committee is not conceived in any sense as an opposition to the Executive Government or to the administration. It is conceived as a body of persons who are in touch with the people and not being concerned in the actual administration are capable of taking independent and detached views. They are the collaborators, the cooperators and the friends of the administration and they approach the examination of the rules and regulations in that spirit. The Committee have to examine the questions before them in a non-partisan manner, as they are discharging a duty on behalf of the entire House and not on behalf of a party or section. Once a decision is taken even though by majority, it becomes the decision of the House and every Member of the Committee is bound to work on the basis that the laws enacted and the policies laid down have emanated from the entire House; and therefore examination of the implementation of those laws through rules, admits of no party considerations.

## Parliamentary Democracy in India\*

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Though the modern form of democracy with its machinery of elections, the modes of discussions, debates and taking decisions, the functioning of the executive government and the administration to give effect to the decisions reached are comparatively new to us, the substance of self-government itself is an ancient institution in this country and it had survived, though feebly, in the village communities till about the middle of nineteenth century. That self-government was, however, restricted only to local needs of the population and it was, in no sense, a political democracy concerned with the defence of the country, its foreign relations, its coinage, customs, etc.

In the British times, democracy on modern lines by the application of the elective principle for selection of representatives was gradually introduced, first in the local bodies and thereafter in the provincial and central administrations. To start with, the scope of powers and functions of these representative institutions was extremely limited and was expanded as time went on. The result has been that we have been pretty well accustomed to think of democracy in terms of the British pattern and we have, therefore, been looking upon the mother of Parliaments as our model.

\* Journal of Parliamentary Information, Vol. I, No. 1 April, 1958.

Though the scope of the pre-independence legislatures was very limited, they had in them the seeds and the paraphernalia of democratic and representative legislatures.

It was, therefore, very natural that our Constituent Assembly preferred the model of Parliamentary Democracy, by which is meant substantially the British model of Parliamentary life, as an ideal form of government to serve the best interests of the people. There have been some departures here and there from the British model, but substantially the model adopted in our Constitution is the British model.

We have now created the necessary machinery for elections on adult franchise as also framed some rules for conduct of business in the legislatures. We have thus given the outward shape to our democracy. But we have yet to achieve that democracy which we aim at and aspire for. Though democracy must have a body to exist its real soul consists of what may be called the democratic attitude or the democratic mind. In essence, the quality of democracy will depend not upon the rules for election or the rules of conduct of business, etc. but upon the spirit and attitude of those who are called upon to function as members of the democratic legislatures.

It will be appreciated that the British democracy functions efficiently and it is considered to be ideal parliamentary democracy in the world because of the impersonal approach to all problems by members, the common goal of the good of the country, the spirit of toleration, mutual adjustment and compromise. It is not run merely by counting of heads or hands or by the volume of the voice one way or the other in the Houses of Parliament. It is necessary for us, therefore, to develop such a "parliamentary spirit", but we have to watch the working of our legislatures and evolve the spirit and the procedure for real parliamentary democracy, best suited to our own soil, genius and traditions.

Our progress in the direction of establishing parliamentary democracy will naturally be slow and arduous. But we must work hard and be patient. If we want to make parliamentary democracy a success in our land, in the sense that it serves the best interests of the people and achieves peace, progress and prosperity, it follows as a corollary to what I have stated that, though British 'precedents in Parliamentary life are a very valuable guide to us inasmuch as



they crystallise human experience over centuries, it will neither be possible nor desirable for us to copy each and every one of them for the simple reason that our thought and temperament, our culture and tradition, our social structure and history are all so different from those of the British. Further, some of their conventions and forms are a matter of historical growth; and their constitution, though well settled, is yet an unwritten one. We have, therefore, to go on experimenting and trying, so that finally we may stabilise the conduct of proceedings in our legislatures in the light of experience we gain in the present formative period of our independent national existence and life.

It becomes necessary, then for the various legislatures in the land to be continuously informed of the activities, the problems, the solutions— attempted or suggested—of each of them so that each legislature will have the advantage of common pool of experience and knowledge and will thus be enabled to function better in the interest of people. The Journal of Parliamentary Information will, I hope, supply this need and hence I welcome it and wish it well.

I trust that the Journal of Parliamentary Information will not only be a useful record of important happenings in all legislatures in India, but will also be a forum for expression of views and opinions contributing to the evolution of the best pattern of democracy for India.

## Watch on Administration\*

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The machinery devised for popular representation and the work of Government in every field of activity to advance national welfare being vast by its very nature, each part in the machinery has to be assigned its own separate functions; but the basic fact remains that every part is directly or indirectly related to every other part; and, therefore, while discharging its functions, it has to act as a part of the whole, remembering, at every point, the common ideal and the objective. Though, therefore, the functions of the Public Accounts Committee may be limited to a certain specific sphere, namely, the examination of accounts, the approach to the examination must be permeated with the basic ideal and objective just mentioned.

I have thought it proper to state this at the outset because, division for the facility of execution of work in an efficient and quick manner is likely to be degenerated very easily into departmentalism and consequent narrow outlook. The purpose is likely to be lost sight of and we are likely to get involved in the mazes of various rules and regulations which though, necessary, are, in the ultimate end intended for the general good of the community. Though, therefore, our discussions and considerations of the points that are likely to be raised in the Committees may be strictly limited

\* Addressing the Conference of Chairmen of Public Accounts Committees of Parliament and State Legislatures, 30 April, 1955.

in their scope, those discussions have always to bear in mind the general background and also the purpose for which various Rules, Regulations, conventions etc. are made either directly by the Constitution or by the Legislatures or indirectly by long established practices and conventions.

It is unnecessary for me to dwell at any length on the importance of the subject of Finance and the vital role which proper accounting plays in matters of public administration. By proper accounting, I do not mean merely a record of receipts and expenditure in terms of rupees, annas and pies. That record has to be maintained, but great importance attaches to propriety, economy and the direction of expenditure. The Legislatures scrutinise and discuss the policies as well as the programmes to give effect to them and then sanction the required finances for execution by Government of those policies and programmes. As a necessary corollary to sanctioning of finances, the Legislatures exercise the powers of taxing the people; and it becomes, therefore, vital in the interest of the tax-payer to scrutinise and examine not only the record of receipts and expenditure, not merely the existence or otherwise of sanctions by proper authorities, but also to examine as to how the policies have been worked out, and whether the administration is rendering service to the citizen in proportion to the moneys spent. Unless these points are kept in view, the examination of the accounts will be nothing more than an additional burden on the tax-payer and there will be no justification to incur the costs for the working of these Committees. I do not mean to suggest that what I have stated is a statement of the scope of the functions of the Public Accounts Committee. The scope of its actual work will be limited but its discussions and conclusions will be shaped in the spirit in which the functions assigned to it have to be discharged.

Though the entire set up for the Government of the people is conceived as one whole for the benefit of the people and even though the division of work is also made with that purpose, it is yet unfortunately too true that, the several parts of the administrative machinery have yet to go a long way, before there could be perfect understanding and co-operation between the different constituent parts so as to make them as one indivisible whole in outlook, spirit and functions. It is perhaps inherent in human nature to forget the main purpose and to be individualistic while working with others for

the same purpose and towards the same end. That is why we find many times conflicts not only of views but in action also, between the various constituents of the administration. The Legislatures feel that the Executive Governments are not properly respecting their wishes. The Executive feel that the Legislatures are interfering too much and hindering their work by raising various issues, points and doubts. The Executive and the Legislatures both feel that the Judiciary is putting a brake on their forward march and all these feel that the auditor is a source of great trouble because he raises various types of objections about the competency or propriety of this or that expenditure. And the point to be noted is that all these feelings are quite *bona fide* and sincere.

That there should be this feeling of mutual inconvenience or irritation towards one another, by the various links of the administration as a whole, is undoubtedly an unfortunate situation. But it is no use and will serve no purpose, if we try to ignore the existence of the situation as a matter of fact. We have, therefore, to make a conscious effort of getting over the situation by a proper appreciation and understanding of the purpose of the entire governmental set up, the spirit that ought to pervade that set up and the fact that all the links ought to go together to make one homogeneous whole. This can be achieved only in course of time and by a realisation that all the various branches are expected to co-operate with each other with an understanding of the difficulties of each, which have to be overcome by mutual help and co-operation. It is not that the duty of one is only to find fault with the other and to show that the fault or defect in the administration is the result of something done or not done by the other. To whomsoever the defect may be attributed, so far as the ordinary citizen is concerned, he has to suffer the consequences; and he knows no separate departments or branches of administration, but he lays the blame at the doors of the government. The Audit and Accounts Officers as well as Parliamentary Committees of the Legislatures have to function bearing this aspect in mind. Enforcing adherence to rules, though essential is sometimes likely to be oppressive, if stress is laid on mere adherence to the letter of the rules. There has to be a liberal and human approach and the rules will have to be observed. But their interpretation and enforcement has to be on the basis of service to the common man. The interpretation has to follow the spirit of the rules and not necessarily

the letter.

The present conception of Government apart from the way it is constituted, is that it exists for the welfare of the citizens. That is the pivot on which all interpretation of rules and laws has to revolve. Observance of the rules on the old fundamentals has been causing an amount of avoidable delays and irritation and many a time consequent frustration in matters of administration. It is high time, to my mind that these rules are revised as early as possible; and though rules will be necessary, when one is concerned with vast administration, they ought not to be so voluminous as to make the observance of rules, a matter for experts only. Their number may be small and they may consist of directives on fundamental principles. The higher officers have to be left a discretion and latitude instead of there being a rule for every little contingency or situation that may arise. If such detailed rules are to be insisted upon then I do not see why we should have a large number of higher grades of officers. The principal objective is to bring about honesty in public expenditure coupled with expedition of business and minimum internal rub or friction.

The Financial Committees, who are charged with the examination of Government Finances gain a lot of experience as to how these financial rules of expenditure, accounting and auditing work in practice. They can also see as to how far the administrative delays are caused by various types of sanctions and by passing various authorities for grant of those sanctions. The Committees are in a position to suggest changes, which in their opinion may be made in the existing set up. One can say it without going into the details of the present rules, that the time is overdue for a thorough recast of the existing rules and regulations for the simple reason that the objective of governmental functions is now entirely a different one from what it was when the rules were originally framed. This is, in addition to the reason that, the Government is now not a foreign government but a national one.

The Public Accounts Committee is sometimes misunderstood as a mere *post mortem* Committee. It is only partially so; and it would be a wrong to suppose that the object of the Committee is merely to look to the compliance or otherwise with the various rules as regards the financial sanctions, budget provisions, etc. The Committee has to

see whether the policies laid down by the Legislature have been followed by the Executive within the limits and in the manner that the Legislature has sanctioned and conceived. And, there is also the further objective that the facts or defects found will always be a valuable fund of experience in the light of which future planning and the annual budgeting can be organised to achieve better efficiency and economy in the administration. The work of the Public Accounts Committee, therefore, is not merely a mechanical work of checking credit and debit entries with the vouchers, but to go below the surface and see whether the money is spent as the Legislature intended, whether it was spent with due economies and last but not the least, whether a high standard of public morality is maintained in all financial matters.

I should here refer to one or two important aspects. From what I have said, it must have been clear that the Committee does not sit as an inquisition, nor does it try to find fault with the Executive Officials and Ministers. Its function is to examine the Accounts laid before it and to apply its mind to them in an independent and a co-operative and constructive spirit. Its main function will, therefore, be to express its views on the way the policies laid down by Legislature were executed in the desired direction and manner and with proper economies. It has to criticise as friends and not as opponents. It will also have to be constructive. It has not to treat itself as opponents of the administration or the Ministry. And it must apply itself to the work in the spirit of a joint effort by all concerned, to advance the betterment and efficiency of the administration.

The other important point to which I would like to refer is that all Parliamentary Committees are expected to represent the wishes and mandates of the Legislature as a whole. Whatever may have been the party alignments during the course of discussions of the Budget, or of a measure, the moment the House has taken a decision, the only course open to the Committee is to follow the decisions of the legislature. It means, in other words, the approach in the matter of examination of accounts and of judging the regularity, the efficiency the utility of all that is done, or has been spent by the Executive Government, has to be on non-party lines, bearing always in mind the decision of the House. This should be the basis of all examinations by the Committee.

I may here also say that it is not enough for a Parliamentary Committee to express its own views on the matters within its jurisdiction and present a report to the legislature containing those views. The Committee has to go further. It has to keep a watch on the administration and see as to how far its recommendations are implemented by the Government, and if they are not implemented, the reasons for which the Government differ from them. It has to reconsider the matter in the light of Government views and then come to further decisions. There should be an attempt to iron out the differences which, in other words, means an attempt to understand the mutual view-point and to adjust them so far as possible. The Committee has also to pursue the matter further. It cannot rest satisfied merely with the concurrence of Government on all points that it may have suggested, or points that may have been agreed to as a result of discussions and negotiations. It has to see that the recommendations by the Committee are implemented in action by the government. Unless this is done, the whole purpose of setting up a Committee and its labours will be wasted.

I may refer to a misconception which seems to exist in certain quarters. Because a Financial Committee is elected annually and because it is charged with the examination of accounts of one year only, it is supposed or urged sometimes that the Committee cannot enter into previous or future accounts. It becomes *functus officio* at the end of its term and the Committee being elected for one year cannot look into Accounts either of the previous years or the subsequent years, because of the fact that it has been charged with the duty of looking into accounts of a particular year. This view is the result of misconception about the character, proper functions, purpose and objects of a Financial Committee. As a Parliamentary Committee, it is a continuous Committee, and though the personnel may change, the Committee continues. I may say, it has a perpetual succession; and just as all laws made by one Parliament or one Legislature do not lapse because new members form the Legislature on periodical elections, similarly the election of a new Committee does not affect the continuous and perpetual existence of a Financial Committee.

I am sure, that if the objects and purpose of the Committee are adequately appreciated, the Government, the Ministers, the

Administration as well as the Committee will look upon each other as colleagues who have embarked upon the achievement of the common objective laid down by the Constitution; and there should be, therefore, always a spirit of mutual respect, and courtesy; and there is no room for assuming any role of superiority over the officials in the performance of its task by the Committee.



## On the Position of Speaker, No-Confidence Motions and Parliamentary Committees\*

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Though I think it is superfluous for me to say or suggest anything in view of the past decisions of this Conference about the Speaker's position and the desirability of his uncontested election, his re-election, etc., it is yet necessary that I should repeat my earnest request that, though very serious and vital issues are involved in the recommendations of the States Reorganisation Commission and their implementation, all the Presiding Officers will make it a point not to participate directly or indirectly in the controversies which, it is clear, are bound to arise and to be carried on vehemently over the recommendations by the Commission and their implementation. I do not deny that each one of us has his own views—and strong views they are—on the matter, the expression of which he values as most important and vital to the interests of the Union and the community; and yet it is not only desirable but necessary to maintain a non-partisan attitude and refrain from any participation in controversies, as we value the formation and maintenance of sound conventions about the Speaker's position being above party politics and party controversies. Whatever the importance

\* At the Conference of Presiding Officers of Legislative Bodies, Shillong, 2 November, 1955.

of the recommendations of the Commission and their implementation it will be readily agreed that it is after all a passing phase in the emergence of our nation to its full height. On the other hand the convention about the Speaker's position is a matter of continuing and permanent importance in the development of the democratic set-up that we are aspiring for. I may also state that the non-participation in active controversies openly and publicly does not mean that any one of us should be debarred from expressing his views privately and confidentially to the authorities who are to deal with the question of consideration and implementation of these recommendations. If we fail to recognise need of non-participation in the controversies on this issue we shall be doing a serious and incalculable harm to the growth of the convention which we desire. Conventions are built up inch by inch and by continued effort and sacrifice for the development and maintenance thereof. The restraint in the individual expression of views has to be observed in the wider interests of democracy.

In discussion of the points this time there are two points of special importance to which I would like to invite your attention. There is the point about repetition, off and on, of no-confidence motions against Ministers coming from Members of the Opposition. It is agreed on all hands that the right to bring no-confidence motions in the legislature is a valuable one and it should not be curtailed or circumscribed lightly. At the same time, one has to consider as to whether such motions should or should not be allowed on feeble grounds and over and over again. In the first place, it is necessary to bear in mind that the parties who table the no-confidence motions are not generally strong enough in numbers to be able to replace the government by carrying the motion through. I believe the essence of the no-confidence motion is that those who table such a motion are strong enough not only in their numbers in the legislature, but have also substantial backing of the electorate. If the purpose is, as very often seen today, to criticise the Government and make allegations, I think the motion should not be consented to and admitted unless it is supported by a substantial number of the legislators. In practice, it appears that what is called a no-confidence motion is nothing but an opportunity to bring out only the sins of commissions and omissions of the government or the character of Government or the alleged nepotism, corruption etc. of the Cabinet or some member of the Cabinet.

Though it is vital for democracy and good government that such criticism should be permissible, I think they should be classed as mere censure motions instead of calling them 'no-confidence' motions. I do not wish to make a mere difference of words. Criticism of Government, however strong and pungent, must be allowed so that the people may judge for themselves as to how their representatives elected as the Cabinet are functioning.

But the no-confidence motions are something more than a motion for merely criticising or fault-finding. Its implication is a change of government and the result of tabling the motion is that there is an atmosphere of tension and uncertainty and it has got its effects on the administration and everybody's attention is directed in other directions. It will be for you to consider as to how such a motion should be looked at and how it should be dealt with, so that, while we may preserve the right of the Opposition to deal with the Government as they think best, we should be able to guard against the unsettlement of the functions of Government by such motions coming in every now and then. We have to establish a convention circumscribing such motions and their recurrence except on solid grounds.

The other question re: Joint Committees as posed in the agenda, is based on the ground that the Constitution does not provide a joint sitting of the two Houses of legislature; but I think it has to be considered in wider aspects. Even where the Constitution provides a joint sitting of both the Houses, the Joint Committees should be more an exception than a rule. We have Joint Committees on Bills in Parliament and it appears to me from the way in which they are constituted and worked, that the Joint Committees do not give results either from the point of view of economy of time or quality of work.

I may state shortly why I feel so. In the first place, the number of members of the Committee have necessarily to be large to provide for adequate representation of all parties in both the Houses; the Select Committees thus become a miniature House and the deliberations in the Committees lose that informal character and close consideration by members which are so necessary and vital for proper functioning of the Select Committees. The Joint Committees are conceived with the idea of saving time of discussions

in both Houses. But this anticipation does not seem to have been fulfilled in practice.

But the greatest drawback is that the very objective of having a second chamber is defeated substantially by the institution of the Joint Committees. When the Bill comes to them, Members of the other House are not in a position to have an open mind on the question and thus lose the advantage of applying a fresh and open mind to the measure that comes before the House after its being passed by one House. The other House does not function as a revising House to the extent to which it should or is expected to do.

The other objection is that when a Bill is introduced in one House and the other House is invited to join in the Joint Committee, the other House has to consider the question of joining the Committee, without the Bill being before it and the mere decision to join in the Committee has to be held as not depriving the House from debating the principles of the Bill again when the Bill emerges from the Joint Committee. There is thus some double discussion. This practice of Joint Committees therefore requires more careful consideration at the present juncture when parliamentary practice is in the process of development.

There is also another important matter relating to the question of procedure and propriety when Government chooses to set up a Committee of its own to report to itself on a question which is under active consideration of a Parliamentary Committee, such as the Public Accounts Committee or the Estimates Committee or any other Committee. It is obvious that there could be no conflict of purpose between the Government and the Parliamentary Committee. The object of both is common and identical. Both the Government and the Committee wish to ascertain the truth in respect of any matter that is intended to be investigated; and it is necessary therefore, that any possibility of conflicting conclusions should be avoided. It is not that Government wish to whitewash anything and everything nor is it that a Parliamentary Committee wishes to condemn anything and everything. It is common ground for both that they want to examine the affairs with the objective of setting right the administration so that it may be economical and honest and may work in the best interests of the State. Thus appointment of

Committees by Governments in such circumstances should be avoided and matters adjusted by mutual consultations and exchange of view-points so that not only correct conclusions be arrived at but conflicts between the Government and the Committees may be avoided. It would be the business of both the Committee and the Government to keep in touch with each other and to understand the point of view of each other and then to come to common conclusions, even though that means some give and take. After all, in a democracy none could claim that he alone is right and the essence of democracy consists in tolerating differences of views and in settling them by give and take. Democracy can succeed only if all the component parts move in the same direction and not spend energy and time in mutual rubs by proceeding in contrary directions. I am happy to state that in the Lok Sabha both the Government and the Committee have shown mutual respect and goodwill and matters have been settled in a homely compromising spirit. Such a settlement adds to the dignity of both and enhances the prestige of the House.

There has been a new experiment which I believe has proved successful for the efficient management of Government business in the House. A Committee called the Business Advisory Committee is formed, which consists of members representative of all parties and a number of times members who take interest in particular questions in the House are also invited to attend the meetings of the Committee to help the Committee. Government give a list of business which they wish to put through in the particular session. The Committee considers every item on its own merits and makes *ad hoc* allotment of time considering the importance of the measure, its controversial character, its provisions and such other things. The main factor which contributes to the efficiency and effective functioning of this Committee is that no decisions are taken which are not unanimous. This fact is of essence and is the sole reason of the success of its functioning. The allotment is reported to the Members by the report of the Committee which is circulated to them and the next day a motion is moved before the House by the Minister of Parliamentary Affairs that the report of the Committee be adopted. On the adoption of the report the allotment made by the Committee becomes the Time Allocation Order of the House and it becomes binding on each Member of the House. Even here, the practice is that the motion for acceptance of the Report is taken as a formal one and it is adopted without any

discussion on it. The House is thus supplied with a machinery which works clock-like and one almost knows in advance what business is likely to come and at what time and when the session is programmed to end.

The Presiding Officers of the various Legislatures may consider how far this device may be adopted in their own legislatures for the efficient disposal of business and prevention of any waste of time.

I would take the liberty of inviting the attention of the Conference to an important matter *viz.*, the need of the Presiding Officers maintaining their independence with courage and faith in themselves. The success of parliamentary democracy depends not only on the impartiality of the presiding officer—the Speaker—but also on his courage and indifference to the favours or the frowns of the executive Government. It has been brought to my notice by a reliable source that some questions tabled by Opposition Members enquiring into certain grants of finances made to institutions alleged to be run by some friends or relations of a Minister have remained unanswered for over a year; and the complaint made in this respect by the Member concerned has not been attended to. This may not be intentional but is likely to lead to misunderstanding. I am further told that as a protest Members of the Opposition have withdrawn themselves from the Public Accounts Committee. It is possible that there may be nothing wrong in the grant of funds, but it is essential in the interest both of the Government and functioning of democracy that all those questions on matters involving public finances have to be promptly replied to and the Speaker should do his best to see in the ultimate interest of both Government and the democracy that such questions are answered truthfully and quickly. This can be done only if the Presiding Officers have courage in dealing with the matters coming before them in an impartial manner and without any kind of party or personal strings.

## **Vital Role of Parliament\***

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The subject suggested to me by the Reception Committee for an article for the souvenir on the occasion of the session of the Indian National Congress at Amritsar is a tempting one. At the same time, I feel it is too early to have any assessment of the achievements of Parliament. The task is also an embarrassing one for a man like me who is occupying office as Speaker of Lok Sabha. All the same I shall attempt something. I am applying myself to the task with some hesitation because I feel that in the present transitional as also the formative period, when we are trying to lay deep and well the foundations of democracy, we should turn our attention to ourselves and have some introspection.

In the public life of this country, it is the Congress which at present holds the field and will hold it at least for some years more. People have faith in the Congress because of its past achievements, sacrifice of its leaders and their capacities to guide the nation. It has also to be noted that there was not and is still not such a well-knit and disciplined body of persons as the Congress with a country-wide organisation, prestige and trusted leadership.

Yet whether one may like it or not, we have to see the realities and admit that the Indian National Congress has ceased to be sole representative of the entire nation, since the attainment of

\* Indian National Congress Souvenir Sixty-first Session, (February, 1956).

Independence. What I mean by this is not that it has ceased to have a national outlook or has changed its ideals or conception of Swaraj, but it has ceased to hold within itself people of all shades of ideologies, inclinations and views regarding the ways of life, the economic development and various other things which affect national interest as it did prior to independence. The Congress programme has in recent years been purely or substantially of a political character as its main function has come to be to contest elections to legislatures, and for forming governments to carry out its ideals in various fields. The Congress, having practically become the Government of the country, has got to face tremendous problems for maintenance of peace and order, the problems of administration, problems arising out of all types of conflicts—communal, provincial, ideological etc.

The result has been that the Congress has not been able to take up through non-governmental agencies constructive and nation building programmes. There has also come a current opinion that, with the establishment of national government, there is now practically no need or scope for any constructive programme by the people as such. The State being a welfare State the responsibilities are transferred to the State and, therefore, it is enough for the Congress to have disciplined majorities in legislatures so that the desired goal of the welfare State may be achieved through official agency. This is true, but only very partially. The result has been that Congress which was before independence a spearhead of all-round service of the people has practically come to the position of the ruling political party, though a powerful political party. I may here quote what an eminent Englishman has said with reference to situations that arise usually when self-government is attained. The learned author says : "Self-government does not solve all difficulties. While the struggle for independence goes everyone concentrates on this single aim. When it is attained or is well in sight, the nationalist movement begins to break up into sections with different views and interests."

This is what has happened in our country as one can see from the number of parties that have sprung up for fighting elections and the tendency seems to be towards increase of such parties. One will appreciate the correctness of this observation if he were to look at the composition of various legislatures in the country including



## Parliament.

To my mind, the major success which the Congress has attained today in the matter of governance of the country and the moulding of democracy is largely due to the Personalities of the top-ranking Congressmen. It is they who formulate the policies and bring forward measures before legislatures and are able to put them through because of the disciplined majorities that they have in the legislatures. This does not mean that the members of the party are not consulted, but in substance the leading part is played by the few top ranking Congressmen. The Opposition has made its appearance only very recently since the elections of 1952. But it is feeble and divided. Again the impression on my mind is that they are not looking at the problems before the legislatures purely from a detached national point of view but from the point of view of their own parties. Their criticisms, therefore, many times do not carry that weight and force which what one calls the national opposition carries and is entitled to carry.

In the above background the legislatures in India are, to my mind, not yet fully representative of what one may call parliamentary government and this is but natural at the initial stages where we have yet to build up standards of public life. Sometimes one feels that public life in our country is too personal and there are very few people who are capable of taking an objective, impersonal view of questions before the legislatures. It is either the personal view or the party view mainly dominated by personal ideology, likes and dislikes and by party interests. Thus, I should think, the essential pre-condition of a certain level of public life necessary for a proper functioning of parliamentary democracy is yet lacking though it is in the process of being built up.

If there is to be a successful parliamentary system, the several parties and groups must become a Government and an effective opposition. Prior to independence the leaders were often colleagues in the fight for self-government and it needs considerable restraint to avoid personal ill-feeling when differences appear. A successful parliamentary democracy depends on a basis of mutual respect, a spirit of tolerance and a desire to understand the differing points of views.

Let us now see, in the background of what I have stated above,

the role which Parliament or the legislatures in the country have played. We have undoubted democratic forms in which our legislatures are constituted. We have an elaborate system of elections by adult franchise and it is a matter of satisfaction that our nation-wide elections in 1952 have proved that the average Indian voter, though illiterate and, therefore, miscalled uneducated, is a person of strong commonsense who can think for himself and choose which party he would like to be in power. The functions in the legislatures are also carried on in the same way as legislatures in democracies of the West. And yet I would make bold to say that, we as a nation or as a people have yet to reach the soul of democracy. We have got all facilities for that and we have got the body but the soul has yet to appear. Democracy is not a mere matter of form but it is a way of life.

As Speaker of Lok Sabha I have occasions of coming in touch with the Presiding Officers of the various legislatures in the country as also of knowing generally as to how these legislatures are functioning. Ever since 1950 all presiding officers have been meeting annually in Conference to discuss the various problems of democracy, to compare notes and exchange views and try to evolve conventions and traditions best suited to develop democracy in India; and I am happy to say that one distinctly feels that we are making an advance towards the desired direction. Our progress is slow mainly because of intolerance by and among members of all parties or groups—majority as well as minority—which in turn, brings fear complexes and, to a large extent muzzles free expression of opinion. There is a tendency to turn down or treat as opponent any one who does not agree with us and this in turn brings suppression and false appearances and fear complex. This will disappear with general advance of integrity and fearlessness in society and people will begin to think more in terms of public good and national interest.

These are being wrought out by our legislatures through common thought, discussion and legislation.

Though we have a substantial unity all over the Indian Union in the matters of culture and philosophy, during the last few centuries a narrow outlook of communalism, casteism, and provincialism has had a strong hold on us. The British rule brought

about a large measure of political unity but not social integration; on the other hand, sectional, communal and provincial thinking was encouraged and even today our minds are running predominantly in those grooves of thought and outlook. A social integration is, therefore, the basic need as a foundation for a stable and just democracy. A high standard of integrity and spirit of service are also *sine quo non*. The success of parliamentary democracy is closely related to the social conditions in which there exists a sense of duty, sense of justice, sense of equality and above all a sense of common interest and of unity.

The change is slow and imperceptible. We have also been able to establish, through our legislatures certain good conventions which, I am sure, in course of time will materially help the healthy growth of parliamentary democracy. In this respect the role that Parliament is playing is to act as spearhead and guide to all legislatures and it is of great value to democracy in general.

## The Office of the Speaker\*

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In parliamentary democracy, the office of the Speaker is held in very high esteem and respect. There are many reasons for this, some of them are purely historical and some are inherent in the concept of parliamentary democracy and the powers and duties of the Speaker. Once a person is elected Speaker, he is expected to be above parties, above politics. In other words, he belongs to all the Members or belongs to none. He holds the scales of justice evenly, irrespective of party or person, though no one expects that he will do absolute justice in all matters; because, as a human being he has his human drawbacks and shortcomings. However, everybody knows that he will intentionally do no injustice or show partiality. Such a person is naturally held in respect by all.

In addition, his position is peculiar. In a sense, it is a natural one. His authority is supreme in the House and there could be no challenge to his decisions and orders. In the whole set-up of parliamentary democracy, the Speaker is the only autocrat meaning thereby that his exercise of authority requires no previous consultation or concurrence of anybody and the authority is unchallengeable. This also lends to the respect for his authority combined with some vague fear and a desire to serve self-interest. Every Member knows that his chances in the House depend upon the

\* "Parliamentary Democracy in India: A Symposium" (February 1956), Harold Laski Institute of Political Science, Ahmedabad.

Speaker's estimate about the Member. Naturally, therefore, everybody tries to behave well with him.

Speakership in India has before it the English model. But what we follow in India is the substance of British parliamentary democracy and not necessarily its forms.

The Speaker has, broadly speaking, two spheres of functions—first as the presiding authority of the legislature and secondly, as the head of the legislature secretariat.

In the legislative chamber or in the House of the People in Indian Parliament, his functions are practically the same as those of the Speaker of the English House of Commons. He regulates the debates and the general proceedings in the House. There is a difference between the English procedure and the procedure that we follow in India. At our place, the whole House never goes into a Committee. The Bills that require to be discussed more closely are referred to Select Committees. The discussions of estimates or budgets take place in the House and the Speaker may or may not preside at these debates.

The Speaker is not expected to preside all through the discussions in the House. In fact, it is physically impossible for any person to sit continuously in the Chair for a period of six or sometimes seven to eight hours continuously. There is, therefore, another officer, the Deputy Speaker, who takes the place of the Speaker, whenever so desired by the Speaker. Even with the Deputy speaker, there is always need of some other persons who will act in the Chair off and on, as both the Speaker and Deputy Speaker may not be available alternatively and each one may require some relief for reasons of health as also for convenience of work outside the House. There is, therefore, a panel of chairmen. In the Lok Sabha this panel consists of six members. The selection of the panel is made by the Speaker, and in nominating members consideration is given to the various parties in the House as also to sexes. It has been a rule with me to nominate some women on the panel and to select some members from opposition groups as members of the panel of Chairmen. I am very happy to say that there appears to be something inherent in the Chair as a result of which the moment a person occupies the Chair, he or she exhibits qualities of absolute fairness, justice and independence. An opposition

Member in the Chair forgets his role as a Member and acts as well as he should while occupying the chair of the Speaker. It is the atmosphere of the House and the traditions of the Chair which probably bring about this happy result.

During the course of debates, there are so many small points that arise for quick decision, and the Chair has, therefore, to be always on the alert. It is easier comparatively to watch whether a Member is speaking within the scope of the particular proposition, whether he is speaking relevantly, whether he is repeating. But sometimes, tense moments arise as a result of a member making some caustic or unwarranted remark either against a party or against an individual and then it becomes more or less a question of controlling the chamber or groups of members. The best course is generally not to allow such cases to arise; and one of the remedies is that the moment a Member makes an unwarranted or defamatory remark, the Chair should immediately intervene and call upon the Member to withdraw or make amends. The intervention of the Chair gives some time to the Members to cool down and the storm is probably nipped in the bud. But if the Chair is not alert and some such remark goes out and there is no intervention by the Chair, the necessary consequence is some storm in the House; hot exchanges of words and high tones. Of course, the usual experience is that whatever the temper there is always a good humour also and all such storms are only momentary, though the potentiality is that they may take a serious form leading to the necessity of suspending the meeting. Fortunately no such occasion has arisen till now in the Indian parliament.

Outside the House, the Speaker has to perform administrative duties. Some of these are directly related to the business that is going to come before the House, such as for example admission of questions, resolutions, amendments etc. A good deal of work also relates to the management of the Parliament Secretariat of which the Speaker is the head by virtue of his office. This involves an amount of administrative work.

Since the new Parliament has come into being in 1952, an attempt has been made to increase and make effective the control of Parliament over the work and administration by the Executive by means of setting up various Committees who are allotted the

functions of examining and inspecting the working of the various ministries. There is an important aspect of the Speaker's duties with reference to all these Committees. They take comparatively smaller time and cause lesser strain, but involve the greatest responsibility as also confer wide powers on the Speaker. It is he who appoints persons to preside over these Committees as Chairmen and these Committees being parliamentary committees they work under the supervision and control of the Speaker. The occasion to interfere or control these Committees rarely arises in practice, but the fact that he has the authority to supervise and control is in itself a great power investing the Speaker with a unique position of authority. These Committees are given directions by the Speaker whenever and wherever necessary. Further, the control of the Speaker automatically coordinates the work of various committees so far as the procedure and substance go and contributes materially to the evolution of sound parliamentary democracy.

The Speaker also wields a very important power which places him in the unique position of helping indirectly and remotely the building up of the political life in the country through his power of recognition of parties and groups in Parliament.

The Speaker has also a very potent though indirect power over Members while they are in the House. I have already noted before that none of his decisions in the House can be challenged even though he may be wrong. But apart from this, he exercises a very effective power of control because of the rule that only that Member can put a question or can speak who is called upon by the Speaker to do so. The result is that Speakers have refused to call upon Members to put questions or to speak unless the Members behave properly and make amends in case they have done something which has offended the dignity of the Chair of the House. I know of one case when the late Shri Vithalbhai Patel refused to call upon one particular Member for any question or speech for a period of about one month. The result was as desired. The Member had to capitulate and apologise and then things went on normally with him.

The Speaker influences, though indirectly, the foreign relations of India in his capacity as President of the Indian Parliamentary Group which is specially formed for the study of all parliamentary questions and procedure as also for the study of all

questions which Members have to deal with during the course of their duties as members. The Parliamentary Group is divided into various study groups and naturally Members who study a particular subject always get better of those who do not study them. It is the Speaker who selects personnel for various parliamentary delegations to foreign countries. Recently we sent delegations to Russia, Turkey etc. The Parliamentary Group is also affiliated both to the Inter-Parliamentary Union which is a world organisation as also to Commonwealth Parliamentary Association which is limited to the Commonwealth countries. The Speaker as a Member or Chairman of the Councils of these organisations and as the person selecting members to the Conferences organised by these bodies also exercises an amount of indirect influence on foreign relations and delegations. I have had occasions of visiting foreign countries and attending a number of Conferences. I believe not only myself personally, but our parliamentary life has also benefited by what I saw and learned from foreign countries. By such visits you naturally compare the points of vantage as also our shortcomings as compared with other nations. You think of improving yourself. The vision becomes wider and our associations lead to a better understanding of the peoples of the world by us as well as by others so far as we are concerned.

The Speaker's position is thus unique and though he may not appear to exercise direct authority either in the administration of the country or in the foreign policy and relations of the country, he yet exercises indirectly and remotely an amount of influence on both. Naturally such a person is respected by his countrymen and he can sustain his position by virtue of his patriotism, character and above all by his being the servant of the people and also of the House, though he is, in a sense master of the House. In addition, he must have qualities of intellect and heart. A quick grasp of the questions at issue, presence of mind, infinite patience, a sense of humour etc. will make a Speaker both great and popular and if he sustains patience almost to an infinite degree and has a sense of humour, he will be able not only to discharge all his duties to the satisfaction of all but to feel genuine pleasure in his work



*PART THREE*  
**IMPORTANT RULINGS**

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## Some Important Rulings by Speaker Mavalankar

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Shri G.V. Mavalankar was a Speaker of great vision. He helped evolve parliamentary rules, customs and conventions which suited the genius of our people and strengthened the roots of parliamentary institutions in India. He maintained that a Presiding Officer should not merely apply his mind to the procedural forms but to the substance of the procedures and then take decisions and evolve traditions. He was well-aware of his responsibilities as the first Speaker of independent India. He knew that his rulings would become authentic precedents which would guide the course of deliberations in the successive Lok Sabhas. Before giving a ruling or making an observation in the House, he, therefore, very carefully considered each and every aspect of the issues involved and then come to a decision.

A study of Speaker Mavalankar's rulings shows that he had a deep understanding and clear perception of parliamentary rules and procedures and constitutional provisions. Some of his important rulings and observations on some procedural matters are given below.

## 1. ADJOURNMENT MOTIONS

### 1.1 Member giving notice of - must be present to ask for leave

Points of order were raised if an Adjournment Motion could be taken up for grant of leave, if the member giving notice was absent. The President ruled as follows :

"When a motion of adjournment standing in the name of Sardar Mangal Singh was called on the 30th January 1946, the Honourable Member was not present and a point of order was raised as to whether the motion could be taken up for grant of leave notwithstanding the absence of the Member who had tabled the adjournment motion. I had then stated that I would consider the point and give my ruling. The same point was again raised on 4th February 1946 in connection with a similar motion standing in the name of Pandit Govind Malaviya.

It was argued, on the wording of Standing Orders 21 and 23, that the Member's presence was not necessary at the stage of grant of leave, though it was necessary at the time the adjournment motion was actually to be moved in the House. The opposite view was also urged upon the said Standing Orders read with Standing Order 22.

The decision turns upon a proper interpretation of Standing Orders 21, 22 and 23. Standing Order 21 lays down the time of asking leave for motion of adjournment. It does not specifically mention as to who is to ask the leave, but Standing Order 22 makes it clear that the person who asks for leave must be the Member who has given notice of the motion and no other.

Standing Orders 21, 22 and 23 all deal with the subject of adjournment motions and the various stages thereof. They have to be read together as they deal with one entire subject which is divided for the sake of clarity into three parts. The first stage in the House is the time of asking leave and that is provided for by Standing Order 21. Standing Order 22 provides the condition precedent on which leave to make a motion

can be asked for in the House. It states that the Member asking for leave must leave with the Secretary a written statement of the matter proposed to be discussed. Therefore, though Standing Order 21 does not mention as to who is to ask the leave, it is clear from Standing Order 22 that the only person who can ask for leave is the person who has left with the Secretary a written statement of the matter proposed to be discussed. Some further conditions in this respect are laid down by Rule 11 (2), but they are not relevant for the present purpose. Standing Orders 21 and 22 thus make it clear that the Member who has left with the Secretary a written statement on the matter can alone ask for leave.

Standing Order 21 is peremptory and says that leave "must be asked for" and then follows Standing Order 23 which gives the procedure to be followed. Obviously, this is the procedure after leave is asked for. The Member, therefore, must be present at the time of asking the leave as also at the time of grant or refusal of leave. Standing Order 23 makes it very clear. It mentions the words "the members" at two places. If Standing Order 23 had stood by itself, without Standing Orders 21 and 22, it could possibly be argued, as was done, that the words "the member" occurring for the first time may or may not be the Member who had given notice but the matter is clarified by the last sentence of Standing Order 23 which says :

"If less than twenty five members rise, the President shall inform the Member that he has not the leave of the Assembly."

When and where is the President to inform the Member if he were absent from the House? Could it be contended that a duty is cast upon the President to find out the whereabouts of the absent Member and inform him about the refusal of leave at the place where the Member is? How is the President to discharge this duty if the Member was absent? Obviously, therefore, it means that Standing Order 23 contemplates that the Member is present in the House when the President reads the statement of the motion to the Assembly and ask whether he has the leave of the Assembly to move the adjournment. The position is made crystal clear by Standing

Order 22 which recognizes no other Member but the Member who gave notice as competent to ask for leave and by Standing Order 21 which makes it compulsory to ask for leave.

In the light of what I have said above, it becomes unnecessary to consider the analogy of questions or of resolutions. As the analogies were raised, it may, however, be not out of place to mention that in the case of questions, answers can be given even when the Member is absent, at the request of any other Member (*vide* Standing Order 19) and in the case of resolutions, they can be moved if the absent Member has given written authority to another Member to move the resolution (*vide* Standing Order 61).

Absence of any such provision enabling absent Member to authorize any other Member to ask for leave to move an adjournment motion as in the case of ordinary resolutions as also the absence of any provision authorizing the President to put the question of leave to the House in the absence of the Member, on the analogy of the President's discretion to direct an answer to a question as provided for by Standing Order 19, also go to show that leave for an adjournment motion cannot be asked for by any person other than the Member who has given notice of the same and that, that Member and that Member alone has to remain present and ask for leave.

The reason for this difference in respect of questions and resolutions on the one hand and adjournment motions on the other is also very clear. An adjournment motion is not part of the business of the House for the day, but is a method of introducing a new matter, outside the order of the day, on the ground of the urgency and importance of the matter sought to be introduced. It would, therefore, be naturally expected that the member seeking such deviation must remain present not only in token of the urgency and importance of the matter but also to ask for leave and explain to the House, if necessary, the importance and urgency of the same.

In my opinion, therefore, it is clear that leave for an adjournment motion cannot be asked for by any Member other than the Member who has given notice of the motion.

Apart from what I have said before, I find that the practice in the House of Commons is the same. Under their Standing Order No. 8 it is the Member who submits to the Speaker in advance the terms in writing of the motion, and who is to rise to obtain the leave of the House.

It was stated during the course of arguments that it was the practice of this House to grant leave even if the member who gives notice was absent and that the motion for leave need not be made by that Member. I do not find any support for such practice in the previous records of decisions from the Chair.

It is, however, possible to visualize circumstances in which a Member who has given notice of a motion for adjournment may not be able to remain present to ask for leave. Such cases will, of course, occur rarely and under exceptional circumstances. If the House so desire, it may amend the Standing Orders and provide that a Member giving notice of an adjournment motion may be permitted to authorize another Member to ask for leave on his behalf, but till such amendment is made, the procedure will be as ruled above by me."

*Legislative Assembly Debates,*  
7 February 1946, pp. 599-601

## 1.2 Raising more than one subject matter, part becoming *sub judice*, debate restricted to other matters not *sub judice*

On 13 February, 1946, Shri Muhammad Nauman sought to move an adjournment motion regarding indiscriminate arrest of Muslim League workers and others in Delhi and wanton use of handcuffs and chains by Delhi police. The President admitted the Motion and set it down for discussion at 4 p.m., when in the meanwhile legal proceedings were started against the arrested persons. The Home Member contended that the motion should be dropped. The President remarked :

"I should like to have one or two points made clear. So far as the cases are said to be *sub judice*, I have no doubt in my mind that they are *sub judice*. Now, the other position is as

regards the behaviour of the police in handcuffing and putting chains. That is what the Adjournment Motion says. As the Honourable Member has explained the only question that remains is handcuffing. I appreciate the delicacy of the discussion, but the question is, whatever the police rule may be, the House is entitled to discuss whether it is desirable in cases of this type that the police should handcuff people. That would be the principal issue and to my mind it is an important issue. For that purpose, it is not necessary to refer to this particular case of particular individuals, but it can be generally discussed as to whether in similar circumstances where there is a defiance of a particular order under Rule 56(3), whether handcuffing and chaining is a proper thing or not. That seems to me to be an important matter. I do realize the delicacy of it. The effect of the whole thing will be that the scope of discussion will be limited only to this aspect and to no other."

The Home Member again submitted that the question was not whether some one who offended against the rules could be handcuffed or not but whether a person who behaved in a certain manner after arrest and in certain circumstances could be handcuffed and he feared that he would not be able to say what he ought to say on that point without prejudice to the trial of the accused.

The President then observed as follows :

"As I understand the situation, the motion is now principally about handcuffing and the behaviour of the accused prior to the handcuffing. That is not going to be a matter of decision by the court, though I quite appreciate that, it may have some relevancy with reference to the sentence which the court may have in mind. It may be remotely relevant, but this matter of handcuffing practically brings before the House, to my mind, the very rule which gives the police that power and the discussion will be as regards the desirability of having such a rule; whether such a rule applies or does not apply in an individual case will be a different matter. Now that there is an opportunity, it is better that the House expresses its opinion over this. That is how I look at the proposition. The whole thing is one transaction and therefore, really speaking, I did not

divide the motion into one or two parts, though in the morning I said "the second part", but I also said "matter of this motion was one transaction." The fact that there are judicial proceedings instituted restricts the scope of the adjournment motion very much."

*Legislative Assembly Debates,*  
13 February 1946, pp. 958-59.

## 2. BILLS

### 2.1 Amendment should not be permitted to original Act when Bill to extend the Act comes before the House

On 19 March, 1951 when the Bill further to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947 came up before the House for consideration, Shri Deshbandhu Gupta sought to move some amendments for substitution of some clauses in the original Act. The question arose as to whether amendments to the original Act should be permitted whenever a Bill extending the Act comes before the House.

The Speaker remarked :

"I am not deciding it as I said, I am merely giving the hon. Member my reactions. The position is that all these amendments—not that they are necessarily bad, they may be very good and even desirable—may not be admissible on the scope of the present Bill. Therefore, I should like to consider the position as to the amendments, and unless I come to the clear conclusion that amendments amending the original sections in the Act are permissible, it would not be necessary to take up the time of the House just at present in going through the amendments. Hon. Members will note that I have allowed a general discussion covering the important field, because, the legislation is sought to be extended and hon. Members are entitled to make their points from which government may know what further amendments are desired by the House. The question is one of procedure, and I believe



an important question of procedure, whether we should permit amendments in the original Act whenever a Bill extending the Act comes before the House. That is the most important question of procedure. Of course, it does not mean that because the amendments cannot be moved, hon. Members will have no remedy. If they express themselves sufficiently strongly with cogent reasons, I have no doubt that the government, responsible as it is to the House, will make its best efforts to bring in immediately a further amending Bill incorporating the various amendments, which hon. Members may desire. That is a different point. What I am anxious to say at the present moment is that the point requires anxious and careful consideration, because we shall be setting up a new precedent. Therefore, we have to consider that aspect."

On 20 March, 1951, the Speaker ruled :

"The point raised is as to whether certain amendments of which notice is given by hon. Members seeking to modify or amend certain sections of the Delhi and Ajmer-Merwara Rent Control Act, 1947, as further amended, are in order, that is, whether they are within the scope of the present Bill, which is really a measure for the continuance of an expiring law.

The present Bill has only one clause which seeks to extend its period by two years. While doing so, it also seeks to delete the first proviso to sub-section (3) of section 1. This deletion is consequential on the lapse of time during which Government was authorised by the Act to direct the extension of the Act by notification in the Official Gazette. The amendment sought by sub-clause (3) of clause 2 is purely verbal and consequential on the deletion of the first proviso. In substance therefore, the Bill comes to nothing more than an extension of the Delhi, and Ajmer-Merwara Rent Control Act for a further period of two years from the 24 March, 1951.

On these facts, it is stated that the Bill is in substance a re-enactment or an enactment of a fresh law, though in terms identical with the old law. But for this extension, there will be no such thing as the Delhi and Ajmer-Merwara Rent Control Act from and after the 24 of March, 1951. The

present Bill is thus, it is argued, in substance, one for enacting the provisions of the old law, and therefore, the whole field of the old law is open, not only for discussion, but also for making such alterations and modifications therein as the House may deem proper. Apparently, this plea is plausible and carries its own appeal.

I approached the consideration of the amendments with a strong bias in favour of this plea. But, on a closer and mature consideration and a study of the precedents in the House of Commons, which are based on experience, I have come to the conclusion that, broadly speaking in cases where a Bill is brought to continue an expiring law, it would not be competent to move any amendments seeking to alter or modify the substantive provisions of the expiring law. To this general rule, there are some exceptions depending upon the nature of the continuing Bill which seeks to continue the expiring law. But, they are of a very limited and also of a procedural character; the vital point being that, no expiring law sought to be continued can be taken as an occasion to amend or alter the substantive provisions of the law, which is sought to be continued."

*May's Parliamentary Practice*, 14th Edition, states the rule as follows at page 523 :—

"The operative clause of an Expiring Laws Continuance Bill prescribes that the Acts mentioned in the Schedule (or schedules) shall be continued until a specified date, and the amendments which may be moved to such a Bill are subject to the following limitations :

- (a) An amendment is outside the scope of the Bill, if it seeks to amend the provisions of the Acts proposed to be continued, or to make permanent such Acts, or to include in the bill a statute which has already ceased to have effect.
- (b) An amendment may be moved to the operative clause of the Bill to alter the date to which the Act (or Acts) in the Schedule (or schedules) are to be continued."

Where the Bill providing for extension takes the form of having an operative clause with a schedule attached to it, specifying the various Acts, the procedure will have to be a little different, and *May's Parliamentary Practice* states the procedure as under :—

"The continuance of any Act or part thereof must be discussed on the schedule of the Bill, when that Act is reached there, and not on clauses of the Bill. Of course this will not apply here because there is no schedule and there is only an operative clause that we have here.

Thus an amendment may be moved to the schedule to exclude from continuance any Act or distinct provisions of any Act(s)."

I am quoting only portions that are relevant and pertinent.

Though it may be argued that, in substance the continuation of an existing law is as good as enacting a new law, the matter is not merely technical or procedural, so far as amendments to the substantial provisions go. It must be borne in mind that, in case of a Bill to continue an existing law, the substantial principle of the legislation had already been accepted by the House, when the Law was passed; and that, therefore, though it will be competent to have a general and summary review of the way of its working or administration and to suggest improvements or point out defects, it will not be permissible to amend this or that section treating the Bill as if it incorporates in it every section of the expiring Act. The House has to accept or reject the proposed extension with the option of altering the date to which the Act may be continued, and touching other amendments, if any, which are proposed in the operative clause of the amending Bill.

As pointed out by the Chairman of the Committee of the House of Commons on 30 July, 1874, on the question being raised in the Committee, "it must be remembered that the Bill is not to amend but to continue the Acts." In the case of an Expiring Law's Continuance Bill before the House of Commons under discussion on the 10 September, 1887, an objection was raised to a particular Act sought to be extended on the ground that the extension was sought without equalising the law as between England and Ireland. The objection was raised by an Irish member, whose point of grievance was that, while the law was good for England, it was

unfair that it should be extended to Ireland without equalising certain provisions in view of the peculiar Irish situation. The Chairman then ruled :

"All that the Member could do was to move for the omission of the Act from the Schedule, or he may further move, if he so liked that certain section of the Act sought to be included in the Schedule may be omitted, but it was not competent for him to move their extension or modify in any other fashion."

I need not go into further precedents.

In the present case, the scope of the Bill covers two matters—  
i) The period of continuance, and (ii) the Central Government's power to notify the areas in which the Act shall cease to remain in force. Amendments in respect of these two points are perfectly competent.

In view of what I have already stated it is competent for the House to reject the proposed Bill if they do not like the provisions of the expiring Bill. The proposal to continue is coming in the form of adopting the law as it is, and any attempt to modify this or that part is not only not competent, but is also not desirable on general principles. It will be agreed that, if it is the desire of the House to have modifications in the substantive provisions of the Act, it is necessary that they should have the whole Act under review and examination, and then consider modifications, on consideration of the general and entire picture of the legislation. An attempt to touch this or that part of the original legislation is likely to bring in undesired and also unexpected results, without co-relation to all the other provisions of the expiring Act, I am saying this as a general proposition, giving my reasons as to why the precedents in the House of Commons appeal to me as proceeding on sound basis. Any attempt to touch this or that provision of the expiring law will practically mean dealing with the revision or review of the expiring law in a piecemeal and haphazard fashion.

One may ask as to what the House should do, if it wants improvement of the legislation. In that case the rejection of the Act is not a proper course; the House may want to continue the

legislation substantially and therefore may prefer continuance to absolute rejection, even though the modifications wanted are very important in themselves. I have no doubt if the House expresses itself on the points in respect of which modification is wanted, the Government, responsible as it is will surely bring in a further amending legislation meeting the modifications required, or removing the defects pointed out. To allow an amendment in the substantive provisions of the expiring law on the plea that the whole legislation is under review, would be tantamount to opening the flood-gates of controversy over and over again on points already discussed and in respect of conclusions already arrived at. Therefore, from the point of view of general convenience as also better and more expeditious work in the House, the practice prevailing in the House of Commons is a sound one and I have no hesitation in following it."

*Parliamentary Debates*, Part II,  
19 March 1951, Col. 4787 and  
20 March 1951, Cols. 4859-62.

## 2.2 Appropriation Bill : scope of discussion

On 24 March 1950, the Speaker ruled as follows with regard to the scope of discussion on the Appropriation Bill :—

"As the provisions in the Constitution set out the procedure in financial matters, on the lines of the procedure in the House of Commons, I think it is necessary to state, in short, the principles underlying those provisions as the procedure therein laid down is, in some respects, different from the procedure hitherto followed. This, I trust, will enable hon. Members to appreciate the scope of discussion on the Appropriation Bills.

It is hardly necessary to state that, in the case of a large-scale and country-wide administration, there can hardly ever be too much of parliamentary control on Government expenditure. The administration being in charge of numerous individuals, it is difficult, almost impossible, for every spending authority to have an overall picture of the financial burden on the tax-payer and, consequently, any urge for economy. At the same time, it is necessary to vest fairly wide discretion in those to whom the

administration is entrusted. Parliamentary control over finances is, to put it shortly, intended for the purpose of attaining maximum efficiency at the minimum cost to the tax-payer. It essentially means a thorough scrutiny of the accounts with a view to avoid waste and suggest ways and means for economy consistent with efficiency and the needs of the State in respect of all branches of its activities.

Hitherto, there was no such thing as the Consolidated Fund of India. The Consolidated Fund has been constituted by Article 266 as a reservoir in which all collections by way of taxes, etc., shall be first accumulated; and thereafter, the monies required for expenditure are to be taken out from that reservoir. The Appropriation Bill is intended as an outlet machinery for the funds accumulated, to flow for the purposes of expenditure.

Hitherto, on the passing of the Demands for Grants, a Schedule of authorised expenditure, signed by the Governor-General, under Section 35 of the Government of India Act, 1935, was laid on the Table and no expenditure from the revenues of India was deemed to be duly authorised unless it was specified in the Schedule. It is obvious that the procedure outlined in section 35 of the Government of India Act, 1935, was not in accord with the Provisions in our Constitution, and it is now necessary that Parliament itself should by Statute provide for appropriation out of the Consolidated Fund of India of all moneys required to meet the grants made by Parliament and the expenditure charged on the Consolidated Fund. The Appropriation Bills thus provide the Government with the necessary statutory authority to draw from the Consolidated Fund.

We have therefore two Bills before us :

- (1) for appropriation of funds for all activities of Government other than the Railways; and
- (2) for similar appropriation on account of Railways.

In view of the fact that all Demands specified in the Schedules to the two Bills have been passed by Parliament, the

Appropriation Bills, may in a sense, be said to be a formal legislation to give a statutory form to the decisions of the House in respect of the various Demands for Grants both on account of the General Budget and the Railway Budget. Though the Bills are thus formal, they are yet important as a further opportunity which they give to hon. Members of making suggestions and comments on the activities of Government in respect of the various heads under which the moneys are being authorised to be drawn from the Consolidated Fund.

At this stage, I may state to the House the various opportunities it has of criticising and discussing the finances of the Government :

- (i) After the Budget is presented the first opportunity is afforded in the form of a general discussion of the Budget under Rule 132. This discussion is limited to the Budget as a whole or any question of principle involved therein. This determines the character of the discussion at that stage.
- (ii) The second opportunity presents itself when the Demands for Grants are made and Cut Motions on Demands can be moved. The discussions at this stage are limited to each head of the Demand, and where Cut Motions are moved they are still further limited to the particular subject in respect of which the Cut Motion is moved. The discussion at this stage is more pointed both as regards the particular head of administration as also the particular points of grievances or criticism as in the Cut Motion. The object is to enable the hon. Members to focus attention on specific points instead of having a vague or diffused discussion.
- (iii) A third opportunity of discussion on the finances is presented when the Finance Bill is before the House. It is an acknowledged principle that any subject can be discussed on the Finance Bill and any grievance ventilated, the principle being that the citizen should not be called

upon to pay, unless he is given through Parliament, the fullest latitude of representing his views and conveying his grievances.

- (iv) The fourth opportunity is when the Appropriation Bill is before the House.

It is difficult to lay down precise boundaries of the sphere of discussion between the stage of discussion on Demands for Grants and the Cut Motions and the stage of the Appropriation Bill. It is to a large extent, inevitable that the same kind of discussion can be raised on matters of administration as can be done when the Demands and Cut Motions are before the House. A clear-cut distinction exists as between the Finance Bill in so far as taxation proposals go on the one hand and the Appropriation Bill on the other. Apart from the wide latitude in discussion on the Finance Bill so as to cover the entire field of administration, there is a specific issue therein consisting of the taxation proposals which can be discussed only on the Finance Bill.

Honourable Members will therefore see that when the Appropriation Bills are considered it will not be permissible to raise discussion on the taxation proposals. The discussion can cover any matter of public importance or of administrative policy implied in the Grants and the expenditure charged on the Consolidated Fund, in so far as the same is permitted under the Constitution and the Rules of Procedure, questions of effecting economy, improvement in administration, Scrutiny and maintenance of proper accounts, reappropriation etc.—in fact, generally all matters in respect of which the House would like to point out defects or give directions to the administration for improving its tone for better service to the people, better efficiency and better economy.

I have merely tried to give the general outline, and the specific points mentioned by me should be taken as illustrations of what I mean. I trust this clarifies to hon. Members the scope of discussion."

*Parliamentary Debates,*  
24 March 1950, pp. 2061-63.



### **2.3 Sections in the original Act which are not included in the amending Bill cannot be touched**

On 8 February, 1951, on the motion for consideration of the Code of Criminal Procedure (Amendment) Bill, Shri M.A. Ayyangar requested for waiving of notice for his motion for reference to Select Committee. He wanted the Select Committee to consider the inclusion in the Bill of two important points; firstly that in extreme cases where the interest of justice required the transfer of a case from one State to another such transfer should be made with the consent, not of the other State, but of an independent authority like either the President or the Supreme Court; secondly, where frivolous cases motivated purely by political reasons were launched power should be vested in either the Central Government or the President to withdraw suitable and proper cases.

Shri Ayyangar said that if notice for the motion could not be waived, he would be agreeable to suitable amendments to the Bill being accepted by the House.

"...Instead of enacting a new Code for part B States," explained Shri Ayyangar, "we are saying that we are taking sections of the original Act and applying them to Part B States. On the other hand, it is open to the House to say that these sections are not complete, are not good, are not sufficient to meet the situation, and therefore something must be added or something subtracted from what you have done. Under these circumstances, I am not going out of the way or introducing anything new."

Shri Sarwate pointed out that all the Part B States were not so backward as to suggest that the Indian Criminal Procedure Code was necessarily an advance on their own codes and should be made applicable to them. He suggested the Select Committee should consider this point also.

Pandit Thakur Das Bhargava supported reference to Select Committee so that an attempt could be made there to go into the various issues raised. He felt it was most desirable that Criminal Procedure throughout the country should be regulated by a single law.

The Speaker observed :

"The difficulty to my mind is that this Bill proposes to amend certain particular sections. Now what is sought to be done by this motion for Select Committee is to treat this Bill as a Bill generally to amend the Code of Criminal Procedure and try to touch other sections which are not included in this Bill at present.

....there has been a consistent string of rulings, so far as amending Bills are concerned, that you cannot touch sections in the original legislation which are not included in the amending legislation."

"After hearing all that has been said....I do not stand convinced that it would be competent for us to extend the scope of the present Bill, as is sought to be done. But I am not pronouncing any ruling or opinion on that point just at present. Of course, the matter can be disposed of by me without a ruling in a very summary manner by saying that as this motion was not given proper notice of, I should refuse to waive notice. But then I do not like, when I do so, to be misunderstood. To me, it appears, without going into a detailed examination of the objects of the Bill that the object is not so wide as is sought to be made out, namely, to revise the entire Code of Criminal Procedure just at this stage, I find from the statement of objects and reasons that it refers to one particular inconvenience namely, 'that the warrants and summons issued by a Court in a Part A State or Part C State against an accused person cannot be executed or served in a Part B State, and *vice versa*, without recourse to extradition proceedings which are entirely inappropriate.'

I think the chief object is to get rid of this kind of inconvenience and incidentally it is stated that 'the main object of this Bill is to provide such a law extending the Code of 1898 to Part B States.' I have not examined the provisions of the Bill, but I presume that they do not purport to change the entire Code of Criminal Procedure as it prevails in different Part B States."

"I do not feel so certain that the reference to the Select

Committee motion should be permitted at this stage."

"I have always held that in cases of motions in respect of which due notice or proper notice, is not given, I shall allow them only if there is a substantial agreement. If the hon. Minister is prepared to accept the amendment, I am prepared to waive notice. If that is not so, I do not think I should be pressed to waive notice."

As the Minister in charge of the Bill while not willing to accept the motion for reference to Select Committee, was agreeable himself to move suitable amendments to the Bill, the mover did not press the motion.

*Parliamentary Debates, Part II,*  
8 February 1951, Cols. 2573-81.

## 2.4 Money Bills

- (1) A Money Bill should be transmitted to Rajya Sabha as soon as it is passed by the House unless the Speaker has given a direction to the contrary :
- (2) Period of 14 days mentioned in clause (2) of article 192 of the Constitution to be computed from the date of receipt of the Bill in Rajya Sabha Secretariat :

On 1 August, 1955, after the Question Hour, the Speaker made the following statement regarding the Indian Tariff (Amendment) Bill, 1955 as passed by Lok Sabha :

"The Indian Tariff (Amendment) Bill, 1955 was passed by this House on the 26th July, 1955. Under article 110 of the Constitution I have certified that this is a money Bill. When such a Bill is passed by the House, it is the duty of the Secretary of the House to transmit it to Rajya Sabha for its recommendation. It is provided in the Constitution that the Rajya Sabha shall, within a period of fourteen days from the date of receipt of the Bill, return it to the Lok Sabha with its recommendation. As hon. Members are aware, the Rajya Sabha is not yet in session and if the Bill is sent to that House immediately, the period of fourteen days will lapse before the Rajya Sabha meets on the 16 August, 1955. I am therefore,

directing the Secretary of the House not to transmit the Bill to the Rajya Sabha immediately but to wait for some time so that the period of fourteen days does not terminate before the commencement of the session of the Rajya Sabha."

Explaining further, the Speaker observed :

"I am not asking for any permission of the House. I am merely inviting the attention of the House to a certain act of my own, taken on my own responsibility so that Members may be aware as to how this Secretariat is functioning. If attention was not paid to this small matter at the time of transmission, the result would have been that fourteen days would have elapsed before the Rajya Sabha began their session. The President would have certified the Bill and the Rajya Sabha would have had no occasion or opportunity of making its recommendations. The only course, therefore was to hold over the despatch from one sector of this House to another sector. The interpretation has been — we are told by people conversant with law and experienced in law — that even when the Rajya Sabha is not in session a Bill can be sent to the office of the Rajya Sabha, to its Secretary and if the Secretary receives the certified copy of the Bill, it is deemed to have been received by the Rajya Sabha. That is the difficulty and therefore I wanted the Secretary not to remit the Bill immediately.

In future, Government should take care to so arrange its programme when the other House is not in session that a contingency of this type might not arise. The Secretary of the House is bound to transmit the Bill as soon as it is passed and is ready unless he has directions from me to the contrary. I do not want to intervene and give directions every time but this time all have been taken unawares and so I thought I should give the direction and apprise the House of the situation."

The Indian Tariff (Amendment) Bill 1955 as passed by Lok Sabha was transmitted to Rajya Sabha on the 13 August 1955.

*Lok Sabha Debates, Part II*  
1 August, 1955, Cols. 8950-53.

### 3. BUDGET

#### 3.1 Vote on Account : Motion : formal nature of motions

On 12 March, 1951 the Speaker in announcing the procedure on the motion for voting on Account, observed as follows :—

"As hon. Members are aware the procedure for Voting on Account is designed to give the Members a longer time for discussion on the Budget by putting the same off to convenient dates after the 31st March.

The principle of the practice is that the House ought to grant sufficient funds to Government to enable it to carry on till the Demands are scrutinised and voted upon. In this procedure, as full discussion follows, the grant of supply for the interim period on the Motion for Voting on Account is always treated as a formal one just like a Motion for leave to introduce a Bill or the introduction of a Bill. I trust hon. Members will appreciate this position and treat Voting on Account as a formal affair as they would have a full opportunity to discuss the Demands for Grants in a detailed manner later from the 26 March to 10 April."

Upon the House agreeing to the above procedure, the Speaker said that this decision meant that the motion for voting on Account shall be assented to by the House without discussion. Shri Sidhva enquired whether this would be binding for ever as a rule of procedure, whereupon, Mr. Speaker observed :

"Of course, this will be a precedent. The whole idea is that the Budget is coming up for scrutiny and discussion at greater length. In the present case, Government wants to carry on only for a month. I do not see what useful discussion can be had on a month's supply, when eleven months' supply is going to be discussed by the House and when there has been ample General Discussion for four days. Any discussion on the

Motion for Voting on Account will mean a repetition of the same discussion."

Prof. K.T. Shah then asked that if this were to be treated as a precedent, then in the event of the entire demand being refused later, it might prove embarrassing if one-twelfth of the demand had already been passed without discussion.

Dr. Deshmukh agreed with the ruling but said that in all cases where the discussion is waived, it should be done with the consent of the House and not arbitrarily by the Speaker's ruling. Thereupon the Speaker observed as follows :—

"The Speaker does not want to be arbitrary at all. What he wants to see is that no Member acts arbitrarily so as to deprive other Members of their legitimate rights. Now each Demand will be there and voted upon to the extent approximately, not exactly of one twelfth. I said approximately it may be a little more or a little less. The whole idea of Voting on Account is that Government functions may not come to a standstill because of the absence of the vote of the House authorising the expenditure.....If an occasion arises where the motion for one-twelfth is intended to be taken as a vote of no-confidence, then of course, that will stand on a different footing. I do not wish to bind myself to anything just now. We will consider that when the occasion arises. Just as in the ordinary circumstances though it is perfectly competent for an hon. Member to speak on a Motion for leave for introduction of a Bill or introduction of the Bill, still, we never do that but accept the Motion as it is, and the discussion takes place at the consideration stage. Similarly on this vote on account, we shall not have any discussion now but shall treat it as a formal business and it will be a precedent for the future."

As regards the possibility of the Voting on Account being treated as a matter of confidence, the Speaker observed :

"I have to be satisfied that the vote on a question is reasonably going to be treated by the House as a vote for no-confidence. Merely because a Member says that he treats the thing as a vote of no-confidence, I am not going to treat it

as such."

*Parliamentary Debates, Part II,*  
12 March, 1951, Cols. 4351-53.

### **3.2 Demands For Grants : Motions for Reduction : must not anticipate a debate on the subject likely to be raised at a later date**

While disallowing certain cut motions to the Demands for grants relating to the Ministry of States on the subject of formation of linguistic States on 26 June, 1952, the Speaker made the following observation :

"Hon. Members will note that 7th July, 1952 is the date fixed for private resolutions, and the very first resolution which is bound to come before the House reads as follows :

'This House is of the opinion that immediate steps should be taken to redistribute the States on a linguistic basis, and the boundaries of the existing States be readjusted accordingly.'

So, this question of linguistic provinces will come in for discussion on that day, and I think the various points raised in the cut motions for discussion would be covered then. That is what *prima facie* appears to me. Therefore there should not be any discussion on that issue just at present, because according to the rules of procedure, we should not anticipate the debate at present. Whenever there is any matter which is coming before the House at a later date, and the debate is going to be raised on that particular matter later, to raise any question of debate at an earlier date is technically known as anticipating a debate. The whole idea behind it is that the debate should not be multiplied twice over."

*House of the People Debates, Part II,*  
26 June 1952, Cols. 2526-27.

#### 4. COMMITTEES

##### 4.1 Competence of a Select Committee to consider a revised Bill based on the original Bill placed before the Committee by the Government—Case of the Hindu Code

On 31 August, 1948, when the Minister of Law moved a motion "That the Bill to amend and codify certain branches of the Hindu Law as reported by the Select Committee be taken into consideration;" Shri Naziruddin Ahmad raised a point of order that the motion was incompetent on the ground that what the Select committee considered was not the Bill that was referred to them but a totally new draft prepared by the Law Ministry. The Speaker suggesting a postponement of the consideration of the question observed :

"To my mind, the pertinent question would be whether the Select Committee has done something which is taking us beyond the scope of the measure, which was intended by the House to be referred to them. It may make important changes or no changes; it may redraft or rearrange particular clauses; but it has no authority to go beyond the scope of the legislation, which it was intended to refer to it for consideration and report..... The question is as to what it is that was intended by the House to refer to Select Committee and whether the Select Committee has gone beyond the scope of the reference.....

I am not deciding this matter at all. I am keeping open the whole thing including the point of order because it will be seen that it involves large questions of fact, and I must study all these things myself, which I have not yet done."

Thereafter (though for a different reason) a motion was adopted postponing the consideration of the question.

Subsequently when the Hindu Code was taken up for consideration on 17 February, 1949, Pandit Thakur Das Bhargava reinforcing, Shri Naziruddin Ahmad's point of order on the previous occasion observed that the proceedings before the Select Committee were an abuse of the rules of the House and that the



privilege of the House had been violated by the Select Committee and by the procedure of the Law Department, because another Bill was considered and not the Bill which was referred to it by the House as was, in his opinion, evident from certain remarks or observations in the Select Committee report.

Over-ruling the objection raised, the Speaker observed :

"The Point of Order that the Honourable the Law Minister's motion for consideration of the Select Committee Report on Hindu Code is incompetent, as raised by the honourable member Mr. Naziruddin and supported by a few other members on 31st August, 1948, is based on a narrow limit of facts. The objection raised is presented as a chain of reasoning in the following form :

"What the Select Committee considered was a 'substitute' of the original Bill in the form of a 'revised draft'. Therefore the Select Committee did not consider the Bill referred to it, but a 'new document', and the present report of the Select Committee, being a report on a new document, there is no Select Committee Report on the original Bill. The Honourable the Law Minister's motion for consideration of the Bill, as it emerged from the Select Committee, is, therefore, incompetent." That is the substance of the point of Order. I believe I have stated the point correctly.

None of the members who raised or supported the Point of Order, were members of the Select Committee and naturally, therefore, have no personal knowledge as to what was considered at the meetings of the Select Committee. They, therefore, relied upon some statements in the report of the Select Committee and inferred that the original Bill, as referred to the Select Committee, was not taken into consideration by them.

The question thus raised is purely a question of facts, namely, whether the Bill referred to the Select Committee, meaning thereby the various substantive provisions thereof, as distinct from the form or sequence in which they were put, were or were not considered by the Select Committee; whether the Select Committee, did or did not apply their mind to the

substantive provisions of the Bill as referred to them.

It is not disputed that the Select Committee had a right to add to or to delete from or to improve upon the provisions of the Bill as referred, provided the additions, deletions or improvements, etc. suggested by the Select Committee are, within the scope of the Bill. I need not, therefore, enter into this aspect, as no such question about the Select Committee having gone beyond the scope of the Bill is raised before me.

I may now examine, in the light of the written as well as oral evidence before me, the statement of facts as formulated by the honourable Members who have raised the Point of Order.

I may shortly state the facts as to how the Bill that was introduced came to be framed. As stated in the Statement of Objects and Reasons, the Central Government, by their Resolution dated the 20th January, 1944, 'appointed a Hindu Law Committee for the purpose of formulating a Code of Hindu Law, which should be complete, as far as possible.' This was done in pursuance of a 'growing public opinion in the country in favour of a consolidated and uniform Code dealing with the different topics of Hindu Law for all the provinces and for all sections of the Hindu Society.' It was also felt that, in view of the 'present conditions and trends in Hindu Society, there is a great need to alter the law so as to make it fit the new pattern, to which the Hindu society, seems to be rapidly adjusting itself.'

When the motion for reference of the Bill to the Select Committee was carried on 9th April, 1948, there was hardly any time for honourable Members to express themselves on the substance as well as the form and the drafting of the Bill. The Ministry of Law, having felt that the Bill 'as drafted by the Hindu Law Committee did not conform to the canons of a Code', decided to revise the draft of the Bill and to remove those defects, so as to enable one to have 'a full and complete picture of the provisions of the Code.' They, therefore, undertook the task of re-arranging the parts and divisions of the original Bill in consecutive sections and in a logical sequence, and also made some further suggestions as they thought proper for consideration by the Select Committee.

The Ministry of Law simply placed before the Select Committee a sort of a proper form in which the original Bill could have been shaped by the Select Committee themselves at their meetings or they could have directed the draftsmen to carry out the changes.

It may be noted here that, while circulating the Code in a revised form, the Ministry of Law supplied to the members of the Select Committee an index also giving therein, for facility of reference, the place of a section in the revised Code with the corresponding section in the original Bill, as prepared by the Hindu Law Committee. The Members of the Select Committee had thus before them, at all times and at every stage, the provisions of the Code as contained in the original Bill. The Ministry of Law further invited the attention of the Members of the Select Committee to changes of substance suggested by them in the revised draft. It was, therefore, clear that at all stages of deliberations by the Select Committee of the provisions of the Bill, both the revised and the original were before them and the deliberations had proceeded on a comparative study of the original provisions and the provisions contained in the revision as suggested by the Ministry of Law.

Coming to the question of evidence as to the above facts, the only member of the Select Committee who spoke with reference to the Point of Order was, Pandit Balkrishna Sharma. Pandit Balkrishna Sharma stated in the House: "The Bill which the House asked us to consider was always before us." The evidence on record consisting of the main report as also the dissenting minute amply support this statement. The honourable Members, who have raised this objection, relying upon passages in the Select Committee Report or the Dissenting Minutes seem to take certain passages out of the context and by themselves. This is what the main report says :

"We the undersigned, having considered the Bill"—not the revised draft—"have now the honour to submit, etc."

This is how they begin the Report.

They speak of having considered the Bill and not the revised draft. But further they say as follows :

"The Draft Hindu Code, as introduced in the Legislature did not receive any departmental scrutiny prior to its introduction and the Ministry of Law have now produced a revised draft, which, in our opinion, is more satisfactory in several respects. This revised draft does not make any substantial changes in the body of the original Bill, but within the framework of the original Bill, it has recast it so as to be in the form in which Bills are usually presented to the Legislature."

So it will be clear that the Select Committee had applied their mind to the original Bill and had come to the conclusion that there was revision thereof, not in substance but in respect of the form only.

They also mention the reasons why they considered the revised draft as better than the original one, and then they say :

"Consequently we decided to confine our deliberations to the revised draft of the Bill."

The word "consequently" is important. Having seen the substantive provisions of the original Bill and the revised draft, it was natural and more appropriate to deliberate on the revised draft, which was nothing else than the substance of the original Bill in an improved form. The Select Committee further say :

"References are given in the margin to each section indicating the corresponding section in the original Bill."

This is a further cogent proof that, though their deliberations were confined to the revised draft for finalising their conclusions, they had before them the view of each and every clause of the original Bill. This is made further very clear in the notes on clauses in which they deal with various parts and clauses of the Bill and state with reference to each part or clause the corresponding part or clause of the original Bill.

The joint minute of dissent of Dr. Bakhshi Tek Chand and

Pandit Balkrishna Sharma says, in passing at one place, that what the Select Committee considered was, the draft and not the original Bill. This has to be interpreted in the light of what has been said above. The place where they make a mention of the revised draft being considered, the point of their contention is that the changes suggested by the revised draft were not merely changes of form, but related to matters of substance. It may be remembered that, in their detailed and able minute, they did not make any point that the original Bill was not considered by the Select Committee. Whether the changes suggested by the revised draft are good or otherwise, is the point they are making in their minute of dissent.

On the facts, therefore, as disclosed by records, I am clear that the Select Committee had given full and due consideration to the substantive provisions of the Bill that was referred to them, and the present motion of the honourable the Law Minister is, therefore competent and in order."

*Constituent Assembly (Legislative) Debates,*  
31 August, 1948, pp. 778-80 and  
17 February, 1949, pp. 614-621.

#### 4.2 Special Committee of the House - vis-a-vis Committee of Privileges

- (a) House is competent to constitute Special Committees, if there are any special circumstances and enquiries to be made.
- (b) Committee of Privileges : scope of working :

On a motion moved by the hon. the Prime Minister on 6 June 1951, for the appointment of a committee consisting of certain Members of Parliament to "investigate the conduct and activities of Shri H.G. Mudgal, Member of Parliament in connection with certain dealings with the Bombay Bullion Association," Shri H.V. Kamath enquired under which particular rule or procedure the "unusual" motion was sought to be moved and secondly whether the appointment of the *ad hoc* committee would not amount to "by-passing" the Committee of Privileges of the House whereupon, the Speaker remarked :

"As regards competency to make the motion, I believe it is competent for any Member of this House to bring forward a motion which he thinks the House should take cognizance of and it will be in the discretion of the Speaker to allow that motion....."

As regard the other point, there is a Committee of Privileges constituted under the Rules. Yet it is within the powers of the House to constitute other special committees if there are any special circumstances and enquiries to be made. There is nothing inconsistent with that. I may also say that it is a moot question to be considered as to whether any such conduct as alleged is really in a sense a breach of privilege of the House or something different. A member may behave in a manner which the House would not like him to behave and yet it may be argued that it is not a breach of privilege. In all such circumstances, the practice in the House of Commons has been to constitute a special committee and the procedure in making a motion is the procedure that is usually adopted in the House of Commons, even though there is a Committee of Privileges."

When the matter was raised again on 8 June, 1951, the Speaker remarked :

"At the present stage, as was explained by the hon. the Prime Minister we are more or less concerned with what is alleged as an improper conduct on the part of a Member, not in keeping with the dignity of the House, and not coming up to the standard expected of a member of this House. It does not go beyond that. But if it is found later on as the result of investigations by the Committee and the evidence taken by them, that the statements made by the President of the Bullion Association were in fact made and were in fact untrue, then, so far as the President of the Bullion Exchange is concerned, there will be definitely a *prima facie* case of the breach of privilege of this House, in so far as the President has made unfounded allegations against an hon. Member of this House. Therefore it is better to keep the Committee of Privileges apart. Let it not be associated at this stage in the investigation and let its mind not be prejudiced at this stage

with reference to the possible future issue that may arise.

As regards the other point, this Committee will also be functioning under the directions of the Speaker. Therefore, I do not think there is anything derogatory to the Speaker's position so far as this Committee being appointed to investigate into this matter is concerned. And we need not go into the question of the Privileges Committee. There is a further point also that the committee, though proposed by the hon. Leader of the House, if the motion is adopted, will be a committee appointed by the House under the direction of the Speaker. And the hon. Member will agree with me that though the Speaker represents the dignity of the House, the decisions of the House are of a higher level than the decisions of the Speaker or any other authority functioning under the House."

*Parliamentary Debates, part II,*  
6 and 8 June, 1951, Cols. 10264-65 and 10461.

**4.3 Functioning of the Committee of Privileges : Committee not interested in any party consideration but concerned with the Dignity and Privileges of the House**

(i) On 23 June, 1952, when the question of privilege regarding certain papers laid on the table by a member, Dr. Satyanarain Sinha, was referred to the Committee of Privileges of the House the Speaker observed in regard to the functioning of the Committee of Privileges as follows :—

"Here I may again remind the House what I once said that it is not a party question at all, nor is it purely a personal question. Members are sitting there as Members of this House without carrying any labels or having any preconceived notions, their sole consideration being the dignity and the privilege of the House and its Members. Those who are in Government today might tomorrow or after some time be in the Opposition and the opposition might be in the Government. Therefore our chief objective is to create and set proper precedents which will be a guide for all times, irrespective of any party or personal considerations. And I believe the Privileges Committee will function always in that manner.

Still, if any question arises, so far as the point raised by the

hon. Member is concerned, the Privileges Committee is entitled to make a reference to the Speaker. The Committee is functioning under the directions of the Speaker. That does not mean that the Speaker interferes in their day to day work or deliberations. Only when they refer a point for decision then that point is decided by the Speaker."

*House of the People Debates, Part II,  
23 June 1952, Col. 2336.*

(ii) On an earlier occasion, on 30 May, 1952, the Speaker emphasizing the non-party character of the Privileges Committee observed :

"The Privileges Committee of the House is not interested in this or that party. It is a Committee whose function is to protect the rights of all Members, irrespective of their political leanings. The Privileges Committee does not work, as is done in the House on a party system. Whether it is the case of a Member of this or that party, the Privileges Committee is concerned with the prestige and privileges of every Member of this House, irrespective of his party inclinations; the prestige of the entire House is concerned. The report will take some time but it does not matter. Let these questions be decided once for all. I would earnestly request Members of the Opposition that they should not treat questions of privileges purely as party questions."

*House of the People Debates, Part II,  
30 May 1952, Cols. 861-62.*

#### 4.4 Business Advisory Committee

- (1) Decision that the Report of the Committee should be circulated to Members after its presentation to the House.
- (2) Scope of Amendments to motion for adoption of Committee's Report.
- (3) Need for a convention that recommendations of the Committee re : allocation of time to various items of Government business should be accepted by the House without any modification :

On 26 July, 1955 after the Deputy Speaker (who was in the



Chair) had announced the recommendations of the Business Advisory Committee regarding allocation of time to the various items of legislative and other Business for the Tenth Session of Lok Sabha, the Minister of Parliamentary Affairs (Shri Satya Narayan Sinha) moved the motion for the adoption of the recommendations made by the Committee. Thereupon some Members expressed a desire that they would like to have the report of the Business Advisory Committee circulated and thereafter discuss it before adoption. Further consideration of the motion was thereupon postponed till 28 July, 1955.

Copies of the Report were then circulated to Members and notices of two amendments were received—one from Shri H.V. Kamath and the other from Shri Fulsinhji B. Dabhi — suggesting an increased allocation of time with regard to certain Bills.

Further consideration of the motion was taken up on 28 July, 1955 as scheduled. While proposing the motion, the Speaker explained the objects, functions and the *modus operandi* of the Business Advisory Committee as follows :—

"I believe there is either a misapprehension or a not proper appreciation of facts. The House knows that it has to put through a certain amount of business and therefore it becomes necessary, taking into consideration the overall picture of business as also the needs of the individual pieces of legislation or motions, to consider as to what would be the best and fair allocation of time. For this purpose, a Business Advisory Committee was constituted. The Committee is representative of all sections in the House. It is not that the Committee functions by a majority. The Members in the committee representing the various groups and even individuals sit together, take into consideration the importance—the relative importance — of this measure and that measure in relation to the entire business of the House and then decide as to what would be the probable time that is required and come to a conclusion which, I may mention, is many times a compromise conclusion on the side of giving more time—not of curtailing time—and the conclusions are all unanimous. That has been the practice till now. Every effort is made to see that there is unanimity on the point of allocation of time,

because the committee is very keen to see that the Members' legitimate right of making speeches or moving amendments or having a say on a particular subject is not curtailed and proper time is given. After that, the motion comes before the House. Of course, there is also a rule--rule 37--which recognises the inherent right of every Member to move any amendment to the motion. Nobody denies that a Member has a right to move any amendment to any motion, but it will be accepted that that right does require some limitation in practice as a matter of convention if business is to be put through and if the Parliament is to function efficiently and properly. Such motions, therefore, have been always treated--till now at least--as formal motions, because all sections of the House are represented on the committee, and what the committee decides is after considering all points of view. Still I am not saying that Members have no right to move an amendment : they can move amendments as they like, and considering this possibility, a rule was also framed that an individual speech should not be more than five minutes and the discussion should not continue for more than half an hour under rule 37. Here the amendments sought to be moved by Mr. Kamath who is followed by another Member--are advocating extension of time.

I am just stating the practical difficulties. The hon. Member is entitled perfectly to urge whatever point he likes and is within his legal rights in moving the amendments. I am repeating this so that he need not think that there is going to be any curtailment of the right of a Member to move an amendment. The matter stands on practical consideration. The allocation of time has to take into consideration the entire business so far as possible and their relative importance; the committee have made allocations in this matter. The hon. Member wants extensions. It is in the hands of the House now to extend or not to extend; but I am trying to give the background as to how the committee was formed, why it was formed and what is its objective.

And last but not the least, I am suggesting to the House that we are the first Parliament and we are therefore trying to establish certain conventions which we will be following

continuously. Of course, we may err and if we err, we shall be correcting ourselves and we shall be changing also. But let some kind of conventions be formed. It is a help to create a convention, just as in the matter of Appropriation Bills. We concede the right of a Member to make a speech on the Appropriation Bill. But, we have adopted a convention, which is now firm, that nobody gets up and an Appropriation Bill is put through in a matter of two minutes or one minute. Similarly, in this case also, I would like hon. Members to take into consideration all these points of view. There is one further aspect which I may mention. If a business is taken up and it is felt in the House that more time is required, the time is extended by taking the consensus of opinion in the House. There is also the other experience in the Bill which was put through—the Tariff (Amendment) Bill. The Committee's allocation was about three hours and the matter was disposed of within  $1\frac{1}{2}$  hours. That would also show as to how this Committee is functioning. It is not the idea to muzzle anybody; the idea is to help to put through the business of the House. I remember in the last session also, on a certain measure, .....with a view to attain unanimity, a certain period of 5 hours was agreed to; but the Bill collapsed in two hours—it collapsed in the sense that the time insisted on was not made use of. Therefore we want to create a kind of convention whereby the Members formally and informally meet and agree to a programme and willingly allow their rights to be curtailed, exceptionally if it comes to that. That is the background."

Moving his amendment, Shri Kamath submitted that every motion of the Business Advisory Committee containing a time schedule for the entire legislative work should be brought before the House for its discussion and approval with or without change. Since the time schedule for any Bill can be extended with the consent of the House, he would suggest that at least for two Bills in the report the time allotted by the Business Advisory Committee should be increased by the House.

He also submitted incidentally that the time limit of 15 to 20 minutes imposed on speeches restricted members, effective contribution to the debate.

The Deputy-Speaker stated that by way of an amendment it was not open to Shri Kamath to question the rules. In imposing a time limit on speeches, the intention was not to curtail freedom of speech but only to prevent repetition or irrelevancy. In spite of the time limit, Members were allowed to speak for longer periods and there has been no complaint in this regard so far. The Chair has always been anxious to ensure as complete an expression of opinion of all sections of the House as possible in a debate and there has never been any "hustling" of Members.

The Business Advisory Committee was fully representative of all parties and at the meeting of the Committee in question, in which he presided, he had impressed upon the Members of the Committee that it was obligatory on their part to stand by what the committee recommended.

In conclusion he urged that the House should accept the recommendations of the Committee without the slightest change.

Shri Asoka Mehta while endorsing wholly the statement of the Speaker apologized to him for not having explained to Shri Kamath the conventions under which the House was working. Members of the Committee were there to put forward the views of the parties and groups which they represented and not their individual views. He, therefore, appealed to Shri Kamath to withdraw his amendment.

Shri A.K. Gopalan submitted that Members of the House should respect the decision of the Business Advisory Committee. If its recommendations were subject to amendment by the House, there would then be no need for the Committee at all. He stated that in the Committee there were differences of opinion between representatives of parties or groups with respect to allocation of time. But the endeavour had always been to arrive at unanimous decisions by mutual adjustment. He therefore, pleaded that as a convention the recommendations of the Committee must be accepted by the House *in toto*.

Pandit Thakur Das Bhargava also spoke endorsing the views of the previous speakers and urging Shri Kamath to withdraw his amendment.

Winding up the debate, the Speaker observed :

"I have already stated that every Member has a right to make comments on the recommendations of the Business Advisory Committee but there are ways and ways of exercising the right. I am just throwing a suggestion : if any Member feels dissatisfied over the allocation of time by the Business Advisory Committee, the better course to my mind, would be not to table an amendment to the motion but to represent the matter to the leader of his own party who was there in the Business Advisory Committee. He could then explain to him the reasons as to why a particular time was fixed up, and the matter is always open for discussion. I, therefore, advisedly said that even in this House when some time was allocated and it was felt that some more time was necessary, the result of the adoption of this motion being that it becomes the allocation order of the House, it becomes necessary to take the sense of the House and the House can revise its view of the situation as it arises from time to time. That is the proper remedy, and not the moving of amendments.

\* \* \* \* \*

Every care is taken to see that Members who are likely to be interested in a particular subject are specially invited, and if any particular Member says that he is interested in respect of a particular Bill or a particular subject, the question of inviting him to remain present at the time of the meeting will be taken into consideration by the Business Advisory Committee. The hon. Member (Shri Kamath) will realise one thing, that when we meet in Committees, we do not represent parties; we function as a whole House and we do what we think, is the best in the interest of the entire House. Absolute insistence on a Member's right might lead to absolute waste of time."

Shri Kamath then withdrew his amendment by leave of the House.

*Lok Sabha Debates, Part II,*  
26 and 28 July 1955, Cols. 8423-27 and 8695-713.

## 5. PRIVILEGES

### 5.1 Procedure in raising points of Privilege of Members of Parliament : whether non-compliance with a member's request to postpone discussion constitutes a breach of privilege.

On 20 December, 1949, a Member requested the permission of the Speaker to raise points regarding privileges of Members of Parliament without submitting them to the Speaker in his Chamber first.

The Speaker said :

"I have in this connection of raising of points already told the House a number of times that any Member wishing to raise any point or to make a suggestion, should first see me in my Chamber, so that I can know what matter is going to be raised and thereby the time of the House might be saved..."

On the Member pressing that the matter was immediate the Speaker permitted the member to see him in the Chamber when he retired and that he could then raise his point after lunch.

In presenting his case, the Member said that—

- (a) according to the practice in the House of Commons as laid down by "May", it was an encroachment on the rights and privileges of the Members of the House that they should first have to submit their points of privilege to the Speaker in the Chamber before raising them on the floor of the House;
- (b) the promise made from the Chair by the Deputy Speaker that he would be given an opportunity the following Monday after lunch was not kept because when he returned to the House on Monday afternoon he found that the closure motion had been accepted.

The Speaker said :

"First point is that he thinks that the rights and privileges are seriously interfered with — if they are not permitted to raise any points of privilege without first consulting the Chair or informing the Chair. I am afraid it is not possible for me to agree with that view, because points are raised for clarification or solution and I do not see how they can be immediately clarified or solved on the floor of the House, unless the Chair is aware of what is really worth being brought before the House.....

"The other part relates to his having been deprived — as he believes—of the opportunity of having his say.....

"No doubt, as the progress was estimated it was stated that some convenience would be given to the Honourable Member and if the discussion had continued till 1 p.m. yesterday, nobody would have objected, in view of what Mr. Deputy Speaker had said here as to giving the Honourable Member a chance of having his say. But it is too much to expect that after the moving of the closure the matter should be kept pending just for one Member who was not present here. That is how I look at the matter. I do not think it is a matter of privilege at all; it is only a matter of some kind of convenience which was expected to be given, but which in the circumstances which subsequently developed, could not be given. The matter ends there and the Honourable Member need not entertain any fears that the rights and privileges of Members will be reduced to nullity if this kind of thing goes on....."

*Constituent Assembly (Legislative) Debates, Part II,  
20 December, 1949, pp. 829 and 847-49.*

## 6. QUESTIONS

### 6.1 Question regarding merits of individual officers : not admissible unless Public Policy is involved in their Acts

On 8 December, 1950, on a question relating to the

Director, Central Drugs Laboratory, Calcutta, the Speaker disallowed some Supplementary Questions by Shri. Kamath with the following observation :—

"It is not in the public interest that an individual officer's merits should be discussed in that manner. That official has no chance of coming to the House and giving information. I admitted this question just with a view to see if there was any principle involved. No principle appears to be involved in the question and I do not propose to allow any more questions."

Later in the day before the House took up the Legislative Business, Shri Kamath asked for a ruling from the Chair as to whether where an officer of the Government did something contrary to public interest and offensive to public morality, the matter could not be brought on the Floor of the House and whether the Minister concerned had not the duty to inquire into the matter.

The Speaker then gave the following ruling :—

"The hon. Member by putting questions, enquiring into individual qualifications of that particular official, meant to point out very probably that the officer was not fit for the job....That was the point of his questions. He was enquiring, into the degrees, he was enquiring into his experience and what not. Then, I said that I would not allow individual questions of that type either to support or to bring into disrepute any individual officers. I said at the same time also that I saw no question of principle involved in it. If there is anything done which offends against the public morals, and some question of public policy is involved, such questions would be admissible, but not questions otherwise relating to individual officers whose conduct may or may not be liked by certain Members."

*Parliamentary Debates*, Part I,  
8 December 1950, Col. 741  
and Part II, 8 December 1950, Cols. 1389-90.



## 6.2 Supplementaries on Statements in reply to Questions

On 12 March, 1951, Dr. Deshmukh raised a point of order with regard to allowing supplementaries to statements. He contended that simply because an hon. Member chose to make a statement in reply to a question it should not preclude any supplementaries being asked.

The Speaker observed that under the earlier rulings of the House this was not permissible but he would give his reasons on a later occasion.

On 15 March, 1951, the Speaker made the following statement giving his reasons in support of the earlier rulings :—

"On the 12th March, 1951, Dr. Deshmukh raised a point when the Chair did not allow supplementaries. He said : "I can understand that if an hon. Minister or the Prime Minister makes a statement *suo motu*, then it may not be open for members to ask supplementaries." And then he urged that when statements were made in reply to questions by members there should be no difference between categorical replies to each part of a question and a statement made as a consolidated reply to the whole question.

His plea is based upon an incomplete or inaccurate appreciation of the purpose of supplementaries. It may be seen that the right which a member has to put supplementaries is not an absolute one. A member may put a question, only when called by the Speaker; and in fact, this practice is followed every day during the Question-Hour. The point to be remembered is that the question is to be asked for the purpose of further elucidating any matter of fact, regarding which an answer is given. This means that, supplementaries relate to the specific matter in respect of which a question is put. In cases where a request is made substantially for a statement on or regarding any situation or matter, there would be hardly any supplementaries when a statement is made pursuant to the request for a statement.

But this reasoning may appear perhaps a bit too technical. There is however a very cogent and practical aspect of the question. In cases where a long and elaborate statement, covering some pages is made, it is by the very nature of things impossible to allow an

exhaustive number of supplementaries and satisfy every intending questioner. It would be agreed that it cannot be possible to allow a number of supplementaries to every one who wishes to put them, unless one treats the answer practically as a basis for a debate. This is obviously impossible in the interest of expeditious disposal of business and fairly equal opportunities to the various members. Further, more often than not, such statements give information which does not consist of mere bundles of facts but is mixed with questions of policy, opinions and some times questions of expediency also. The subject matter of such statements, when important, is more suitable for a debate than for elucidation of information by questions and answers within a reasonable time.

Further supplementaries are expected to be put on a full grasp of the information given. In the case of long statements, it is too much to expect that all members will be able to comprehend all the implications of the various facts just when the statement is read to them.

It is, therefore, necessary that they should first have an opportunity of reading and digesting the contents of the statement to comprehend the full implications; and then they may put such questions as they like in due course. It may be noted that not to allow supplementaries does not mean depriving a member of an opportunity to put questions on the statement. The only difference and a very important one, of course, is that the question will be put, not immediately on the reading of the statement but after some time and a full and close study of the statement made.

It will thus be clear that it depends upon the nature of request for a statement, the length, as also upon the contents of a statement, read by a Minister in reply to a question.

On a previous occasion in 1947, during the days of the late Central Assembly, as also in March 1948 during the days when the Constituent Assembly of India was functioning as the Legislature the same practice was followed and supplementaries were not permitted. I then expressed myself as under :

'Questions if at all they are deemed necessary, may be framed on what has been stated in the statement and they may be dealt with later on.'

But it will not perhaps be sufficient for me to quote my own authority. I shall state the practice that prevails in the House of Commons. There they permit, it appears very few supplementaries but not as many as members here wish. On 27th January, 1945 in reply to a question, the Chancellor of the Exchequer made a statement. When the Speaker found more members anxious to put supplementaries, he ruled as follows :

"Would it not be better to study the statement of the Chancellor of the Exchequer before asking further questions about it."

To my mind, there is no difference in allowing a couple of supplementaries and disallowing others on the one hand and in deferring all questions on the other on the ground that the statement requires study. From the point of giving equal opportunities to every member who wishes to put a question, as also for saving time more likely to be spent in supplementaries on a mere hearing of a statement, it is not only desirable but necessary that the important right to put questions should be exercised after a careful study or understanding of the statement given and therefore, the practice hitherto followed does not appear to require any change."

*Parliamentary Debates, Part I,  
12 March 1951, Col. 4349 and  
15 March 1951, Cols. 4604-06.*

*PART FOUR*  
**TRIBUTES**

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## **Tributes To Speaker Mavalankar**

I have received with deep grief the sad news of the passing away of Shri Mavalankar. It has been my privilege to have known him ever since the early days of the non-cooperation movement, if not earlier, more than 35 year ago.

He achieved remarkable success in Ahmedabad not only at the Bar and in Congress circles, but also in other fields and activities in which he participated. He became the Speaker of the Bombay Assembly and made his mark there. It was his success in that capacity which induced the members of the Central Legislature to elect him as Speaker. Ever since he came to Delhi, he became an indispensable part of Parliament.

Every member of the Lok Sabha who joined in paying tribute to his memory expressed not only his party's confidence in his ability and integrity but also in the way in which he conducted the proceedings. He had earned a position for himself as a great Speaker not only in this country but also in parliamentary circles of the Commonwealth.

He was thorough in whatever he undertook. He enjoyed the freedom and confidence of all classes of people and was unhesitatingly and unanimously put in charge of the largest public trusts which have been created by the public in this country.

His loss will be deeply felt not only in the Lok Sabha but also in a very much larger circle of friends, associates and co-workers interested in social service.

*President Dr. Rajendra Prasad,  
27 February 1956.*

It is now nine years, I believe, since some of us, including me, started functioning in these Assemblies. They were the last days of the old Assembly; then the Constituent Assembly and then the Lok Sabha. Throughout these early days, difficult days, formative days, it was Shri Mavalankar who sat as the guiding deity, helping us, chiding us, trying to keep us in the right path, laying down and making precedents to be followed later, and moulding the development of parliamentary life in India, of course, mostly in the Lok Sabha. In another field every year as you know, he gathered together the Speakers of all our State Assemblies and discussed various matters of common interests with them because he was anxious that the foundations of parliamentary government should be well and truly laid here. He had considerable experience himself because, as the Lok Sabha knows, he became the Speaker of the old Assembly and functioned there for a considerable time. Later, all of us have come into intimate contact with him and have worked under his guidance.

I must confess that I, and I think, perhaps some others, had got so much used to Shri Mavalankar as our Speaker and had come to rely so much on the way he could deal with any situation that might arise, with calmness, with courtesy, and at the same time, with firmness, that we could hardly think of this Parliament without him. He was an inseparable part of it, the cementing link between all of us. Therefore his passing away, apart from the obvious personal sorrow involved, is a break from a tradition from almost an institution that had grown up here. No doubt, this Parliament and all of us will carry on our work. The world goes on. The Parliament

goes on. India goes on, undoubtedly. Nobody is indispensable whoever he might be. But the fact remains that if a person was considered so intimate a part of this Parliament, as almost to be indistinguishable from its working it is Shri Mavalankar and his going away, for the moment, leaves the Lok Sabha almost like a headless body, leaving a gap behind, which is very very difficult to fill.

Many of us have come into contact with the Speaker Shri Mavalankar in other ways, not so much directly in the political field, but because of his great interest in good work. He was associated with big funds, the Gandhi Memorial Fund, the Kasturba Memorial Fund, all meant for the public good. It was a very considerable burden on him to look after these big funds and to see that they were utilised to the public advantage. He gave a great deal of his time and energy to it. Naturally, he was helped by others. But, in effect, he saw to it that he went into the smallest detail. I confess I have often been surprised to find he had gone into the little details of the working of these funds, to see that they were properly utilised. Some of us, sometimes, were a little impatient at his thoroughness, because his thoroughness involved some delay in coming to decisions— I am talking about the funds. But, it was a very good thing that he was so thorough. It would probably be a good thing if we, all of us, are thorough as he was, in such matters and others.

Anyhow, we here in the Lok Sabha are concerned with him in many ways, more especially as the Speaker. He was the first Speaker of the Lok Sabha, the Father of the Lok Sabha, and his name, I am quite sure, will be associated with Lok Sabha and with our Parliament for long periods to come as a person who gave it shape, gave it direction and gave it the stamp and impress of his personality. All of us have profited by that; all of us have been conditional to a certain extent by that; all of us have been made a little better by that. That is a very big thing to say about any individual that he has conditioned and influenced and improved others because of his contact with them. Through us as individuals, he has impressed the Lok Sabha and Parliament and through that again to some extent, the country as a whole.

*Prime Minister, Jawaharlal Nehru,*  
27 February 1956.

Speaking as a Member of the Opposition, I think I may say categorically that to most of us it is a real, cruel blow and it is inconceivable that we shall come to this House and not see him in the Chair, not see his smile, his gracious bearing, his dignity and the shine of his personality. I remember the Prime Minister perhaps in the first session of this Parliament saying that it was almost inconceivable to think of anybody else in the Chair of this House. We had our differences with Shri Mavalankar, but as far as our personal relationships were concerned, there was never a trace of bitterness and we had occasion to find out ever so often that he had a passion which very few people have—at least I have met nobody else who had that passion in his measure—and that was a passion to see parliamentary forms worked in this country in a manner which would be in conformity with our political traditions, and to that passion he gave all the talent that he possessed—and that talent he possessed in plenty as everybody who know him would testify. That is why I feel that he was a person whose like we shall not easily see again and our sorrow is deep and genuine, and I wish you, on behalf of our party particularly and on behalf of everybody in this House, to convey to the members of Shri Mavalankar's family how deeply distressed we are at his passing away at this juncture of our national life.

*H.N. Mukerjee,*  
27 February 1956.

He was one of the architects of modern Ahmedabad. The economic, social and political life of the city bears indelible impressions of Shri Mavalankar. Next only to Sardar Patel perhaps, Shri Mavalankar was the builder of Ahmedabad. As the Speaker of the Bombay Assembly in the early days, he helped to guide my State in the direction of parliamentary democracy.

In this House, the Opposition is weak and disorganised, but he was a sheet-anchor, he was there to protect our rights, rights of which we were not even aware very often because we are so new to



parliamentary life. There have been occasions in the past when some of us differed with him, but looking back I have found more often he was in the right and we were in the wrong. Always, here in the House but more often in his Chamber, he advised us, he guided us.

Some time back, you will remember, my leader Acharya Kripalani referred to the Speaker as a teacher. It was really meant to give him a great compliment because he was a teacher. You will remember that at the meetings of the Business Advisory Committee, very often there were occasions when he gave us unforgettable lessons as to how Parliament has to work, how it has to grow.

*Asoka Mehta,*  
27 February, 1956.

In the history of the evolution of parliamentary democracy in India, Shri Mavalankar will occupy a very distinguished and honoured place. I had the privilege to go to England in connection with a Commonwealth conference when I had the privilege of meeting some Members of British Parliament, and I can assure that they were speaking in the highest terms about our Parliament and about the Speaker of our Parliament. It is a great joy and a great inspiration that the great parliamentarians, that the Mother of Parliaments wanted to elect our Speaker as the President of the Commonwealth Parliamentary Association and wanted light and guidance and wisdom from him.

We had our differences with him. We sometimes resented some of his rulings, but I associate myself with Shri Mukerjee and Shri Asoka Mehta in paying this tribute to his memory today, which is a just tribute to him, that he was very vigilant about the rights of the Opposition and he was the genuine custodian of the privileges of every Member of this House. As Chairman of the Committee on Subordinate Legislation, it is my duty to recognise and to openly declare that he resented every trace of executive despotism and he

cautioned us every time that we the members of that Committee were really the protectors of public rights and we should see that in no shape or form is there a trespass on parliamentary sovereignty, or any intrusion on the sovereign rights of this august House.

We particularly in the Opposition deem it our duty to recognise that although he was firm and strong, still he was promoted by the highest ideals of evolving the true type of parliamentary democracy in India.

*N.C. Chatterjee,*  
27 February 1956.

India has lost another illustrious son of hers, in the passing away of Shri Mavalankar. Parliament needed his guidance and inspiration, and the country his advice and assistance for a long time to come. He could maintain the dignity of the House and yet could protect the rights of the members as well. He has established traditions that will be followed for a long time to come.

I, on behalf of my party, associate myself with all the remarks that have been made by my friends here and I request you as also the Prime Minister to convey our deep sorrow and regret to the members of his family.

*Sardar Hukam Singh,*  
27 February 1956.

He led a glorious life as a person, as an individual, as a politician, as a great statesman and a patriot. Thrice or four times, as often as there was need in the struggle for freedom, he went to

jail. He was a great social worker. He was practically the builder of new Ahmedabad. He was the right-hand man of Sardar Patel.

Gujarat has produced very great souls. The Father of the Nation came from Gujarat. Sardar Vallabhbhai Patel came from Gujarat. There was Shri Vithalbhai Patel who was fighting freedom's battle, who was President of the old Assembly he fought during the previous regime when we were not in charge of the administration. But after freedom was won, we had Shri Mavalankar. Rightly, he has been described as the Father of this Parliament. He has contributed enormously to the growth of democracy and has laid democratic traditions and foundations solidly in the Lok Sabha. The Lok Sabha can never forget the traditions that he has built up. Recently he was to attend the meeting of the General Council of the Commonwealth Parliamentary Association at Jamaica; he and I are both members representing India. But he could not go, but all the same, in his absence, all the members unanimously proposed him as the Chairman of the Council—they could not think of any other. They were all anxious that the Commonwealth Parliamentary Association should meet here, and he suggested that they might come here and hold the conference in December 1957. It was because of him and our Prime Minister that the various Commonwealth countries were insistent upon holding the conference here. He is not only respected in India, in this Parliament; he was respected particularly in all Commonwealth countries wherever he had occasion to go.

I shall certainly convey the sentiments of the Lok Sabha and the expressions of sorrow to the members of his family. As a mark of respect to his memory. I request hon. Members to rise in their seats for a minute.

*Deputy Speaker M.A. Ayyangar,*  
27 February, 1956

It is difficult, when we are all of us almost overwhelmed with grief to say much about Mavalankarji. He was a truly great man, a pure soul, a leader of men, one who laboured selflessly and steadily at the cost of his health for the relief and succour of the needy, the suffering and the down-trodden people. He never spared himself. He was a true disciple of Gandhiji. In him one of the best and noblest of men has passed away and the country has been put to irreparable, enormous loss. He was a man of profound culture and he served those in need and befriended those towards whom nobody would ordinarily give his attention. He was a pure gem and reflected and radiated light, kindness, cleanliness and purity wherever he went. He filled every place with distinction. As a Speaker, he was perfect. For a man like that, it is difficult to find suitable words to give expression to one's own regard and admiration for his numberless qualities of head and heart. For some of us, it is also a real personal loss. We respected him, we loved him, we looked to him for guidance whenever we were faced with a difficulty. His example will live in the annals of our history and it will ever inspire the people who could look up to a great man's example with utmost confidence for their own guidance and for learning the true tenets and doctrines of selfless service in action.

I would request you, Sir, to convey to his sons and other members of his family the heartfelt condolences and sympathy of this House and also to adjourn the House as a mark of respect for the departed.

*The Leader of Rajya Sabha, Govind Ballabh Pant,*  
27 February 1956.

We all share the sentiments expressed by the Leader of the House, Mr. Govind Ballabh Pant. Only the other day, I had occasion to refer to the vast knowledge of parliamentary practices and procedures which Shri Mavalankar had. He was the Speaker of the Bombay Assembly, the Speaker of the Provisional Parliament and

the first Speaker of the Lok Sabha. He tried to build up healthy parliamentary traditions and the task of a Presiding Officer is not an easy one when you have so many groups and so many individuals of marked views. He did his best to hold the scales even and left behind a great tradition. He was the President of the Ahmedabad Municipality. He was closely associated with the Gujarat University and he was the Chairman of the Gandhi Memorial Trust and Kasturba National Trust. In all these different spheres, his one interest was the relief of suffering humanity and he worked for that great ideal. We have lost a distinguished public servant and a great Speaker of our Parliament—the Lok Sabha. I shall certainly convey, Mr. Pant, our sense of loss and grief at the passing away of Shri Mavalankar. We stand up for two minutes in token of our expression of sorrow before we adjourn.

*Chairman Dr. S. Radhakrishnan,*  
27 February 1956

I first came into contact with Shri Mavalankar when he was first elected as the Speaker of the Central Assembly. It was in January 1946, more than ten years ago. At that time there was a great contest in regard to his election as Speaker. I recall it for this purpose that ever since he entered the Speakership of Parliament, he has passed through times of stress and strain and conflicts in which his personality has shone brighter and brighter. In the very year he assumed the Speakership, the National Government came into office on the 2nd September, 1946 and then crisis upon crisis followed, till the Central Assembly ceased to exist on the 15th of August, 1947. At that time, he also ceased to hold office and he was subsequently elected Speaker of the Constituent Assembly on the Legislative side on the 17th November, 1947 so that for the period from the 15th August to the 17th November 1947, there was no Speaker actually in office.

Shri Mavalankar was not only a Speaker to me but he was like a father to me. I valued more my personal relations with him which played a larger and ever-increasing part in my relationship with him. I cannot tell you how I value these 10 years of association with him. It was an ennobling and a great influence to have come in contact with him and to have felt all the time that I was in the presence of some one who was brave, fearless, undaunted, independent, and was in a position to face any crisis and act in any circumstances that may arise. While I was with him I felt that I could go ahead, march ahead and struggle with any difficulties that may arise. There was never any fear in my mind while I dealt with him.

The one great quality that I always found in him was that whenever he listened to arguments, he listened with rapt attention and would always follow them, though he might make up his mind irrespective of what I was saying. Mostly, he would accept the advice unless he saw reasons to the contrary and when he accepted that advice, he made it his own and defended and fought for it as if it were an opinion which he himself had formed. It is a great thing for the head of a department if he feels that his superior authority does not blame him for any information or any advice that he might have offered him. After all, it is in the domain of the Secretary to offer his advice to the Speaker, and once the advice is given and the Speaker has made it his own, he should feel that at no time he would be held responsible for that. It meant a good deal to me and it gave a great impetus to the administration.

Shri Mavalankar controlled, apart from the two important trusts—the Gandhi Smarak Nidhi and the Kasturba Memorial Trust—as many as 52 trusts in Ahmedabad and round about, and a great deal of his time was devoted to the administration of these Trusts.

Whatever he did and whatever came his way, he always measured it in terms of certain moral standards ; where he failed, he measured it equally effectively. There was that something in him that measuring rod which is there in all of us but which was there with him in a very effective degree, that measuring rod—something apart from him and yet, a part of him—which enabled him to measure his shortcomings ; and when he had measured them, to rise higher and higher above the shortcomings. It is that supreme quality that he possessed from his young days which enabled him all

through his life to rise higher and higher and to meet all difficulties that confronted him.

There was another field in which he did able work and that was as President of the Ahmedabad Municipality. Reference was made to his activities in that connection by Shri Asoka Mehta this morning who called him the builder of modern Ahmedabad, which, I think, is an adequate tribute.

Many of us know of Shri Mavalankar as Speaker for the last 10 years. But, in fact, I should say that he has been a Speaker for the last 20 years or so because it was in 1937, when the Congress, for the first time, decided to accept political responsibility that he was elected as the Speaker of the Bombay Legislative Assembly. And, ever since he held that office, he has been Speaker all the time. In fact, he has, in his own person lived up to the tradition of the House of Commons that once he was elected Speaker 20 years ago, throughout his career he held no other office. He has enriched that office and enhanced its prestige throughout the length and breadth of India.

One cannot think of Shri Mavalankar without referring to his many activities in fields which lie beyond India. It was my good fortune to have accompanied him to the parliamentary conferences in 1948, 1950 and 1952. These conferences were held in London, Dublin and Canada. What a supreme and great position Shri Mavalankar enjoyed not only in India as Speaker but amongst the parliamentary circles throughout the Commonwealth and the North American continent.

I may say that the Speaker of the House of Commons as also the other Speakers appreciated his contributions in regard to parliamentary practice and procedure and other matters connected with Parliament. I make bold to say that in him we have lost today not only a great Speaker but one of the greatest Speakers of modern times.

He would always stand out for some principle. The moment you begin to talk to him, whether it is on a small matter or a great matter of administration, he will always try to discern the principle behind it. And once he discerned the principle, he would say : "My mind is made up; I feel clear about it; and there is no

room for further argument."

You will have recently noticed the publication in the Gazette of the Lok Sabha Secretariat Rules. It is the charter of the autonomy of this Secretariat. And if it is the charter of the autonomy of this Secretariat, it is solely due to the strong line that Shri Mavalankar took all along on crucial and important matters. Details he would not bother about, but if a question of principle arose, he would stand firm and unshakable, no matter what was the measure of the controversy.

I still recall something which I can share with you because it left such a deep impression upon my mind. One day, a year or two ago, while he was in his room, I do not know what thought came to his mind, but he suddenly told me "Kaul, I do not know when this body may drop dead; therefore, take immediate and urgent steps to finalise the conditions of service in this Department so that while I am here, I can help in whatever measure I can and secure for this Secretariat an autonomy, because it is of the utmost importance that those who work in this Secretariat should work without fear or favour." In fact, those two words stand out in my mind, because when the message regarding the Speaker's illness was read out in the Lok Sabha on the 15th February and those proceedings were transmitted to him, he dictated a letter to his son on the 17th of this month and he insisted that his son should transmit that letter at once to me. And that letter remains with me as the last record of his instructions to me. After referring to some matters, he wound up his letter by saying "You should continue to serve Parliament with that devotion which you have always shown and act without fear or favour." Those two words—"without fear or favour"—stand out in my mind, as it were, as his last instructions to me. You will perhaps be aware that Shri Shakhder went to see him on the 20th of this month. He reported to me that so far as he could see there was no sign on the face, as sometimes appears on the face of a person who is down with grave illness and who will soon pass away. His face looked, as always, fresh and vigorous. It was his heart that was giving way. The vigour of his mind was still there. He told him : "Go and tell Kaul that I will be back in about two months' time whatever the doctors may say." I remember still that it was his indomitable will to live that enable him to carry on after he was stricken with illness about three years ago; it was



that which made him devote all his time to public causes and the service of Parliament.

*Secretary M.N. Kaul*  
27 February 1956.

Of course, so far as personality is concerned, those who come after him will, by contrast, be surely thrown into the background. His was such a beautiful personality. Coupled with this was his great ability, his democratic life and the way he conducted the affairs of Parliament here. All this would naturally throw any other person who comes after him in the future into the background.

He led a glorious life. Panditji rightly said the other day that he was the Father of Parliament. We have got the Father of the Nation here. Shri Mavalankar was the Father of Parliament. I would say he was the first Speaker so far as the Congress is concerned and so far as India is concerned.

He laid the strong foundations for the growth of parliament to a large extent. Panditji laid the foundation for the administration, and in collaboration both of them, laid the strong foundations for democracy in this country.

*Speaker M.A. Ayyangar*  
7 September 1956.

The late Speaker had tremendous breadth of vision necessary for building up those conventions. All of us, who have known as well as I do Dada Mavalankar's work in Parliament, will appreciate it. We appreciated it previously and we appreciate it now, more so, how well and duly he helped to build up those conventions and in doing so, trained all of us, Members of Parliament, kept us

in check, occasionally chided us and when he chided us, he did it in a friendly way which nobody could possibly object to. So he helped to build up this atmosphere that is supposed to grow with parliamentary work, the atmosphere of difference of opinion, and yet of friendliness, of co-operation, of courtesy, of a certain restraint. That is a tremendous thing.

If we maintain it, I am sure we will, I think most of our problems, however difficult they might be, will become easier of solution. Indeed we should like that atmosphere not to be confined to Parliament but to spread all over the country. That is the right atmosphere, that is the civilised atmosphere of dealing with a problem or an argument. Otherwise what does democracy mean? Democracy is a civilised procedure to settle problems by discussion, argument and then decision by the majority; but the majority also should always pay due regard to the views of the minority so that the minority might never feel that it was neglected or ignored, whatever the minority may be. Now, therefore, the work Dada Saheb Mavalankar did here, important as it was for Parliament was of even greater significance to the country as a whole. After all, this Parliament sets an example to the many legislative assemblies and councils in the country; it sets an example to the whole public life of this country.

We have not succeeded in living up to the various ideals that we have adopted. Outside this Parliament, certainly many of us have not behaved with the dignity and forbearance and spirit of co-operation that Parliamentary tradition enforces upon us. But, we have made much progress. And, I have no doubt that we shall make more progress.

Now, I do feel and believe that the person most responsible for the building up of these traditions in our Parliament was the late Speaker, Dada Saheb Mavalankar. We took him, while he was here, as we are having to take each other, for granted not realising what great service, unique service he was performing in building up these conventions, and training a motley crowd of all of us, Members of Parliament, that had gathered here from the various parts of the country. We offered a great variety in various ways, and to make us into some kind of homogeneous body functioning and working together was no light task.

Some people are born to some particular high office; some grow into it and some are being pushed into it. About Dada Saheb Mavalankar it might well be said that he was born into the speakership of the Lok Sabha. He fitted in it like a glove and he maintained throughout these several years the high dignity and wisdom not only in his decisions but in his general demeanour. He was a man of relatively few words but the words he spoke were words of weight. So, his influence gradually crept into all our behaviour and our lives—Members of Parliament—and we were improved considerably.

The day we heard of his death it came to us as a shock in many ways. He was a friend and colleague of old standing and a person whom we all respect. Above all, he was a man, a kind of teacher who trained us in parliamentary ways. As I said we had taken him for granted and then, when we heard suddenly that he had departed we felt the loss and a kind of vacuum was created.

*Prime Minister Jawaharlal Nehru,*  
7 September 1956.

We miss today a very important figure, that great Chairman of this Conference during all these years, Shri Mavalankarji. His graceful and fine personality, his sweet temper, his rich lore and ripe experience in parliamentary practice and procedure, in short, his whole life, was a model for others to copy. He was the first Speaker of the Parliament after the Republic was constituted. His life was rich with various activities, social, political and economic. He was one of the foremost sons of India who sacrificed much of his time and energy for public work and also underwent incarceration during the struggle for freedom. We are all beholden to him for the strong foundations that he has laid for parliamentary democracy in this land in general and for the working of the Presiding Officers' Conferences in particular. I am sure that you will all associate yourself with me in paying our humble tribute to the memory of this great soul

*Speaker M.A. Ayyangar,*  
17 September 1956.

If one has to single out anyone of our five Speakers so far, the palm goes without the hint of a doubt to the late G.V. Mavalankar, chosen to preside, as he earlier did in what was called the "pre-parliament" (1950-52), over India's first House of the People, in his sphere an outstanding man, among presiding officers "the greatest Roman of them all" in this country. In his appearance and manner there was something which commanded instant respect. In his personality there was a sort of a shine which is difficult to forget. Even when his exhortations sounded schoolmasterish and more than a little sanctimonious, there was something in his words which indicated a fundamental seriousness and a passion for the correct working of parliamentary processes. He could thus evoke respect even when one felt like laughing out loud or had a grouse against his ruling and his reasons for it. Though it seemed an unthinkable heresy in public, it was possible, however, on informal occasions when, over a cup of tea or after dinner, he unbent in company, to pull his leg by asking irreverently if he ever woke up at nights, saying "Order! Order!" Like the best of Speakers, he was part of the House in a manner that, as Jawaharlal Nehru once said, it was hard to think of Lok Sabha without him. Mavalankar was on any computation a great Speaker, a dignified if sometimes stodgy stickler for the rules and yet the kind of presiding officer whom the House, howsoever critical and exacting, could not fail to respect.

He wore the vestments of parliamentary propriety rather neatly, and while respectful towards the then prime minister who, after all, had been a national figure for decades, he would not hesitate, when parliamentary forms were concerned, to put him in his place. When Jawaharlal Nehru, for example, tried to make light of a privilege issue allegedly involving Law Minister C. C. Biswas, who was caught between two loyalties — Rajya Sabha, where he belonged, and to Lok Sabha to which, as minister, he was responsible — Speaker Mavalankar put him in his place and upheld the role of parliament and a happy finale could be worked out.

*Hiren Mukerjee in Portrait of Parliament,*  
1978.

Dada Saheb Mavalankar was a parliamentary giant. Besides being an ardent educationist, an eminent lawyer, an able parliamentarian he was above all, out and out a devoted patriot.

He sacrificed all his other interests in the cause of freedom struggle and took keen interest in guiding and shaping the parliamentary institutions of this country.

Dada Saheb Mavalankar's acumen in parliamentary affairs was acclaimed the world over. We, the parliamentarians owe him a duty—a duty of gratitude as he helped most of us in taking up the right causes in the right manner at the right moment.

*Minister of State, Ministry of Communications, Kartik Oraon,  
27 February 1981.*

Dada Saheb Mavalankar was one of those who played a key role in the building up of parliamentary democracy in our country. It was our good fortune that we had a person of his calibre and background to occupy the Chair in the crucial transitional years of our new born democracy and the beginning of parliamentary institutions. Mavalankar's profound knowledge of parliamentary practices and procedures, backed by his firm grasp of legal principles; helped him to establish sound traditions and practices. He had in abundance qualities that make a successful Speaker. He was impartial to the extent of a fault. An observer who had watched him function in the Chair, once said that Mavalankar had a rare personality, a personality that inspired respect without the need for enforcing many of the sanctions available to a Speaker, gentle and affable always, he was firm in his rulings. He stood for the authority of the House and the rights of its members. The struggling backbenchers received from him as much courtesy and consideration as the stalwarts on the front benches. Shri Mavalankar is remembered

as a great Speaker whose influence continues and shall continue in the Legislatures all over the country for years to come.

Shri Mavalankar's contribution to the cause of the parliamentary institution extended beyond our shores. During his tenure as Speaker he participated in a number of international parliamentary conferences where his contributions earned for him universal respect. His election as Chairman of the Commonwealth Parliamentary Association was indeed a tribute to his personal standing in parliamentary circles.

Mavalankar was a true Gandhian in his thought and living—in his simplicity, truthfulness and unostentatious dedication to the cause of the lowly and suffering. He was a man of strong principles and once he made up his mind there was no question of his temporising or wavering. He could intuitively see what was the correct line to take in any particular matter and he was often right. It was through his initiative that the name Empire Parliamentary Association was changed to Commonwealth Parliamentary Association, thereby doing away with a reminder of former days.

Men like Dada Saheb are rare to come by. He was gentle and noble, whose life, purposefully lived in the service of the people, will be a beacon light for others.

*Chairman, M. Hidayatullah, Rajya Sabha,*  
27 February 1981.

Shri Mavalankar occupies an honoured place not only as the first Speaker of Parliament in independent India but also as a true patriot, a fighter in the cause of freedom and a dedicated public worker. His sincerity, humility and genuine solicitude for the poor and the down-trodden endeared him to everyone from the highest to

the lowest, earning him the affectionate appellation "Dada Saheb".

It is a striking coincidence that Gujarat which gave us our first elected Speaker before Independence, President Vithalbhai Patel, also gave us Shri Mavalankar, the first Speaker of our Parliament in free India. From his early years Shri Mavalankar's interest lay in social work and in politics. He came into contact with Gandhiji in 1915 when Gandhiji returned to India from South Africa.

Shri Mavalankar was guiding the deliberations of our Central Legislature for over ten years, which were indeed the most crucial years in the development of our parliamentary institution. And this he did with great dignity, ability, uprightness and impartiality. Like Mr. Speaker Patel he stood for the independence and authority of the House and the Chair. He filled the office with great distinction and enhanced the prestige of Parliament. He was, as so aptly described by Jawaharlal Nehru, truly the "Father of the Lok Sabha".

With his passion for form and procedures, Shri Mavalankar helped evolve many sound practices and conventions and gave the institution a shape and direction. As a successor in the Chair I would say this that the conventions and traditions he left us should themselves constitute a lasting monument to his memory.

Shri Mavalankar's contribution was not confined only to the work of Parliament at the Centre. As Chairman of the annual conferences of Presiding Officers of Legislative Bodies in the country, he did much towards evolving uniform practices and procedures in legislatures all over the country. Indeed, for his contribution to the cause of the parliamentary institution Shri Mavalankar was a highly respected figure in parliamentary circles the world over, particularly in the Commonwealth countries.

Shri Mavalankar's reputation as a Presiding Officer has tended to overshadow what he did in other spheres. A great part of his work lay in the social field. Besides being the President of the Gandhi Smarak Nidhi and the Kasturba Memorial Trust, he was associated with the management of as many as 52 trusts, which speaks volumes about the confidence he enjoyed among the public. His dominant concern in all this was the relief of suffering humanity. As a true disciple of Mahatma Gandhi, he was thorough in whatever he

undertook; he laboured selflessly and never spared himself wherever the welfare of the downtrodden was involved. He had such deep passion for constructive work that he hardly seemed satisfied even with all this. In one of his letters to a friend he wrote :

".....It has been my dream for several years to sit down to constructive work, of the type of the Servants of India Society, with a handful of devoted workers; but fate has drawn me in a different direction. However, I carry a feeling of satisfaction that I am trying to discharge the duty allotted to me in whatever sphere I am placed."

Shri Mavalankar was also an ardent educationist. He was to a large extent responsible for the growth of the Ahmedabad Education Society, the Gujarat University and several other educational institutions in and around Ahmedabad. He was a loving *pater familias* to all these institutions, which grew up under his fostering care.

*Speaker Bal Ram Jakhar,*  
27 February 1981.

My father called him the Father of Parliament. And at that time I know how much the Members looked up to him and what loving, considerate guidance and advice he gave to them. As the first Speaker of independent India's Parliament, he laid down healthy conventions in the formative stages of Parliament, during what at that time people thought was a difficult time, and under difficult conditions.

And it was largely due to the conventions which he set up that Parliament was able to proceed peacefully and with dignity even after he left us. I should like to quote my father on him. He said :

"Throughout early days, difficult days, formative days, it was Shri Mavalankar who sat as the guardian deity, helping us, chiding us, trying to keep us on the right path, laying down



and making precedents to be followed later and moulding the development of parliamentary life in India..”

I think that although at that time people thought that those were difficult days, Shri Mavalankar did not have all the difficulties that, for instance, our present Speaker or our present Chairman have to face— neither the noise, nor the type of defiance that one sees at times now. Hon. Members often ask the Speaker for protection. I do not know how many of them think of protecting the Speaker when he is in need of it. So, I think Mr. Mavalankar, although he was a great personality and he functioned at a high level, did get far greater cooperation from the then Parliament than is evident today in our Parliament. So, when we expect the people to function well, let us give them the full opportunity of doing so.

I have great pleasure not only in releasing this Stamp but also in paying this tribute to an Indian whom we all admire and respect.

*Prime Minister Indira Gandhi,*  
27 February 1981.

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