The democratic republican Constitution as framed by the Constituent Assembly of India was inaugurated on 26th January, 1950 and it converted the Constituent Assembly into a Provisional Parliament pending the re-constitution of both the Houses of Parliament on the basis of General Elections (which were held in 1951 - 1952). The Provisional Parliament exercised all powers and functions as enshrined in the Constitution. The Speaker and the Deputy Speaker of the Dominion Legislature (i.e. the Constituent Assembly on the Legislative side) were to act as the Speaker and the Deputy Speaker of the Provisional Parliament. Consequently, Shri G.V. Mavalankar continued to function as the Speaker of this Provisional Parliament and became the First Speaker of the Indian Republic. Likewise, Shri M.A. Ayyangar continued to hold the office of the Deputy Speaker.

The Rules of Procedure and Conduct of Business of the Dominion Legislature were modified and adapted by the Speaker for carrying on the business of the new Parliament by virtue of the powers conferred on him under Article 118 (2) of the Constitution of India. These changes were necessary for meeting the new constitutional requirements of our country. The adopted rules enhanced not only the status of the Parliament but also

2. Ibid .............................. 379 (5)
3. In pursuance to this power, Shri Mavalankar modified the rules and their strength went upto 199 from 126 which were published in the Gazette of India ext. dated 14.2.1950 vide Parliament Sectt. Notification No. 30 - 1/50 dated 26.1.1950.
that of its Presiding Officer. Besides, they conferred enormous
powers on the Speaker. He could now allocate time and regulate
discussion on the Presidential Address. The Speaker was empowered
to admit three oral questions instead of five questions;
short-notice questions on urgent matters; and allow discussion
on matters of public importance arising out of answers to questions
for half an hour. The new rules enhanced the time limit for
discussion on adjournment motions to 2 - 1/2 hours making the consent
of the Speaker obligatory. The motion of no confidence against the
Ministry could be moved only with the consent of the Speaker and
the leave of the House was considered to be granted if 30 members
instead of 25 (as under the old rules) supported it. It modified
the financial procedure in accordance with Articles 114 and 116
of the Constitution and the Speaker was to regulate discussion on
demands for grants, Appropriation Bill and Finance Bill etc. The
Speaker was to appoint the Chairman of the Public Accounts
Committee and the Committee on Estimates. The consent of the
papers which were quoted by Ministers in the course of their
speeches were required to be laid on the table of the House.
The permission of the House was made necessary for expulsion of
a member where the Speaker required such a suspension for more
than a day. Letters of resignation by members of Parliament were
to be addressed to the Speaker and his permission for remaining
absent from the meetings of the parliament was needed. Besides,
the residuary powers were conferred upon the Speaker for regulating matters that were not provided for in these rules.

1. DECORUM: For maintaining proper decorum in the House, Speaker Mavalankar suggested to the members not to indulge in mutual recrimination, or to resort to strong condemnatory expressions like "Nonsense" or "Utter Nonsense". He deprecated the use of un-parliamentary expressions like "foolish", "Subterfuge", "unknown women and unknown men" and even called upon members to withdraw words which were unparliamentary or such expressions as attributed motives to the Chair. It was emphasised by him that members should not walk across the floor, enter or walk or stand when the Presiding Officer was on his legs. He objected to the cross-questions and cross-coverations amongst members in the House.

2. DEBATE: Speaker Mavalankar parried the apprehensions of the members that he was calling only such members whose names have been given by the whips of different parties or groups in the House as it obviously challenged his independent decision to invite members for participation in the debate. It was explained by him that he was not bound to entertain names handed over to him by whips and that he was calling persons on some principles. He emphatically declared that the Speaker was not bound to follow the list handed over to him and ruled:

"The discretion is always of the Speaker. It is only for the purpose of facilitating the debate and to keep it up to a high level --- it only enables the Speaker to get on with the business fairly and equitably."
He further explained that he was to arrange the debate in such a manner that the best comes out of it. It was for the Chair to decide whether there had been sufficient debate on the matter under discussion.

The Speaker also held that, since the opposition was not properly organised, he had to distribute time amongst different groups for purposes of debate according to the importance of a particular bill.

Following the precedents of his predecessors, he ruled that it was not proper for members to make allegations against people who were not present in the House to defend themselves or to discuss merits of an order of a High Court or to sit in judgement over the proceedings of the Court. The Speaker made it clear to members making sweeping charges on the floor of the House that they were responsible for such statements and that they should verify the correctness of those before making such serious allegations on the floor of the House.

It was urged by the Speaker that the members, including the Ministers, must stick to the old convention to attend the House on important occasions but he declared that exception has to be made in respect of Minister who have to attend to many duties outside the House. Mr. Mavalankar scrupulously followed the rules and conducted the debate in conformity with restrictions imposed by them. He did not hesitate to pull up members who were either indulging in repetition of

12. Parliamentary Debate Part II Dt. 311.1950 Cols 1020-21
13. -- Ibid -- Dated 22.11.1951, Cols. 3181 - 82
14. -- Ibid -- Dated 30.5.1951, Col. 9681
15. -- Ibid -- Dated 26.2.1952, Col. 342
16. -- Ibid -- Dated 3.3.1952, Cols. 440 - 41
17. -- Ibid -- Dated 10.3.1952, Col. 334
18. -- Ibid -- Dated 6.12.1950, Col. 1275

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arguments or were prolonging their speeches.

3. QUESTIONS: Speaker Mavalankar explained the reason for reducing the number of oral questions from 5 to 3 and observed:

"This was considered necessary in view of the large number of members... this does not mean that there is limit on the number of questions that an Hon. Member may ask. The limitation is that he shall start only 3 questions for each day."

He also recognised the right of Ministers to give reply to questions in Hindi and declared that an English translation would also be given in the proceedings of the House. He fully realised the role of Parliament to act as a 'grand inquest' of the nation but did not admit questions that sought to violate the autonomy of the statutory body. He maintained a balance between the authority of the Parliament and the freedom of the internal autonomy of such institutions while admitting questions. He also laid down a general policy for asking questions relating to the officers of the government and ruled:

(a) QUESTIONS ON AUTONOMOUS BODY:

"If there was done anything which was illegal, which was done in a high handed manner, which offended morals and some question of public policy was involved such questions would be admissible, but no questions otherwise relating to individual officers whose conduct may or may not be liked by certain members." 4.

(b) ON OFFICIALS OF GOVERNMENT:

He refused to admit those supplementary questions which expressed opinions or made some inferences instead of asking information. Realising the importance of short - notice questions, he continued to adhere to the old practice of allowing answers to be read out where the member giving notice for such questions was absent. He further observed that such questions were:

2. Although Hindi was to become official language of India after the expiry of 15 years, yet Speaker Mavalankar allowed the use of Hindi for the benefit of members who were unfamiliar with English language -- Ibid -- Dt. 22.2.1950 Col: 323 - 324. 3. -- Ibid. Dt. 8.4.1950, Col: 1386 - 87.
4. -- On 8.12.1950 Shri H.V. Kamath asked for a ruling as to whether when an officer of Government did something... Contd.

* For oral reply.
questions could not be put off to some other day.

4. PRESIDENT'S ADDRESS:

Since the presidential address was a new provision in the Constitution, Mr. Mavalankar felt the necessity to apprise the members as to the exact scope of discussion. Explaining the precise scope, he remarked:

"This was an innovation which we have introduced in our Constitution and they should discuss the general policies of the government and avoid entering into the details of administration which could be discussed on a number of other opportunities — during the budget, vote on account, again when the finance bill comes and again in Estimate Committee."

5. HALF AN HOUR DISCUSSION:

Explaining the scope of half-an-hour discussion on an unsatisfactory answer to a question of sufficient public importance, the Speaker urged the members to furnish points on which discussion was sought to be raised:

"The central idea being, that if the points are mentioned it will be possible for the Minister incharge to prepare himself to reply to all those specific points."

Modifying the rules Mr. Mavalankar laid down that the discussion would be initiated by a member giving notice for raising such discussions and that it would be followed by a statement of a Minister's reply. It was pointed out that such persons would be allowed to put questions for elucidating any further matter arising out of the statement made by those members who had given prior notice to the Speaker. He advised the members to abide by the rules governing the discussion and insisted upon their giving due notice to the Chair. It was stressed by him that members should restrict their speeches to the points already submitted and that they should not indulge in raising questions 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 could not be asked to enquire into the matter... 

See also — Ibid — Part II Dt. 8.12.1950, Cols. 1389 - 90.

2. Ibid ... Dt. 25.11.1950, Cols. 337 - 38.


5. Ibid ... Dt. 24.2.1950, Col. 472.


7. Ibid .. Dt. 24.3.1950, Col. 86.


2. Ibid — Dt. 18.4.1950, Cols. 3009 - 10.
It was ruled by the Speaker that the Prime Minister had the right to intervene in this discussion in the capacity of the leader of the House and also on the ground that ultimately he was responsible for all acts of the government.

Speaker Mavalankar explained the significance and scope of adjournment motions to the members and called upon them to understand the changed political and constitutional set-up of the country. It was emphasised by him that it should not be used as a normal device for raising a discussion on any important matter ignoring all other factors. He advised them to avail themselves of other opportunities of discussing various matters of urgent public importance by raising such matters during discussion on Demands for grants, on discussion of Appropriation Bill and on the Finance Bill, or through short notice questions, half-an-hour discussion, or during discussion on matters of general public importance. He adhered to his earlier precedent and stopped reading out the names of members giving notice of such adjournment motions that obviously contravened rules of admissibility or where he was satisfied that these were intended for publicity. To the contention of Shri H.V. Kamath and

5. When the House resumed half-an-hour discussion on 11.10.1951, regarding resignation of Shri Achru Ram, former Custodian General of Evacuee Property after the Minister of Rehabilitation stated the policy of the government, the Prime Minister rose from his seat apparently to declare the policy of the government in the matter. A point of order was raised as to whether the Prime Minister had the right to intervene without prior notice to the Speaker — Ibid. Dt. 11.10.1951, Col.4697.
6. Mr. Speaker stated: "The character and importance of adjournment motion do not seem to have been properly appreciated or realised; and that is why I think some members feel that their rights are being restricted by disallowance of adjournment motion. In fact there is no restriction on any body's right to raise a discussion. Opportunities, therefore, are now very much widened and advantage be taken of these opportunities dt. 21.3.1950, cols 1889-95. 7. Ibid -- Dt.7.8.1951, Cols. 30 - 31.
Dr. Pattabhai Sitaramayya that the Speaker should read out the
name of the mover of the adjournment motion to the House on the
plea that the former could have no existence without the name
of the proposer, the Speaker ruled:

"An Adjournment motion could not be moved in this House
without his previous consent and it is competent for
the Speaker to refuse consent without reading the
motion in the House -- in case of obviously untenable
motions which contravene all possible rules I do not
propose to mention them in the House."

He rejected all such adjournment motions where due
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notice was not given, or when the matter sought to be raised was
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not of sufficient public importance or was not of urgent character.

Shri Mavalankar was quite independent in admitting
adjournment motions and even sought the opinion of the government
when the subject matter of the motion was not factual or where
he felt that such a statement was necessary for elucidating the
position. He called upon the Prime Minister (J.L. Nehru) to state
what the government had to say regarding "Concentration of
Pakistan armed forces on the district border of Purnea". After
hearing the leader of the House, the Speaker ruled the adjournment
motion out of order as the subject matter was not having a factual
basis. He gave ample opportunities to the House, including the
government and the opposition, for placing their respective views
on adjournment motions tabled in the House and even asked those
members who had not the opportunity to speak on adjournment
motion to file their written statements which would not only save
the time of the House but would also help the Speaker to assess
the collective mind of the House for coming to a right

8. Ibid-- Dated 7.3.1950 Cols. 1177-79 See also Ibid Dated 5.3.1952
Col. 4527. 12. He explained the significance of the word
urgency while rejecting the adjournment motion of Dr.Deshmukh to
discuss the acute shortage of cloth and Dhotis. "I would like to
repeat here that adjournment motion is tabled where there is some
thing new, something which is emergent, and something which has
arisen very suddenly."

--Ibid -- Dt. 27.2.1950 Cols. 929 - 930.
admitted the adjournment motions and did not allow any encroach-
ment on the rights of the provincial governments as he fully
understood the nature of Indian federal system which has given
a right to the Provincial Legislatures to discuss matters which
fall within their jurisdiction. Nor did he give his consent to
such motions the subject matter of which concerned a Foreign State.

RESOLUTIONS: He allowed resolutions of absent members to be moved
in the House (provided they had given written authority) as he
thought that they could not be postponed owing to the different
procedure of ballot and priority which was different from the
questions. But he refused to admit resolutions where the subject
matter was subjudice. He clarified the procedure by removing
the doubts of those members who had claimed that the Parliament had
the inherent right to discuss all matters because it was a
sovereign body. He ruled:

"The question is not about this or that matter or the
sovereignty of this House. It appears to me, from the
various observations made by members at different times
that we carry very special notions about sovereignty.
The House is no doubt supreme. It can legislate, if it
likes. But there are certain principles on which the
constitution proceeds and this House will be well
advised, even if there is any right, to keep off from
matters which are pending enquiry before the Courts." 2

13. There was a protracted discussion on admissibility of adjourn-
ment motion regarding "Mir Liak Ali's escape" and the Speaker
suggested that there were large number of members who wanted
to press their opinion on the question and the House was also
to discuss the budget. He invited the written suggestions of
each member so that he could also refer to them before giving
his ruling. Refuting the fear of members, he observed: "I do
not want any member to feel that he has perhaps a point which
has not been brought so far. The point should be brought out
and I am prepared to entertain it." -- Ibid -- Dated 14.3.1950
Col. 1514.

and Dt. 8.3.1950 Cols. 1223 - 45. -- Ibid -- Dt. 14.3.1950

15. -- Ibid -- Dt. 2.3.1950 Col. 1065. 1. -- Ibid -- Dt.
23.3.1951 Col. 1212.

2. On 23.11.1950 Kaka Bhagwant Rai
sought to move a resolution on the Management of the
Lady Harding Medical College & Hospital". The Speaker, ruling
out of order the resolution, observed:
MR. Mavalankar scrupulously followed the legislative procedure as stipulated in the rules of procedure. He called upon the government to ensure that all the amending bills contain a schedule of sections of the parent Act which were sought to be amended to enable the members to properly understand the scope and nature of its provisions. It was further ruled by him that during the discussion of such a bill it was not open to any member to debate and discuss other provisions of the parent Act.

He emphasized that amendments must be moved immediately after the clause of the bill was moved in the House and it would not be open for anyone to move them when the question was about to be put after the general discussion on the clause was over. In order to save the time of the House, he simplified the procedure for tabling amendments and ruled that in future all agreed amendments would be put collectively and not separately to the House. He emphatically declared that the Speaker was the final authority to select, out of a large number, amendments which had been tabled and further held that it was the discretion of the Chair to rule out of order amendments which were beyond the scope of the bill or which sought to enlarge the bill under consideration. Mr. Mavalankar

"The substantial point at issue is that question of administration of college, if not directly, at least indirectly is bound to be the subject matter of proceedings in the court." Mr. B. Das raising a question of privilege enquired that Parliament was now sovereign and it could not be precluded from discussing it.

3. Ibid -- dt. 23.11.1950 Cols. 542-43
4. Ibid -- Dt. 10.3.1950 Col. 1364
5. Ibid -- Dt. 20-11-1950 Col. 327 Ib See also Dt. 8.2.51 Cols. 2873-81.
6. Ibid -- dt. 20.2.1950 Col. 654
7. Ibid -- Dt. 5.4.1950 Col. 1557
8. Ibid -- dt. 5.10.1951 Col. 4324.
9. On 24.3.1951, when a bill to amend the Indian Tariff Act was under consideration, the Minister in-charge sought to add a new part to clause 3 by an amendment to which an objection was raised. The Speaker depreciating it observed that it would be introducing a bad precedent that something outside the scope of the bill was being introduced. --- Ibid. --- Dt. 24.3.1951 Col. 5035.
agreed to the necessity and desirability of some amendments which
should be sponsored by the government, or by the opposition, at the
last moment but he urged that copies of such amendments should be
given in advance to the Speaker as well as to the mover of the
bill, so that the House was not taken by surprise. He did not
permit the members to bring extraneous matters during discussion
on the bills and guided the members on right lines. It was
suggested by him that during clause by clause discussion of a
bill members should restrict their remarks to the actual clauses
and amendments proposed and that they were not entitled to discuss
the principle embodied in a bill. Similarly, he declared that,
when a bill was taken up for consideration after being reported
by the Select Committee, it was not open for members to debate
its general character but that they should confine themselves to
the report of the Select Committee and the matters referred to
therein. He upheld the privileges of those members who had
appended notes of dissent to the reports of the Select Committee
and allowed them to speak in the House in explaining their points
of disagreements so that the House might fully appreciate the
suggestions for improvement of the Select Committee recommendations.

Explaining the scope of the discussion on the 3rd
reading of a bill, Shri Mavalankar ruled that it was not legitimate
to go into the clauses of the bill which had been discussed in

detail at an earlier stage. However, members were at liberty to oppose or support the bill. Elaborating his ruling, the Speaker stated that:

"Some arguments which were earlier conversed need not be repeated but they should speak and comment upon the bill as a whole pleading for or against it. The House is competent to reject a bill during the third reading."

Shri Mavalankar followed the earlier practice so far as the formation of Select Committees was concerned and it was maintained by him that the consent of the members should be taken before their names were proposed for inclusion in these committees. Elaborating the procedure for the selection of names to the various Select Committees, the Speaker stated that the Government and the mover of the bill must take every attempt to see that persons with special knowledge or who have taken interest in such matters must as far as possible to co-opted. He ruled:

"It is not a question of patronage or any thing of that kind. It will be a question of equal distribution and the best of light or experience that will be brought to bear upon this matter."

He did not encourage members whose names were being included in the Select Committee to participate in the debate. He urged other members to speak so that the Select Committee may be able to know their views fully. In exceptional circumstances, he relaxed the convention and gave an opportunity to members of the Select Committee to place their views in the House to enable

other members to know as to what was passing on in the mind of the prominent members of the Select Committees.

It was maintained by him that competence of the Select Committee was circumscribed and that its recommendation could not go beyond the scope of a bill under consideration. In conformity with the earlier practices followed in the House, he declared that no member of the Select Committee could make a reference to the proceedings of these Committees as these were regarded as confidential.

It was decided by Shri Mavalankar (following in the footsteps of President Patel) that the House had the power to re-commit a Bill to another Select Committee of the House. Explaining the procedure the Speaker observed that, on a motion for recommittal of a Bill to a Select Committee, general discussion on the principles of the Bill was not permissible as the House had already accepted them earlier when it was referred to a Select Committee.

(e) ON CONSTITUTIONALITY OF BILL: Shri Mavalankar asserted his independence by keeping away from the Constitutional issues or tangles that arose in the House on the constitutionality of bills. He declared:

"Whether a Bill or Clause of a Bill is ultra vires of the Constitution is not to be decided by the Chair but it was the House that has to decide this issue."

9. FINANCIAL PROCEDURE: Displaying his independence, Shri Mavalankar not only protected the interests of the House but also the entire country. He directed the Government that, when demands for grants...
for different Ministries were presented to the House, it was the
duty of the Minister concerned to explain and defend all points
arising out of that demand. He further asserted that it would be
too much to ask the House to pass demands without knowing about
the matter. He also stressed the necessity of the presence of
all Ministers in the House for hearing the view-points of the
members which were made during the course of the budget speeches.
To make best use of the limited time, he modified the procedure to
discuss cut-motions and advised the members not to move their cut-
motions but to have general discussion on that particular demand
for grants. He added:
"The members would get an opportunity simultaneously to
discuss all aspects stipulated in the various cut-
motions and the House may at the end discuss one or
two cut-motions." 2 3

Explaining the scope of motion for reduction, the Speaker
stated that members were entitled to discuss only specific
subjects mentioned in their cut-motions and were debarred from
making observation on other subjects. He insisted upon the
government to explain and justify all supplementary demands that
were presented to the House not only to its members but to their
ultimate masters, i.e. the people. He presuaded the government
to set up a healthy convention in future by asking the Ministers
concerned to give general information as to the necessity for a
supplementary demand. In conformity with earlier practices, he

1. On 20.2.1951, the Minister for Railways and Transport contended
that his Ministry was not responsible for losses incurred with
regard to Railways owned Colliers as these were under the management
of the Ministry of Commerce and Industries.
Mr. Mavalankar observed "Whatever the inter-departmental or
ministerial differences, so far as the taxpayer and the House
are concerned, the government must be functioning as a whole."
- Ibid- Dt. 20.2.1951 Col. 3201
2. - Ibid- Dt. 3.3.1952 Col. 1798
3. - Ibid- Dt. 26.3.1951Cols. 5063-66
4. - Ibid- Dt. 4.3.1952 Col. 1885
5. Ibid. Dt. 4.3.1952 Col. 1892, See
6. - Ibid- Dt. 4.3.1952 Cols. 1942-43 also.
6. In all cases of supplementary demands, the speaker ruled that
information in a general manner should be given; for not only
we should know how the original amounts were exceeded. --
Ibid- Dated 29.9.1951 Col. 3755.

in the House, but also others, the country at large,
maintained that the scope of discussion on supplementary grants was restricted and did not allow members to discuss questions of policy.

Shri Mavalankar explained to the members of the House the implications of the new financial procedure to facilitate proper enactment of Budget by the House. He also apprised the House with the procedure on "Vote on Account". He stated that it was designed "to give members a longer time for discussion of the budget by putting the same off to a convenient date. The House should grant sufficient funds to the government to enable it to carry on the administration for a month or so."

It was also explained to the members that an Appropriation Bill sought to give authority to the government to spend money. With regard to the scope of discussion of this Bill, Mr. Mavalankar pointed out:

"It would not be permissible to raise a discussion on taxation proposals but the members could cover any matter of public importance or of administrative policy implied in grants. Generally all matters in respect of which House would like to point out defects or give directions to the administration for improving its tone."

He insisted on members to confine themselves to the restrictions imposed by the rules in discussing the various stages of the budget.

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7. Parl. Deb. Part II Dt. 20.1.1951 Col. 3196. See also -- Ibid -- Dt. 27.3.1950 Cols. 2194 - 95.
10. The Speaker explained -- "The first opportunity to discuss the budget as a whole is provided when it is presented in the House-- the second stage comes when the demands of each Ministry are presented -- the third stage comes when the Finance Bill is presented and here any subject could be discussed -- the principle being that the citizen should not be called upon to pay unless they are given fullest latitude of representing their views. The fourth stage comes when the Appropriation Bill is brought before the House-- Ibid -- Dt. 24.3.1950 Cols. 2061 - 63."
Realising the difficulties which were experienced by the un-attached members during the debate on the budget, Shri Mavalankar advised them to form a group so that adequate time could be allotted to them for proper participation in debate.

. STATEMENTS BY MINISTERS: Mr. Mavalankar urged the Ministers to announce matters of policy in the House on the ground that they (Ministers) derive all authority from the House which in turn was responsible to the public. Elucidating this procedure, the Speaker further stated that no question could be asked on such a statement whenever it was made by a Minister in the House.

1. PRIVILEGES: Mr. Mavalankar was fully aware of the role that he was to play as the guardian of the privileges of the members. To achieve this purpose he elucidated the procedure for raising question of privilege:

"Firstly the Speaker must be satisfied as to whether a prima facie case of breach of privilege exists or not. If he was satisfied he would constitute a committee of privilege which would go into this question — make all enquiries and present its recommendations in a report to the House. The House would be at liberty to accept the recommendations or reject them or pass any particular resolution."

He also laid down a general procedure for raising question of the privilege in the House as he felt that the time of the House was being wasted by raising such points on flimsy grounds. He ruled that the intending members who wanted to raise such

2. Ibid. Dt. 23.11.1951. Col. 478.
questions of privilege should first meet him in his chamber and apprise him of the privilege issue. It may be noted that there have been very few cases of breach of privileges during the period under review except "Mudgal Case" where the House decided to expel the Member. The House and the Speaker have invariably accepted apologies or regrets from the offending persons and did not pursue matters beyond it.

A question of breach of privilege was raised on February 27, 1950 against an externment order passed by the Delhi Administration against a member (Shri Shiban Lal Saxena) without forming the House and the Chair. The Prime Minister and the Home Minister admitted that the local authorities had not behaved correctly and expressed apologies on behalf of the government. The House, after holding a lengthy debate, accepted the apology and the matter was dropped.

Subsequently a question of privilege was again raised against the 'Amrit Bazar Patrika' for publishing an editorial "M.P's Privilege" causing reflection on the impartiality of the Speaker for disallowing an adjournment motion on 28.2.1950 regarding the externment of Shri Shiban Lal during the session of Parliament. The Editor, through his letter dated 21st March, 1950, expressed his regrets and published his apology in the paper (29th March, 1950) in which the Editor expressed his regrets and published his apology in the paper (29th March, 1950) in which the Editor

4. On 10.3.1950 Syed Nausherali sought to raise a point of privilege during the discussion of a certain bill and the Speaker directed him to see him in the Chamber. A general question arose in the House whether it was not an infringement of the privilege of the members. The Speaker then ruled "If members want to raise any point, they should first compel him, make him cognizant of the point that they want to make."--- Ibid --- Dated 10.3.1950. See also dt. 30.11.1950Cols. 337-38.

stated, "we regretfully discover now that we were unfair in our judgement over the ruling of the Speaker of the Parliament. We considered it our duty to correct ourselves in so far as it may tend to reflect on the Speaker's judgement."

Again on December 12, 1950 the Speaker's attention was drawn to the publication of an expunged remark by a newspaper. The Speaker dropped the matter after serving a warning to the Editor of the paper concerned.

On September 20, 1951 Shri Amolakh Chand drew the attention of the House towards a cartoon which appeared in the Indian News Chronicle allegedly casting reflection on the Chair's impartiality by depicting the Deputy Speaker and some other members obstructing the progress of Hindu Code Bill. Although certain members wanted immediate action yet Deputy Speaker persuaded the House to accept the letter of regret from the Managing Editor (Shri Deshbandhu Gupta - a member of the House).

The Provisional Parliament also made a history by expelling its own member who was found guilty of misconduct which was considered derogatory to the dignity of the House and inconsistent with the standard expected from a member. The House appointed an Ad hoc Parliamentary Committee of five members on a motion moved by the Prime Minister of India on 8th June, 1951 to investigate the conduct and activities of Shri H.C. Mudgal for his alleged dealings with the Bombay 6. Parl. Deb. Part II. Dt. 22.3.1950.
8. To an enquiry by a member as to why the matter was not referred to the privilege committee, the Speaker ruled: "It was within the power of the House to constitute special committee if there are special circumstances and an enquiry is to be made. There is nothing inconsistent in that". Parl. Debates Dt. 8.6.1951 Cols. 10464 -65.
Bullion Exchange for obtaining financial and business advantages in lieu of lending support and for carrying on propaganda in favour of the said firm. The Speaker gave directions to the committee for regulating the procedure of the Committee but it broadly followed the procedure of "Boothly case" of the British House of Commons.

The case was opened by the Attorney General of India and Mr. Mudgil was given a full opportunity to defend his case and he was permitted to bring his legal Counsel. The report of the Committee (which was unanimous) was presented to the House on July 25, 1951 and it recommended the expulsion of the member from the membership of the House. The motion was considered and adopted by the House on September 24, 1951. It may be recalled that Mr. Mudgil spoke for one and a half hour in his defence and in the end of his speech he wrote his resignation and handed over it to the Chair with these words "As I feel that members may not have the freedom to vote, I beg to submit my resignation of the membership of the present House". Consequent upon it, the Prime Minister moved an amendment to the original resolution and deprecated the attempt of the member to circumvent the effect of the motion and stated that "it constitutes a contempt of this House which only aggravates his offence". The resolution for expulsion was adopted by the House on 25th September, 1951.

The only occasion to refer a case to the Privilege Committee arose as a result of the arrest of a member (Mr. Deshpande of the Hindu Mahasabha) in March, 1952. The member was arrested under the Preventive Detention Act during the Session of the

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Parliament and it was alleged that his arrest was in violation of privileges of the members. The Committee came to the conclusion that the arrest under the Preventive Detention Act did not constitute a breach of privileges.

It is evident that Speaker Mavalankar and the Parliament have displayed a wise attitude of caution and have been reluctant to proclaim the breaches of privilege except in serious cases.

Speaker Mavalankar played a distinguished and leading role as a guide and teacher to the new members of the House and spared no pains in guiding and helping them to enrich the deliberations of the House. He provided ample opportunities to the members so that they could show their mettle as he was fully aware that the Parliament under the new constitutional set-up of the country was to act as a ventilating body.

He maintained proper decorum in the House and conducted debates judiciously by affording equal opportunities to the various parties, particularly the minor groups in the House. He advised the members to offer constructive criticism as general criticism would not materially benefit either the government or the administration. He emphasized the fact that the better course for them (members) would be to study each subject adequately before levying their attack on the government.

He admitted questions, resolutions and motions strictly according to rules. He allowed the best use of the 'question hour' and permitted members to seek all relevant


information but at the same time disallowed all such questions, motions and resolutions which related to matters that were not within the jurisdiction of the House. He allowed liberal use of the supplementary questions which enabled the members to cross examine the executive. "Half - an - hour discussion" was another forum for the members to raise discussions on questions which were not replied to satisfactorily by the government and Speaker Mavalankar relaxed this rule liberally to give more opportunities to the members.

So far as adjournment motions were concerned, he urged the members not to table them as a matter of routine as had been done in the past. He advised them to avail themselves of other opportunities under the rules of procedure.

Shri Mavalankar simplified the legislative procedure to a large extent and emphasized that reasonable time and opportunities should be provided to members for cool and mature consideration of bills introduced in the House. He insisted that bills sought to be introduced must be complete in all respects so that members were not put to inconveniences and embarrassment. He did not hesitate to select out of a host of amendments only a few which he considered to be more representative in character. He also emphasized the need to include in the Select Committees only experts who could alone render good service by making fruitful suggestions for improving the qualities of the bills.

He made a notable contribution to make the financial procedure more democratic and declared that rules were intended, no doubt, for better facilities for discussion and
business of the House but they should be relaxed when the very rules came in the way of the House. He acquainted the members with the significance of the new stages involved in the passage of the budget by the House and explained to them the precise scope of demands for grants; motions for reduction; supplementary demands; vote on account; appropriation and finance bills etc. He called upon the Ministers of the Government to be present in the House to explain questions raised by the members.

Shri Mavalankar as Speaker asserted his independence and even urged the Ministers of the government to be present in the House when their business came before the House and that they should show a proper respect to the House. He protected the privileges of the members ardently and declared that the House had the authority to punish or penalise all those who dare violate their privileges. He kept himself aloof from the controversial constitutional issues regarding the interpretation of the legality of bills or clauses of Bills introduced in the House and refrained from passing judgments on such issues as he realised that the constitutionality of Bills passed by the House was to be decided by the judiciary.

Although he tried to follow the practices of the British House of Commons, yet he asserted:

"We are far different from the House of Commons. We are trying to follow the substance and not merely the form." 4.

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