CONCLUSION

We cannot overlook the fact that the first decade in the history of independent India was of crucial importance and that the Parliament was called upon to face the challenge not only of consolidating and preserving the freedom won after centuries of struggle but also to embark upon a new era of social and economic justice to the down-trodden who had suffered for long under the heels of imperialism. The adoption of the goal of a welfare state and the inauguration of democratic planning for achieving a socialistic pattern of society formed the corner-stone of the political edifice. As such, the activities of the Parliament assumed new dimensions and the role of the Speaker ipso facto was of paramount importance in achieving the said objectives.

The study during the period under review (1950-1962) reveals that the first two Speakers set up healthy traditions which compare favourably with the high traditions set up by the Speakers of the various other countries that have been considered in the preceding pages, particularly by the British Speakers. Speaker Mavalankar and Speaker Ayyangar made distinct contributions in raising the stature of the office by evolving healthy parliamentary traditions. It is because of these traditions and precedents that the office of the Speaker has come to occupy a pivotal position in our Parliamentary democracy.

Speaker Mavalankar played a distinct and creditable role in evolving high traditions of parliamentary procedures and in modernising the old rules of Procedure by making necessary modifications and changes in them. The key role which he played in effecting the requisite modifications in the Rules of Procedure can be appreciated in the context of the Constitutional Provisions that vested transitional rule-making power in the Speaker pending
the framing of rules by the House. It can partly be assessed from the role which the Speaker, as a Chairman of the Rules Committee, played in making recommendations for incorporating amendments and additions in the rules. The Rules Committee, without exception, endorsed the decisions of the Speaker and his secretariat virtually assumed the functions of the Rules Committee as all the recommendations suggested by them were accepted without any modification. The fact, therefore, remains that Speaker Mavalankar played a pivotal role in shaping and modifying the rules of procedure that were so essential during the formative period of the parliamentary history of India.

Speaker Ayyangar followed the traditions and conventions of Speaker Mavalankar and generally followed in the footsteps of his predecessor in the discharge of the onerous duties of this high office.

It is pertinent to record that the proceedings of the House were conducted with proper decorum and during the period under review the Presiding Officers did not experience any affront to the Chair. There were very few occasions when the Speakers were called upon to exercise their disciplinary powers.

The Speakers have raised the stature of the Parliament by setting up healthy precedents and by not allowing members to indulge in mutual recrimination, to vent personal animosity or to cast insinuations or aspersions on the members or on the Chair or on other dignitaries. The Presiding Officers discouraged the use of strong, harsh or condemnatory language during the proceedings of the House, even directed members to withdraw unparliamentary expressions and also ordered expunction of the words which gave the slightest impression of imputing motives to members.
It goes to the credit of the Speakers that they set up healthy traditions for conducting debates in a judicious way without inviting any imputation of partiality. They adhered to reasonably high standards for ensuring justice and fair play and afforded equal opportunities to all sections of the House, including the opposition, by inviting names from the whips of different parties for purposes of conducting debates in an orderly and equitable manner. At the same time they did not ignore the claims of those members who had earned the reputation not only for fully and fruitfully participating in debates but also for making valuable contributions to the shaping and chiselling of bills. Keeping in view the federal character of our State, they adopted a judicious procedure by calling upon the members to indicate the names of their States so that equal representation was given to the representatives of all the States of the Indian Union.

The Presiding Officers were fully aware of their obligations in protecting the interests of the minorities and for that reason they adopted a healthy convention by giving the earliest opportunities to such minority groups and also created a sound precedent by giving opportunities to the spokesmen of all parties, irrespective of the strength of the party in the House and thus created a feeling of belonging to all minor groups in our democratic set-up.

As in other democratic legislatures, the question hour in the Lok Sabha assumed supreme importance and became really an interesting and important feature of our parliamentary democracy. The development of the 'question hour' went hand in hand with the constitutional reforms in the legislature of our country. The right of interpellation was conceded in 1892 and the right to ask supplementary questions only in 1909. A member other than he who asked a question acquired the right to put supplementary
questions in 1921.

With the dawn of independence, the question hour assumed new dimensions and the Presiding Officers reconciled the mounting tendency on the part of the members to table questions with the needs of our welfare state that required more time for the Parliament to achieve the said objectives. Nevertheless, the Speakers allowed liberal use of the question hour for ensuring the responsibility of the government and also for the redressal of grievances. They set up healthy precedents by admitting sufficient supplementaries in order to extract categorical assurances from the executive for mitigating the sufferings of the people or for eliciting the promise of immediate and prompt action with regard to the acts of omission and commission on the part of the government. The question procedure has been rationalised since 1954 in order to give reasonable representation to all sections of the House by arranging questions in three rounds. Under the new procedure, only one question of each member is included in each round. After the first round is over questions can be put during the second and third rounds respectively depending upon the availability of time. The object of this innovation was to accommodate a larger number of members of the House. For enabling the members to put sufficient supplementaries, the Speakers evolved a time-saving procedure by directing the government to place replies to oral questions on the Table of the House and where lengthy statements or information of statistical nature had to be furnished, half an hour before the commencement of the sitting. In keeping with this spirit, a procedure of clubbing of names was introduced where questions on the same subjects were received from more than one member and this procedure was used by the Presiding Officers to give preferences to such members for allowing them to ask supplementaries over other members.
The Speakers scrupulously disallowed questions which were not within the jurisdiction of the Central Government and thus they fully respected the federal character of our State. Likewise, they refused to accord their consent to questions which were not of sufficient public importance. They also laid down a firm convention for disallowing questions which were thought prejudicial to the interests of the State and they invariably accepted the government's contention where the latter objected to the replies given on account of public importance.

It is worthy to note that the members of the first Lok Sabha gave notice of 71907 questions as compared to 133328 during the second Lok Sabha and the Speakers admitted 43350 and 62800 questions respectively. The percentage of oral questions replied to remained almost the same during the spans of Speaker Mavalankar and Speaker Ayyangar at 34% and 35%.

With regard to adjournment motions for discussing matters of urgent public importance, the two Presiding Officers very rigidly applied the rules of admissibility and declined to give their consent to raising adjournment motions that contravened the rules of admissibility. They also refused to admit adjournment motions, the subject matter of which could have been raised at other occasions and through other opportunities available under the rules of procedure. It may be noted that in the pre-independence days the Indian Presiding Officers of the Central Legislative Assembly, full of nationalistic zeal, allowed its liberal use (since the inception of this rule in 1921) to members to ventilate their grievances against an alien government which was responsible neither to the Assembly nor to the people.

After independence, the Presiding Officers thought it desirable to recast the old moorings as the members were to function in a sovereign Parliament under a responsible system.
of Government. The adjournment motions now had assumed the character of censure motions and the Speakers, therefore, in this context had to assess the gravity and nature of the problems that really warranted immediate discussions on the floor of the House. Consequently the Presiding Officers refused to admit adjournment motions on trivial matters or relating to those matters which were not within the jurisdiction of the House. They set healthy precedents and rationalised the procedure governing the adjournment motions. For instance, they afforded full opportunity to the members of the opposition as well as to the Government to place their respective views (even asked them to file their written statements) where such elucidation was necessary for enabling the Chair to come to a decision on the admissibility of an adjournment motion. They even permitted the members to see them in the chamber on disallowed adjournment motions, if the members felt aggrieved at the decision of the Speaker, for necessary exchange of views or for a further dialogue on those matters. They formed precedents by advising members to seek the opinion of the government through short-notice questions, call-attention notices or through resolutions instead of through adjournment motions which could not obviously be admitted by the Chair.

It was emphasised by them that adjournment motions should be regarded as a last resort and that members should avail themselves of other means for eliciting the necessary information or the opinion of the government on such matters. It was on this account that both the Speakers gave adequate opportunities to the members by liberally interpreting the rules relating to short-notice questions, half-an-hour discussion, call-attention notices and resolutions.
It may be appropriate to mention here that only one adjournment motion out of 157 adjournment motions which were given notice of was admitted by Speaker Mavalankar. His persistent refusal enraged the opposition which tabled, in December 1954, a resolution for his removal which was, of course, rejected by the House. The motion of 'no-confidence' against the Speaker was a hasty step on the part of the opposition as such a charge could not be sustained in the light of the subsequent developments. His immediate successor (Speaker Ayyangar) admitted only three adjournment motions out of a total of 1262 adjournment motions which were given notice of. As a matter of fact, Speaker Ayyangar allowed only 502 adjournment motions in the House and the rest were disposed of by him outside the House.

It may be recalled that during the Provisional Parliament (1950-52) there were very limited opportunities for raising urgent matters of public importance and obviously members continued to use adjournment motion as a popular device for raising such matters in the House. In view of the changed attitude of the Chair (Speaker Mavalankar) for withholding his consent to adjournment motions, the members felt aggrieved. The normal opportunities of 'question hour', 'short notice questions', and 'half-an-hour discussion' could not be expected to specify the members who were now to function as representatives of the sovereign people of India. It was on this plea that they claimed it their inherent right to raise issues of grievances through adjournment motions. In such circumstances, a way out had to be found by the Presiding Officer to provide alternative opportunities to the members and a convention was set up by Speaker Mavalankar in March 1953, to allow 2½ hour discussion on the matters of the urgency and importance of which the Speaker was convinced.
Later on this convention was incorporated in the body of rules of procedure in October 1953. It gives an opportunity to members to raise urgent matters and the government to give a reply. This rule, in a sense, seeks to serve the purpose of an adjournment motion for allowing members to raise questions of urgent nature without asking for a formal decision of the House and also avoids the effect of a censure on the government.

It was still felt by the members that opportunities thus provided were inadequate to meet matters of the extreme urgency which could not be raised through half-an-hour discussion or by means of discussion on urgent matters of public importance, in view of the time factor involved in the procedure. Under these circumstances the members had still to resort to adjournment motions for raising urgent matters. In order to further accommodate the members, the Rules Committee, under the chairmanship of Speaker Mavalankar, devised a new procedure for Calling Attention Notices which was adopted in January, 1953. Under this rule, members can now draw the attention of a Minister to an issue and the Government is required to give a reply immediately or alternatively to ask for time for making the necessary statement in reply to the notice.

Speaker Mavalankar made a significant contribution by evolving a new procedure for including written statements of those members who could not participate in debates on important matters. The House set apart 56 hours for discussion on the report of the States Reorganisation Commission that sought to re-draw the political map of India on linguistic basis and 126 members took part in that mammoth debate. As it was not considered complete and a large number of members could not participate in it for want of time, the Speaker, permitted members to file their written statements which were published as a part of the proceedings of the House. It may be pertinent
to note that as many as 146 members filed their statements and 145 of them were included in the proceedings.

Speaker Ayyangar also set up a new procedure for proper scrutiny and detailed discussion on draft Five Year Plans by the parliament. Since the Plans affected the life of every Indian, there was a natural tendency on the part of members to express their views on it, whereas the House was hard-pressed for time. There was no doubt that some time could have been set apart for discussion on the Five Year Plans in the House but members could not have the privilege to go into the intricacies of the plans because of the limitation of debate. It was, therefore, thought advisable by Speaker Ayyangar to set up ad hoc Parliamentary Committees consisting of members from both the houses of Parliament. It may be relevant to note that 364 members of the Parliament were associated with the Committees on the Second Five Year Plan and as many as 493 members with similar committees on third Five Year Plan.

Keeping in view the supremacy of the constitution, both the Speakers set up a healthy convention to refer all constitutional amendment bills to Select-Committees for thorough and proper scrutiny of the proposed changes that were sought to be incorporated in the supreme law of the land, so that such matters could be dispassionately analysed and its repercussions properly appreciated. This preserved the sanctity of the constitution. The Speakers categorically stated that neither the Chair nor the House was solely competent to interpret the provisions of the constitution. The Speakers refused to pronounce their judgements on such constitutional matters that were raised during the course of a debate on a bill, motion, resolution or during the consideration of a clause of a bill. It was in conformity with this policy that they withheld their consent to adjournment.
motions that sought to raise such constitutional issues.

The presiding officers did their best not to permit anything that undermined the federal structure of the country. It was on this account that they did not allow the Lok Sabha to encroach upon the rights and privileges of the States which the constitution reserved for them. They made it emphatically clear on more than one occasion that the House had no right to interfere with the working of the State Legislatures or State Governments which also enjoy autonomy and independence like the Lok Sabha. Likewise, they refused to sit in judgment on the working of Speakers in the State Legislatures. They vehemently resisted assaults on the state governments and gave specific rulings forbidding members to criticise the conduct of governors, Chief Ministers, other Ministers and Legislatures during the course of a debate in the House. The interests of the States of the Indian Union were also uppermost in their minds and they did everything to cement the federal structure of our country. It was from this angle that they created the healthy convention of associating members in the Select Committees on bills from all States so that all pertinent, peculiar and diverse opinions from all the people of our country were known to the House before arriving at a definite decision. It was with this object that the Speakers selected amendments which were truly representative of our land and thereby gave opportunities to all the shades of opinions to frankly and openly express their views on bills that were sought to be put on the Statute Book of the country.

For preserving the federal set-up, the Speakers refused to admit questions, resolutions, adjournment motions on matters that were within the jurisdiction of the States and thus sought to maintain the necessary balance between the rights and privileges
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of the States vis-a-vis the Union of India.

The Speakers held in high esteem the judiciary as it occupies a unique position in our federal polity because of the fact that it has to function as a guardian of the constitution. They did not allow the House to usurp the functions of the judiciary and kept it within its bounds and upheld the independence of the judiciary. In conformity with their declared objectives they refused to pass judgements on the constitutionality of bills or amendments to bills as such functions did not fall within their jurisdiction. They scrupulously avoided entering into controversy with the Supreme Court as they fully understood the spirit of the federal constitution of our country. They upheld the independence of the judiciary and zealously guarded its autonomy by refusing to admit questions or adjournment motions that directly or indirectly sought to discuss the conduct of judges. Likewise, they set precedents of not permitting members of the House to cast aspersions on the conduct of judges during debates and also refused to allow members to discuss sub-judice matters or those matters which were under enquiry.

The two Presiding Officers also upheld the supreme authority of the House and they spared no pains in upholding the rights and dignity of the House. They evolved high precedents by calling upon the Ministers to make statements of policy as they derive authority from the House. They were also responsible for establishing the convention of asking Ministers to make statements on all important matters relating to their Ministries and they directed them to make comprehensive statements to pacify the House. It was also emphasised by them that Ministers of the government should be present on important occasions such as discussion on budget and Presidential address and enjoined a specific duty on the government to depute at least one Minister
The Speakers of the House were fully aware of the hardships of the Opposition as it had none of the characteristics of a strong, vigilant and effective opposition. Excluding the independents, the total strength of all the groups and parties in the opposition varied from 80 to 88 members in the first and the second Lok Sabha. In their zeal to stabilize Parliamentary democracy in our country and also to inculcate the spirit and growth of a vigilant opposition, the Presiding Officers allocated 33⅓% of time as against 66⅔% for the government in the first Lok Sabha. The allocation of time was further raised to 40% during the second Lok Sabha keeping in view the position that an opposition should occupy in our Parliamentary Democracy. They zealously upheld the privileges and rights of the opposition members and did everything within their power to avoid hardships and embarrassments. It was with this intention that they always insisted on the government and the other members bringing bills before the House ensuring that the bills were complete in all respects. They even withheld the consideration of such bills if they failed to comply with certain formalities.

The Presiding Officers deserve credit for setting up strong and sound parliamentary precedent and practice of giving reasonable time to the opposition for study and scrutiny of bills for proper understanding of the pros and cons of the proposed legislation. The Speakers also ensured that the opposition was given representation on Select Committees on the basis of special and varied knowledge of members so that experience of such members were fully utilized in the service of the people for framing better laws.
They modified the accepted conventions and precedents of the House in order to protect the interests of the opposition and allowed members of Select Committees on Private Members' Bills to participate in discussions on the bills as the fate of such bills was not known.

Realising the difficulties experienced by independent members, the Presiding Officers advised them to form a group so that they could be allocated adequate time for participating in debates. Keeping in mind the famous dictum 'no taxation without representation of grievances', they afforded full opportunity to the opposition during discussion on the budget and also during consideration of the finance bill, appropriation bill and demands on supplementary grants.

The Speakers were fired with a passion to serve their motherland and they made deviations in the precedents and conventions of the House by allowing members of Select Committees to participate in debate on such bills which they felt were in the interests of the country as a whole. That was how the Presiding Officers set up healthy conventions for upholding the interests of the common man. They were fully conscious of the fact that in a sovereign State the people are the ultimate masters. Since all taxes come from the people, the Speakers insisted upon the Government to properly explain and justify their demands not only to the members of the House but also to their ultimate masters. It was on this ground that they did not yield to the government pressure for immediate enactment of Appropriation Bills without giving a fair opportunity to the House for proper scrutiny.

Speaker Mavalankar and Speaker Ayyangar zealously protected the rights and privileges of the members of the House. They played a key role in persuading the members of the House not to be over sensitive about their privileges. They struck
a balance between the privileges of the members and right of the
press to offer fair comments on the work and activities of the
members. The cases of privileges against the press were held
over by the Speakers till they were satisfied that there was no
assault on their privileges, otherwise, on an unqualified apology
or regret from the press, the Speakers persuaded the House to
drop the matters. There has been no instance where the House
might have been obliged to ignore the advice of the Chair.
Similarly they maintained a balance between the privileges of the
House and the Fundamental Rights guaranteed under the Constitution.
The Parliament, through its Presiding Officers, has also
displayed a fair tolerance by not interfering with the fundamental
rights of the people. Fortunately, no case has so far arisen in
the Lok Sabha where the House or the Speaker might have been
called upon to give its verdict abridging the rights and liberties
of its sovereign masters i.e. the people.

There has been only one 'Blitz Case of 1961' where the
Editor of the magazine was held guilty of contempt of the House
and was reprimanded. Perhaps this too could have been avoided
if the Editor had offered an unqualified apology instead of
trying to assert his fundamental right even by going to the
Supreme Court. There has been a solitary incident of the
expulsion of a member (Mudgal case) for unbecoming conduct and
for accepting financial help for carrying on propaganda in
favour of a firm and that took place in 1952.

With regard to the election of the Speaker, India has
followed the Commonwealth traditions and the office is considered
to be the prerogative of the ruling party. The name for
Speakership is proposed and seconded by the Ministers of the
Government and no agreement is arrived at with the opposition to
secure unanimous choice. However, the British tradition of
conducting the Speaker to the Chair by the Leader of the House accompanied by the Leader of the largest party in the House is followed.

The Indian Speakers, like their counterparts in the Commonwealth countries (Canada, Australia and New Zealand) and in U.S.A. are opposed in their constituencies during the General elections by the candidates of the opposition parties and are not guaranted a walk over as is the British practice. They fight elections on party tickets, tour their constituencies and face all the fret and fury of electioneering. Nevertheless, the Indian Presiding Officers conducted themselves in such a manner that they do not make any controversial speeches during their election campaign lest they should become controversial. The office of Speaker in India has not been de-politicised and the Presiding Officers retain their links with the party after elevation to the Chair. The significant feature of the Indian Speakers has been that the two Presiding Officers have been, unlike the Commonwealth practice, conducted themselves impartially within and without the House. They did not attend party meetings and avoided making any public statement which might have dragged their names into an unnecessary controversy on any issue. It was because of these traditions that no Speaker has been defeated at the polls.

The British principle of continuity of 'Speakership' is yet to develop in India and the Presiding Officer followed the Commonwealth and American practice and the office is bound to change with every change of party majority in the House.

Unlike U.S.A. and Commonwealth Speakers, the Indian counterparts have refused to act in a partial way by lending support to the party in power or using their position to benefit the Government.
Like his British counterpart in Westminster, the Indian Speakers have the right of the casting vote. Although there has been no occasion for them to exercise it yet they will be guided by the past precedents which were set by the Nationalist Presidents (like V. J. Patel) to maintain status quo ante.

The decisions and rulings of the Indian Speaker cannot be questioned except on a substantive motion for his removal as is the British practice. His decisions constitute precedents to be followed by his successors as in the case of the United Kingdom and in New Zealand. No insinuation or allegation can be cast on the conduct of the Chair as such an insinuation constitutes a contempt of the Chair and of the House.

The Speakers of the Lok Sabha thus have maintained their independence so far as their conduct in the Chair was concerned. Although they did not renounce their membership of the party after assuming the office of the Speaker yet they have discharged their functions quite independently. It was because of this practice that they avoided presiding over the deliberations of the House, when any matter relating to their constituency came up for discussion in the House.

The two Speakers (Sarvshri Mavalankar and Ayyangar) were responsible for laying strong foundation of Parliamentary traditions during the formative period of our infant democracy and India has come to occupy a place of pride in the comity of modern democratic states.