CHAPTER VI.

THE OFFICE OF THE SPEAKER: WORKING & PRACTICE - 1952 - 1957:
Speaker Shri G.V. Mavalankar

Under the new Constitution, the First General Elections were held between December 1951 and May 1952 and 179 million voters of India elected 489 members to the House of People. The President of India nominated ten persons to represent Centrally Administered Areas, Jammu and Kashmir State and the Anglo-Indian Community thereby raising the total strength of the House to 499 members. The first meeting of the newly elected House was summoned by the President on May 13, 1952 to enable the members to take oath. Shri B. Das (Senior most member of the House having longest experience of the House) was appointed Speaker pro tempore on May 15, 1952 by the President pending the election of Speaker by the House.

(a) ELECTION

The Speaker of the Provisional Parliament Shri G.V. Mavalankar was re-elected to the House on the ticket of the SHRI G.V. MAVALANKAR: Congress Party and the Congress Party decided to propose him for the office. The name of Shri Mavalankar was proposed by the Prime Minister (Shri J.L. Nehru) and seconded by the Minister of

* For life sketch of Shri Mavalankar: See Footnote to Sub Section (G) of Chapter I (111). P.91.
2. The strength of the elected members was originally fixed at 500 members by the Constitution. The Seventh amendment of the Constitution Act 1956 increased its strength to 520 members and the 14th Amendment Constitution Act 1962 has fixed its strength at 525 members - 500 to be chosen directly by the people from the States of the Indian Union and 25 members from the Union Territories according to law made by Parliament: Constitution of India. Article 81.
3. The President nominated 6 persons from J & K State; one member each representing Andaman and Nicobar Island, and Part B Tribal area of Assam; and two members of the Anglo Indian Community.
4. Constitution of India, Art. 99, see also House of People Debate Part II dated 13.5.1952 Col. 1 - 20. Hereafter all references to the Debates of the House of People or Lok Sabha (The Hindi nomenclature of the House) will be given in short abberbiation as H.P.D. and L.S.D. All references pertain to Part II debates except otherwise stated. 5. H.P.D. Pt. 15.5.1952 Col. 20 see also Const. of India Art. 95 (1).
Parliamentary Affairs (Shri Satyanarayan Sinha). The name of the
Opposition Candidate (Shri S.S. More) was proposed by
Shri A.K. Gopalan (Communist Party) and seconded by Shri T.K.
Chaudhary (Revolutionary Socialist Party). The Government nominee
Shri G.V. Mavalankar was declared elected with 394 Ayes as against
65 Noes. The Speaker was conducted to the Chair by the
Prime Minister accompanied by a Senior Minister (Maulana Abul Kalam
Azad) and Shri A.K. Gopalan (Leader of the largest group in the
House). Felicitations were offered by the Prime Minister, the
defeated candidate and other leaders of the parties and groups in
the House and at the end the Speaker thanked the House for the
high honour bestowed upon him.

The House elected Shri Ananthasayanam Ayyangar (Deputy
Speaker of the Provisional Parliament) unanimously on May 30, 1952,
as Deputy Speaker.

It may be appropriate to mention here that the office of the
Speaker fell vacant owing to the demise of the Speaker Mavalankar
on February 27, 1956. The House unanimously elected the Deputy -
Speaker (Shri Ayyangar) as Speaker on March 8, 1956 and S. Hukam Singh (from Akali Party) as Deputy Speaker on March 20, 1956

The Rules of Procedure of the Provisional Parliament
were further modified and adapted by the Speaker on April 17, 1952.
The Rules Committee, under the Chairmanship of the Speaker,
recommended several changes in the rules that not only enhanced

6. H.P.D. Dt. 15.5.1952 Col. 21 - 22.
7. It may be relevant to note that Shri Ayyangar was returned to
the House on the Congress Party ticket and his name was
proposed by the Minister of Parliamentary Affairs and was
seconded by Shri V.S. Malliah from South Kanara: H.P.D.
Dt. 30.5.52 Col. 929.
8. The Prime Minister and the Minister of Parliamentary Affairs
proposed and seconded the motion - L.S.D. Dt. 8.3.56 Cols. 1953-54.
9. The Prime Minister and the Minister of Parliamentary Affairs
proposed and seconded the motion for the election of the
Deputy Speaker — L.S.D. Dt. 20.3.56 Col. 3036.
the authority of the Presiding Officer but also provided additional
opportunity to the members for ventilation of their grievances.

The first set of changes were incorporated in the Rules of Procedure on May 19, 1963 that conferred power on the Speaker to allot two and half hours' time for Private Members' Business. It was made obligatory on the part of the Magistrate or Executive Authority to send intimation of the arrest, detention or release of the members of the House.

The next important changes relating to discussion on matters of urgent public importance which were adopted on October 3, 1953. The Speaker was the final Judge to admit such notices and he could call for information from the Member or the Minister for his own clarification. The Speaker was to fix time for discussion on those matters in consultation with the Leader of the House.

Besides, significant changes were introduced in the Rules of Procedure with effect from January 9, 1954. Under these rules, the Speaker was empowered to allow discussion for half an hour on matters of sufficient public importance arising out of the subject matter of questions in the House. The members now could table "Calling Attention Notices" with the permission of the Speaker on matters of urgent public importance. The Ministers were required to make statements in response to such notices and the Speaker was also to fix priority when more than one such notices were given. A new provision in the Rules was also made for holding

11. After the commencement of the First Session of the House, the Speaker constituted the Rules Committee on May 26, 1952 for advising him for making modification and changes in the Rules. The Rules Committee held ten meetings upto the end of 1954 and suggested various modifications which were carried out by the Speaker. It was only on September 21, 1954 that the Committee decided that its subsequent recommendations should be first approved by the House before incorporating them into the body of rules; Rules of Procedure & Conduct of Business of Lok Sabha 5th Ed. (1962) Page 1 - 2 of the Preface; See also the Journal of Parliamentary Information Vol.I. No.1 1955 pp.50-51
12. Gazette of India Part I (Ext.Ordinary) Dt. 30.5.1953; See also Rules of Procedure... Lok Sabha Rules 27 - 30, 229-30,354.
secret sittings of the House and the Speaker was to regulate procedure for all such sittings. A very exceptional rule was added in the body of the Rules and as such the Speaker was empowered to address the House either at his own discretion or on a point of order or on a request made by a member for aiding the members in their deliberations before the House. It also inserted a new Chapter "Resolution for the removal of Speaker and Deputy Speaker from office" for regulating procedure for discussion of a resolution for the removal of the Presiding Officer as such a procedure was not provided in the Constitution and in the earlier Rules of the House.

Speaker G.V. Mavalankar was fully aware of the responsibilities of his office as he had played a key role not only in getting incorporated certain important constitutional provisions in the Constitution but also for formulating and evolving sound Parliamentary Practices since he assumed office in 1946. Mr. Mavalankar conducted the proceedings of the House with utmost dignity and decorum. He spared no pains in enhancing the dignity of the House by stressing the need for proper decorum in the House and urging the Members to observe silence. He also called upon them to use moderate language in the interest of the harmonious working of the House. He extracted apologies from members using un-parliamentary language and compelled them to withdraw such expressions as, "King of goondas" and "thief and dacoit". The Speaker deprecated the use of un-

14. Gazette of India. Ext. Part I Dt. 9.1.1954. See also Rules of Procedure... of Lok Sabha Rule No. 55, 197, 218 - 203.
3. Lok Sabha Debate Dated 24.4.1956 Col. 6283.
parliamentary phrases like henchmen; "certain irresponsible sections of the House; "ulterior motive"; "wasting time; gang for minister or a member; "Dens of Perjury; "dishonest" and "libertine males" etc. He directed the Members to refrain from using very strong and harsh language which might give the impression of casting reflection on Members and further observed that though it might not be strictly un-parliamentary, yet it was not desirable to use such language.

Asserting the Speaker's right to control debate,
Mr. Mavalanker declared that it was his discretion to arrange the debate in such a manner and invite such Speakers as were likely to enrich and keep the level of the debate high. At the same time he never ignored the claims of those Speakers who had been taking keen interest in debates and had moulded the shape of the Bills. He, therefore, gave preference to such persons over other members. He made it very plain to members that no one could claim to speak by way of right or insist that he be invited to speak. He urged the Members who wanted to speak to "catch his eye" or they should follow a practice of sending their names to the Speaker. He also advised them to indicate the names of their States so as to facilitate the conduct.

| 5. | H.P. Debate | Dt. 30.5.52 | Col. 886. |
|    | --Ibid --   | Dt. 30.5.52 | Col. 913. |
| 6. | --Ibid --   | Dt. 28.6.52 | Col. 1498. |
| 7. | --Ibid --   | Dt. 28.6.52 | Col. 2776. |
| 8. | --Ibid --   | Dt. 10.6.52 | Col. 128. |
| 9. | --Ibid --   | Dt. 5.5.54 | Col. 6597. |
| 10. | --Ibid -- | Dt. 25.8.54 | Col. 4415. |
| 11. | L.S. Deb.  | Dt. 16.9.54 | Col. 2092. |
| 12. | --Ibid --   | Dt. 7.3.56 | Cols. 1842-43. |

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(a) Regulation of Debate:
of debate more justly and assured them that he would try to give
equal opportunities to Speakers from different States.

It was stated by Shri Mavalankar that it was the duty
of the Chair not only to regulate Debate but also enforce a time-
limit for speeches. He further asserted that it was not even for
the Prime Minister to extend this time-limit to the Members who
wanted to speak beyond the time limit already fixed by the
Speaker. Mr. Mavalankar also discouraged the practice of
approaching the Chair with requests and petitions for seeking time
to speak as he felt that such a practice stood in the way of his
conducting the proceedings properly.

Keeping in view the federal character of our country,

(b) CRITICISM Mr. Mavalankar did not permit members to encroach upon the autonomy
OF STATE
GOVERNMENTS: and independence of the States. He declared that:

"Members could not discuss matters which the Federal
Constitution has assigned to the States who are
responsible to administer them and no discussion could
be raised. But in those matters, where States act as
the Agent of the Central Government, then the conduct
could be referred to." 9.

Speaker Mavalankar did his best to lay the firm
foundation of the federal polity of our country and re-iterated
his views with these words:

"So far as other Assemblies and Governments are concerned,
they are equally autonomous in their respective spheres,
they are sovereign so far as those items that are given
to them are concerned. We have no jurisdiction or control
over them in these matters." 1.

(c) MINISTERS
OR CHIEF-
MINISTERS
OF A STATE:

Mr. Mavalankar declared that members have no
compentence to make any adverse references about Ministers of
different States; or Chief Ministers; or to discuss the

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6.L.S.Debate. Dt. 6.4.55 Cols.44.49. 7. On 26.7.55, Speaker
intimated U.M.Trividi that his time was up and he was the
last Speaker. After him, the Prime Minister was to reply to
the Goan Debate, which was before the House. Thereupon Shri
Trividi requested the Prime Minister to give few minutes. The
Speaker ruled "It is not in the hands of the Prime Minister
to give Hon' Member more time. It is a matter for the Chair
to decide." L.S.Deb. Dt. 28.7.55 Col. 8547. 8.L.S.Debate
Dt. 20.4.56 Cols. 5769-70. 9. H.P.D. Dt. 28.6.52 Col.2775.
See also H.P.D. Dt. 30.6.52 Cols.2835 & 2994-96. See also
L.S.D. Dt. 23.3.56 Col. 3492. L.S.D.Dt.27.7.56 Cols.1123-30
administration of the Provincial Governments; or to criticise the conduct of State Legislatures or their Members.

The Chair also ruled that Members have no right to cast aspersions on a Head of a particular State of the Indian Union and further added that they were not entitled to cite the name of the President for the purpose of re-inforcing their arguments. Subsequently, it was also made clear by him that Members have no right to criticise the Head of a Foreign State.

It was also emphasised by the Speaker that Members should not refer to any other matter except the business before the House and maintained that they should not criticise party decisions on the floor of the House.

The Deputy Speaker who was in the Chair on December 1, 1953 pointed out to the Members that they have no business to cast reflection on Courts or Judges of High Courts. Following the practice of the House of Commons, Mr. Mavalankar maintained that matters under adjudication by a court of Law should not be brought before the House. But he made a deviation by holding that debate on a Bill could take place without reference to the subject matter of a pending Bill. Later on this point was elaborated by the Speaker and he declared that discussion could take place on such matters without mentioning the details or names.

He did not allow Members to read out long extracts

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2. H.P.D. Dated 30.6.52 Cols. 2835 and 2994 - 96.
3. L.S.D. Dated 20.3.56 Col. 3138.
5. L.S.D. Dated 25.7.56 Col. 359.
11. --Ibid-- Dated 30.3.1956 Cols. 3143 - 44.
He, however, permitted the Ministers to read from written speeches for the sake of accuracy. He urged the Members not to make sweeping allegations or cast insinuations against the Government unless they had authentic information by which those could be substantiated. It was ruled by the Chair that Government could not be compelled to disclose any confidential documents and agreed with the Government contention that it was their right to apprise the House of any facts which they felt desirable. He told the members of the House that the Speaker was the sole authority to order expunging of remarks from the Debates. Speaker Mavalankar deplored the absence of Ministers called upon them to show respect to the House by their attendance: "No engagement outside (House) can be higher or of a greater importance than his (a Minister) presence in this House... At least I personally feel that the absence from the House of the responsible Ministers is perhaps not giving the House the attention and the respect that it is entitled to." Realising the importance of the Report of the States Re-organisation Commission that sought to redraw the political map of India, the Speaker devised a new procedure by inviting written statements from those members who were unable to participate in the debate due to paucity of time and he declared...
"Members may give brief statements of their views which they want the Government to take into consideration in respect of this particular report... they might be taken as part of the proceedings that will give every member an advantage of having his say to the Government." 19

The Speaker also made significant contribution for democratizing the procedure and set many new precedents. He was responsible for arranging a debate on the Second Five Year Plan by constituting Four Committees of the House for proper scrutiny and debate on all aspects of the Plan. Explaining this procedure to the House, he said:

"They can sit round a table and exchange their views both formally and informally across the table. It would be possible for the members to make the Ministers accept their views or for Ministers to convince the Members to accept their views... many differences could be ironed out/sitting together." 20.

The synopsis of the proceedings of these Committees were presented to each House of Parliament. The Lok Sabha held a general debate on the Draft Plan from September 8 to 10, 1956 and gave its approval to the Second Five Year Plan. It may also be noted that the Rajya Sabha held similar debate on the Plan from September 5 to 7, 1956 and approved the Plan.

3. QUESTIONS:

Speaker Mavalankar allowed liberal use of the right of interpellation to members and admitted questions relating to economy in Government expenditure for tightening the governmental control over Indian Missions and Embassies abroad and on steps for proper inspection of these Missions; on proposals for amendments of the Constitution, delay in offering assignment to candidates selected by the Union Public Service Commission.

Shri Mavalankar also explained to the members that the Speaker's decision in disallowing question was final and binding on every body. If the members wanted to know the reasons for such disallowance, they should see the Secretary. He further observed that if the members were not satisfied with the explanation given by the Secretary, they could see the Speaker in his Chamber. It was also decided by the Speaker that he would permit questions of vital public interest to be answered at the end of oral questions if a representation was made by a Minister for giving reply to that question. He directed that questions of those members who failed to ask question promptly in the House would be treated as written answers and as such the replies would be published in the proceedings of the House.

RACKETTING OF NAMES:

Speaker Mavalankar introduced new procedure from January, 1953 (5th Session) for bracketting the names of members who had given notice of identical questions that were already admitted by the Chair. He gave precedence to those members for allowing them to ask supplementary questions.

5. --- Ibid --- Dated 22.3.1954.
7. --- Ibid --- Dated 7.7.1952 Cols. 1510-11 & 1539-30
Keeping in view the difficulties of the members, Shri Mavalankar deputed one Officer in the Notice office for rendering assistance to members in framing questions and for avoiding delay in the admittance of questions. Explaining the new facility to the members, the Speaker on March 22, 1956 observed:

"Whosoever finds that questions have not been admitted properly or that there is delay in admitting questions can go and inform that officer, and if still he is not satisfied -- the matter will be brought up to me and I shall look into it again." 10

Speaker Mavalankar fully respected the autonomy of the statutory bodies and at the same time allowed certain questions of public interest. During the course of a supplementary question on the Delhi Transport undertaking workers' strike at Delhi on June 10, 1952, a member attempted to ask too many supplementaries and the Speaker thereupon ruled that no question could be put on autonomous bodies on the floor of the House:

"I allowed certain questions just by way of information --- but the Delhi Transport Authority is an autonomous body --- so far as details are concerned, it is better to approach them direct (i.e. the Transport Authority) and not to ask questions of detail --- Under the scheme of our Constitution, we have created certain autonomous bodies and if we want that the spirit of self-government should increase then that autonomy should be least interfered with by putting questions in this House." 11.

On 15.5.1955 a member sought the permission of the Chair to ask question No. 2250 and 2275 standing in the name of another member. The Speaker declared that member could not be permitted to ask question without a written authority from the other member and ruled as under:

"It is expected that member who puts question must atleast give authority to some one to put his question. I do not think I should permit or encourage that kind of laxity about putting questions." 12.

Similarly, he reiterated that mere request by a member to another member to ask question on his behalf was not sufficient authority to allow question to be put in the House in such a manner.

Shri Mavalankar also amplified the procedure for pointing out inaccuracy in questions replied by the Ministers. He advised the members not to raise such matters by way of question in the House but they should write to the Chair for pointing out such mistakes and the Chair would then make enquiry from the Minister concerned. If, after enquiry, it was found by the Chair that the statement was incorrect, he would call upon the Minister to come to the House for making the necessary corrections to such questions.

To a supplementary question on September 12, 1955 regarding number of persons directly appointed to Class I and Class II posts without reference to the Union Public Service Commission, the Minister replied that this information involved collection of figures and will be given as soon as it was done. The Speaker thereupon observed:

"I want to state here that Government are indebted collecting information -- when a question is tabled in Parliament, it has to be treated with due expedition."

He also refused to admit questions relating to matters of policies in general which were too large to be covered within the limits of an answer. In the course of a supplementary question on March 30, 1955 regarding Railway employees, a member wanted to know the reason why Ticket Checkers and other running staff was meagre:

"They (members) are going into details of administration and such questions if at all settled, should be settled outside the House by discussion with the Minister -- question of that type should not be put on the floor of the House."
Shri Mavalankar declined to give his consent to such questions which could be more appropriately discussed during discussion on the budget or could be raised by means of resolutions.

Disallowing a member's question regarding the policy of the Government to fight inflation, the Speaker re-iterating his earlier stand ruled:

"The Hon'ble Member will wait for knowing the policy of the Government till he comes to the Finance Bill—matters of big policy ought not to be raised here now, by way of questions. It can only be a question of fact, what Government has done or what Government has not done." 19

On February 20, 1956 in the course of supplementary questions regarding oil exploration, the Minister of Mineral Resources refused to disclose certain information as it was not in the Public interest when agreements were being arrived at between the Private Companies and the Government. Shri Feroz Gandhi raised a point of order and insisted on the information being given to the House and the Deputy Speaker observed:

"The Lok Sabha is no doubt sovereign but it is equally the privilege of the Government of the day, which enters into negotiation and agreements, to decide as to what matters and at what stage they ought to be placed at Lok Sabha. Under these circumstances, it is not in public interest to disclose them." 20

Likewise Shri Mavalankar also disallowed certain questions asked from the Minister of External Affairs and Defence on the ground that those were not in the wider national interest and further declared:

"It is for the Government --- whether at a particular time, disclosure of any matter either in reply to a question or resolution, is in the Public interest or not."

To a query raised by a member to the Speaker, as to whether the Chair had any voice in determining whether something was in

20. --- Ibid --- Dated 20.2.1956 Col. 91.
public interest or not, the Speaker observed:

"Normally, it is the function of the Government to see what ought to be disclosed and what ought not to be disclosed. The Speaker does not sit in judgement over that, as except in apparent cases, Government would not claim that privilege." 21.

Shri Mavalankar advised members not to table questions on the basis of press reports. He suggested to the members that they should properly satisfy themselves with the correctness of such news and also gave a comprehensive ruling for the future guidance of the members:

"I think the proper course will be first to verify from the Minister concerned whether the press report is correct and then table question. In case there was no reply from the Minister, the Hon'ble members are welcome to come to see the Speaker and point out the thing and then the Chair will consider the matter at that time whether to admit the question." 22.

The Speaker also advised members not to introduce personal element either in question or in an answer to a question. During the course of a supplementary on March 26, 1957, a member (Shri H.V. Kamath) mentioned the names of certain Brokers who were alleged to have made money by sale of Tata and Indian Iron shares. The Speaker immediately gave his ruling:

"I would suggest this to the House for future guidance, so far as the names are concerned, if the Hon'ble Members have got particular names, they should pass them on to a Minister." 24.

Likewise, it was ruled by the Chair that questions seeking details of individual's personal life were inadmissible.

The Chair refused to admit questions on matters of purely local importance and advised the members to take up such matters directly with the authorities concerned. The Speaker

22. Ibid Dated 30.3.1955 Col. 1597.
observed:

"Only in the last resort they should be brought up here." 26.

(k) ON STATE MATTERS: Shri Mavalankar also up-held the rights of the States of the Indian Union and refused to admit questions on matters falling within the jurisdiction of the States.

(l) ALLEGATIONS AGAINST GOVERNMENT SERVANTS: The Speaker also upheld the right of the members to criticize the actions of the Government but he declared that it was not in the public interest to discuss the merits or de-merits of an individual officer through interpellation. He did not permit members to levy allegations during the course of supplementary question against public servants or other persons.

(m) GRIEVANCES OF GOVERNMENT EMPLOYEES: It was decided by the Speaker that no question could be raised on the floor of the House that sought to raise grievances of Government employees.

(n) FOREIGN RELATIONS: It was also ruled by the Chair that foreign experts invited by the Government of India could not be criticised on the floor of the House.

(o) SUPPLEMENTARY QUESTIONS: It was emphasised by the Chair that members should take appropriate care in putting supplementary questions and reminded them not to put too many supplementaries. He also deprecated the practice of the members to put supplementary questions without being called by the Chair.

(p) EXPUNGITION OF INSINUATORY REMARKS: Speaker Mavalankar was very vigilant and did not allow members to ask irrelevant questions during supplementary questions and also expunged such remarks that contained insinuation or various other things which were not relevant.

33. L.S.D. Part I Dated 30.11.1956 Col. 776.
34. -- Ibid -- Dated 18.7.56 Col. 113.
Although Speaker Mavalankar zealously upheld the autonomy of the States by refusing to admit questions on State matters, yet he allowed questions on matters under the jurisdiction of the States affecting National interest. He laid the following principles for admitting questions on State matters:

"(i) requiring information without touching the policy on the administration of a State.
(ii) touching the policies of State administration which relate to
(a) action taken on an all India basis though separately by each State regarding banning of R.S.S. or Communist Organisations.
(b) Matters of All India importance or interest like border incidents.
(c) Policies or matters in which the Government of India give advice like Rail road Co-ordination, Research institutions, and Major Projects.
(d) When State Governments act as agents of the Central Government like matters of Grow-More Food or Flood Control etc."

Shri Mavalankar maintained that Universities were substantially autonomous bodies and should not ordinarily be the subject of interpellation. However, he pointed out that members were entitled to know some information on their working. The matter was also discussed at the Presiding Officers' Conference held at Srinagar on June 14, 1954 and Speaker Mavalankar outlined his views in these words:

"Members should have the advantage of having information by way of interpellation. Of course, this does not mean that every question will be allowed; a balance has to be struck somewhere and, therefore, I think it is not possible to lay down any hard and fast rule."

It may be interesting to note that "Question Hour" has assumed special significance in our country and 14.6% of the total time of the House was consumed by questions as compared to 48.8% for Legislative business, 18.5% for budget, 7.1% for motions and 6.3% for Resolutions. The Speaker admitted 61% of the questions tabled by the members. Out of the admitted questions 34% were replied orally in the House and 66% were replied in writing.

It was interpreted by the Chair that Members have full freedom and liberty to assail the entire administration of the country during the discussion on the President's Address.

Mr. Mavalankar pointed out to the Members that:

"Since the Government makes a comprehensive review of the administration and also outlines the broad policies and programmes which it wants to pursue during the year, therefore, it is in the fitness of things that discussion need not be restricted to some points." 1.

It was also explained that amendments would not be admitted after the debate on the President's address had actually commenced.

The procedure for raising half an hour discussion on matters of urgent public importance was modified by the Speaker, who permitted to raise such a discussion on behalf of the absent member realizing the importance and urgency of the subject matter. He permitted the Member giving notice of such discussion to ask questions for elucidation after the Minister had made a statement. In case of the absence of a Minister, he even postponed the discussion to the next session and did not extinguish the right of the Members for raising the required discussion on an unsatisfactory reply given by the Government.

Speaker Mavalankar made significant contribution towards building up of sound parliamentary traditions and introduced new practices and conventions that allowed Members to raise discussion on matters of urgent public importance (although

1. H.P.D. Dated 19.5.1952 Col. 87 - 88.
2. Ibid -- Dated 19.5.52 Col. 88 - 89.
3. On 13.5.53, Smt. Renu Chakravarty was ill and Shri Nambiar was allowed by the Speaker to raise discussion on her behalf... H.P.D. Dated 13.5.53 Col. 6345.
5. L.S.D. Dated 10.9.56 Col. 6402.
there was no such provision in the rules of procedure).

Explaining the new convention, he pointed out that:

"Notice to raise Matters of General Public Importance be given to the Speaker .... if he consents that it was a matter of Public importance, he would allot a time for discussion with the consent of the Government."

This convention was later on incorporated in the body of rules of procedure on October 3, 1953.

With regard to calling attention notices, Speaker Mavalankar gave his consent to all such matters which were really urgent and were of public importance. He declined to accept the suggestion of the Government for allowing Ministers to place their statements on the Table of the House. It was insisted that such statements should be read in the House by the Ministers otherwise it would defeat the very object of Calling attention. However, it was later on suggested by the Speaker that a synopsis of the statement could be read and a detailed statement should be placed on the Table of the House to save the time of the House.

Mr. Mavalankar adhered to the rules and even turned down the request of the Prime Minister to make a second statement (after speaking on the Goan situation, the Prime Minister wanted to make another statement) in connection with the call attention notice, on the plea that a second statement was not permissible.

1. The rules provided for raising such a matter through resolution or motion and the voting in the House was also compulsory at the conclusion of such a debate. There was another difficulty for giving notice and balloting etc. Therefore, the new practice gave opportunities to Members for raising such matters without undergoing the above formalities.... H.P.D. Dt. 25.3.1953 Col. 2864.
4. H.P.D. Dt. 2.4.1954 Col. 3920.
5. L.S.D. Dt. 18.3.1955 Col. 2441.
under the rules. Declining the request of the Prime Minister, Mr. Mavalankar remarked:

"I would have gladly permitted it. The difficulty is that our rules do not permit making two statements on the same day." 7.

Speaker Mavalankar refused to give his consent unless the subject matter of Adjournment motion was really urgent; or was of grave importance. He modified the procedure and gave opportunity to members to explain their viewpoint and difficulties to him outside the House on disallowed motions. Explaining the procedure, he stated that the refusal of consent would be conveyed to every member and that if they had any difficulty or suggestions they could see him in his Chamber. He further gave an assurance that he would weigh their suggestions and if he revised his decision, he would allow the matter to be raised in the House on the following day.

Mr. Mavalankar took adequate pains in explaining the significance of the adjournment motions in the context of its implications. He elaborated his views in these words:

"I think there seems to be a fundamental misconception as to what an adjournment motion means... it is really a very exceptional thing, and to allow a matter to be discussed, is doing injustice to a large number of absent members... unless the occasion is of such a character that something which affects the whole country, its safety, its interest and all that is happening, and the House must pay its attention immediately to that.... An adjournment motion cannot be introduced unless the extent of matter, its importance its gravity justifies it." 4.

In keeping with the earlier rulings of the Speaker, the Deputy Speaker, on August 24, 1953, re-iterated that adjournment motions should not be looked upon as normal devices.

8. ADJOURNMENT MOTIONS:

PROCEDURE EXPLAINED:

7. H.P.D. D. 15-4-54 Col. 4810.
3. H.P.D. Dated 27.4.1953 Col. 5152.
for raising discussion on any important matter and advised the Members that they should avail of other various opportunities for raising those matters under the rules. The Chair also invited the attention of members to understand that adjournment motions are regarded as 'Censure-motions' against the government in U.K. and other States. The Deputy Speaker observed:

"It is for the Chair to find out whether such a thing has happened or not." 5.

Subsequently, on 23.12.1954, the Speaker again reiterated that it is open to the Chair to give or refuse his consent and explained that if a Member has got any difficulty, he could write to the Speaker and the question of time did not stand in the way. In border-line cases, where he was in doubt or where full facts were not available, he postponed the motion so that full facts and enquiries could be made to apprise the House and the Chair alike. He even allowed the Members and the Ministers to make brief statements so that full reasons and other factors were prominently brought to light and gave his decision by giving equal opportunity to the Government and the opposition.

It was further clarified that where the consent was refused, the matter could not be brought up before the House for discussion. In conformity with his earlier rulings, he reiterated that adjournment motions that were obviously inadmissible would not be mentioned in the House. He, however,

made exception to this practice and read out briefly the motions where these were tabled by the Leaders of the groups in the Lok Sabha.

Mr. Mavalankar enforced the rules of admissibility rigidly and advised the Members to avail of vast opportunities further that the rules of procedure had provided. He advised them that they should resort to adjournment motions where matters were really urgent and there was no other opportunity or chance for the House to consider the matter. He categorically declared that he would not allow adjournment motions on matters which could be discussed during the discussion on Budget, Finance Bill and during the discussion on the President's address.

He refused to give his consent to such adjournment motions that were based on press reports, or on exaggerated and deliberately false information; or in those matters which were earlier discussed during the course of a debate. Mr. Mavalankar also declined his consent to adjournment motions which were disallowed by the Chair.

Following the earlier precedents, no adjournment motion was admitted where the subject matter was sub judice. Reusing his consent to an adjournment motion regarding arrest and detention of three members of the House, the Deputy Speaker stated:

10. On 20.8.56 Mr. Speaker read out an adjournment motion regarding: "refusal of Local authorities at Ahmedabad to allow Shri A.K. Gopalan and other members of Parliament to visit places of disturbances," which was tabled by K.K. Basu .... L.S.D. Dated 20.8.56 Cols. 3761-63.

"It was true that the persons against whom proceedings have been started were prominent members... but we cannot be a super court to the Supreme Court established under the Constitution... I do not think this House, or much less myself, can arrogate to ourselves the powers given to the Supreme Court." 17

Subsequently it was ruled by Mr. Speaker that an adjournment motion relating to the arrest of members of the House under the normal process of law was inadmissible and remarked:

"It is a matter relating to law and order, it may be that it relates to a particular party or a person... it is not possible now to make this an all India matter for the purpose of interrupting the proceedings." 18.

He emphatically declared that neither the Speaker nor the House has any power or competence to interpret the provisions of the Constitution and hence the House was not the proper forum for discussing such matters under adjournment motions.

With-holding his consent to an adjournment motion regarding the situation arising out of the election of Sadar-i-Riyast by J & K assembly which was alleged to be against the provisions of the Constitution; Mr. Mavalankar remarked:

"The proper forum for that will be a reference to the Supreme court... and it is the Supreme court only who can decide whether whatever was done is or is not against the Constitution of India. I do not think this House will be proper forum for this purpose." 19

Mr. Mavalankar also explained to the members that the House was not competent to discuss through adjournment motion the discretionary powers of Raj Parmukhs which the Constitution has vested in them.

The Speaker did not give his consent to such adjournment motions that sought to discuss matters falling within the jurisdiction of the Provincial Governments and thereby...

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17. H.P.D. Dt. 9.3.53 Cols. 1579- 81.
20. L.S.D. Dt. 6.3.54 Col. 1385.
preserved the federal structure of the country by not permitting members to assume functions that were not assigned to them by the Constitution.

Withholding his consent on June 30, 1952, to the moving of an adjournment motion relating to the affairs of the foreign countries, Mr. Mavalankar explained the position and stated:

"However much might be the feeling over the matter, still a motion to discuss the conduct of an independent foreign government could not be entertained on the floor of this House." 22.

He also upheld the rights and privileges of the people and did not give his consent to such adjournment motions that contained defamatory statements and also refused to mention its subject matter in the House. He even expunged any such statement if made by a member for defaming any other member.

It was explained by the Chair that fast unto death to compel the Government to take a particular decision was not a proper subject matter for an adjournment motion. Mr. Mavalankar, therefore, disallowed an adjournment motion on 8th December, 1952 to discuss the grave condition of Shri Putti Sriramulu who was on fast for the formation of Andhra State and declared:

"There is no doubt it is a serious thing. The life of an individual is precious... such major issues ought not to depend on the volition of an individual, even though he may be prepared to sacrifice his life... If this principle is conceded, any of the various citizens of this country can force the hands either of Parliament or of the Government by taking such means." 24.

Subsequently on 6.8.1953, Mr. Mavalankar ruled that hunger strikes of this nature were not constitutional methods by which the government should be forced to decide issues.

21. On 15.2.54, Mr. Mavalankar disallowed an adj. motion regarding Kumbh Mela Tragedy and declared that however unfortunate the incident might be, but the Mela administration was entirely the responsibility of the U.P. Government. H.P.D. Dt. 15.2.54 Cols. 21-23 See also L.S.D. Dt. 7.4.55 Cols. 4560-61 and Ibid 21.12.56 Cols. 3689-90. 22. H.P.D. Dt. 30.6.1952 Col. 2819. 23. L.S.D. Dt. 19.1954 Col. 742. 24. H.P.D. Dt. 8.12.1952. Cols. 1823 - 24. 25. Deprecating the fast by T. Kuni Reddy against the exclusion of certain areas from the proposed Andhra State .... H.P.D. Dt. 6.8.53 Col. 209.
RESOLUTIONS: The Chair liberally admitted resolutions for the purpose of drawing attention of the government to any grave problems confronting the people. He did not allow the rules to stand against the wishes of the House, and readily waived the notice period for tabling amendments to resolutions where the mover of a resolution and the Government were willing to accept such amendments. Elucidating the procedure for discussion on resolutions, the Deputy Speaker ruled that members who had tabled amendments would not acquire special rights to be called upon to speak but he made it clear to the members that it was the discretion of the Chair to see how debates were conducted properly and judiciously. Mr. Mavalankar modified the procedure relating to amendments tabled against the resolutions. He deprecated the practice of tabling amendments from day to day when the debate was proceeding in the House and declared that such a practice virtually denies opportunity of expressing their views in full to those members who might have already spoken. He felt that it would be grave injustice to those members. He, however, assured the House that the Chair was fully alive to the need of moving amendments without due notice and assured the House that he would not stand before the wishes of the members if they unanimously decided to consider amendments without due notice. Following the practice of the House of Commons, he decided that partly discussed resolutions would not lapse after prorogation of the session of the House. In conformity with the rules, Shri Mavalankar did not permit another member to move the amendments.

1. L.S.D. Dt. 31.3.56 Cols. 3980 - 81.
2. H.P.D. Dt. 28.11.52 Col. 1370.
3. H.P.D. Dt. 22.8.53 Cols. 1307-09.
4. H.P.D. Dt. 20.7.56 Cols. 420, 433 - 37.
private members' resolutions on the plea that its place was assigned by ballot in the name of the mover and no other member had the right of moving it.

The Chair also postponed discussion on resolutions where a point of disagreement arose for its alleged conflict with the provisions of the Constitution and allowed the House to know the opinion of the Law Minister.

It was ruled by Speaker Mavalankar that all amendments seeking to enlarge the scope of original resolutions were inadmissible for the simple reason that these should be relevant to and within the scope of the resolution. Similarly he declared an amendment out of order seeking to enlarge the scope of a Committee to inquire into the public sector by asking it to examine the private sector also. It was also decided that any amendment seeking to give conditional approval to a resolution was inadmissible. Subsequently, he interpreted the implication of the President's Rule under article 356 of the Constitution and stated:

"Whole of the Government of that particular State is superseded with regard to all districts and all territories falling within the domain of that particular State and any amendment seeking to exclude any district or a part of territory of the State was inadmissible". 10

It was decided that amendments which were negative in character, or contradictory to the text of the resolution were out of order.

5. H.P.D. Dt. 30.4.54 Col. 6177.
7. H.P.D. Dt. 17.4.1955 Cols. 4463.
8. L.S.D. Dt. 31.3.1956 Cols. 4006 - 7.
11. L.S.D. Dt. 29.3.1956 Col. 3782.
Speaker Mavalankar maintained his independence and allowed liberal use of motions for raising discussion on matters of public importance. He removed the doubts of members and pointed out to them that it was the duty of the Chair to decide and determine the relevancy or otherwise of amendments to motions under consideration before the House. He declared that it was not open to members to question the propriety of his decisions on them. He refused to give his consent to the moving of such motions that were merely based on press reports. Upholding the rights and privileges of the States, the Chair refused to admit motions that sought to encroach upon the jurisdiction of the States. Disallowing some amendments which were tabled against the Government motions regarding "Economic policy of the Government of India with special reference to Agriculture, Land and Rural Credit", the Deputy Speaker stated that:

"All these matters require Legislation by the State Government which are entirely the State subject."

He however interpreted the rules to say that while the general policy could be discussed in the House, the initiation of legislation on distribution of land or imposing a ceiling was entirely a State subject. In deference to the wishes of the House, Mr. Mavalankar extended the time allocated to various motions but he used his discretion where such an extension was demanded on frivolous grounds and rejected such requests as being of a dilatory nature.

1. On 23.12.53, after the Prime Minister moved his motion regarding "International situation", the Speaker allowed members to move their amendments. One member contended that amendment moved by Mr. Deshpande was ultra vires of the Constitution — H.P.D. Dt. 23.12.53 Col. 2933.

2. Withholding his consent on American bombing of Yulou River Electric Plant, Mr. Speaker ruled that "It cannot be that anything that is falsehood in the columns of the morning papers or evening papers could be taken as a subject of discussion... There must be some material. H.P.D. Dt. 26.6.52 Cols. 2432-33. 3. L.S.D. Dt. 30.9.55 Cols. 1504-6. 4. L.S.D. Dt. 12.3.56 Cols. 2355-56 & Dt. 13.3.56 Col. 2518.
The procedure for introducing government Bills was elaborated by the Speaker who declared that a Minister while introducing a Bill on behalf of another Ministry should use the expression of "on behalf of such and such Minister" and that he need not use these words when he belonged to the same Ministry. Making a departure from this rule in respect of a private Member's Bill, he pointed out that it was essential for the members to furnish a written authority to the Speaker before seeking the leave of the House. In keeping with earlier rulings of Mr. Mavalankar, the Deputy Speaker urged the government to furnish all reports or material referred to in the statement of objects and reasons of bills introduced by them, to enable members to understand full implications of those bills. Realising the necessity of such information, he further added that the House must have an opportunity to look into them and to know on what material they had come to a conclusion.

Mr. Mavalankar emphasised the need to stick to the general practice of not opposing bills at the introductory stage. However, if it could not be avoided, he advised members to offer briefly comments and reasons for opposing such bills. Reiterating his earlier stand, the Speaker further explained the procedure as follows:-

"If any member wants to oppose on the ground of policy or otherwise, then he must mention only one or two points as to why he opposed it; then I will ask the Minister to say what he has to say and then put the question straight to the vote of the House."
Interpreting the rules of procedure, he decided that Bills could not be introduced simultaneously in both the Houses of the Parliament. He further contended that a House was not committed to the provisions of a Bill where it had not been formally introduced, despite the fact that it might have agreed to join the Joint Committee set up by the two Houses. In pursuance of the Rules of Procedure, the Chair took sufficient note of complying with all formalities laid down therein and postponed the consideration of bills whenever it was discovered that they lacked some of the formalities.

Consideration of bills was not allowed by the Speaker where they were dependent upon the other Bills which were then pending with the Rajya Sabha or were yet to receive the assent of the President. Declining his consent to the Home Minister's request for considering the Bill he declared that:

"it was no good assuming that it would be passed by the other House and the President would give his consent." 8.

In a similar way, the Deputy Speaker withheld the motion of the Finance Minister for consideration of the Estate Duty Rate Bill, as it was dependent upon the Estate Duty Bill which had yet to be passed by the other House.

In keeping with his earlier rulings, Mr. Mavalankar emphasised the need for furnishing relevant data and full information to members in respect of amending bills to enable them to make better contribution in the debates. Following his

6. L.S.D. Dt. 17.7.56 Cols. 138 - 42.
7. H.P.D. Dt. 30.7.52 Col. 4896.
8. The government bill "Prevention of Corruption (II Amendment) Bill on 17.5.52 was postponed as it was dependent upon the Criminal law amendment Bill which was yet to be passed by the Upper House. H.P.D. Dt. 17.5.52 Col. 3389.
footsteps, the Deputy Speaker called upon the government to make available:

"Complicated questions of facts and figures — the Minister should furnish such data so as to facilitate proper attention being bestowed upon points."

He kept debates on the amending Bills under control as stipulated in the rules. It was decided by him that only those sections which were relevant or those touched upon by the clauses of a Bill, could be discussed by members. He refused to give permission to members for debating the substantial provisions of the Act. Subsequently, he urged members to confine themselves within the ambit of the provisions of the amending Bill and advised them to avail of other opportunities (like resolutions) for discussing other matters in general.

Extending the rule, Mr. Speaker decided that amendments should be within the scope of an amending bill.

(c) AMENDMENTS:

As regards procedure for moving amendments to Bills, Mr. Mavalankar urged the members to follow the identical practice in respect of Bills. At the same time, he explained to the members that amendments could be moved only by those members who had given proper notice. Subsequently, the Deputy Speaker declined to allow private members to move amendments on behalf of absent members. Pointing out the difference in following a different procedure here, he explained that a Minister could officiate for another Minister and was entitled to move amendments on his behalf.

In conformity with his earlier ruling, Mr. Mavalankar

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1. L.S.D. Dt. 16.11.54 Col. 17.
2. H.P.D. Dt. 15.7.52 Col. 3894.
3. H.P.D. Dt. 27.4.54 Cols. 5823-24.
4. H.P.D. Dt. 11.7.52 Cols. 3609-10. See also L.S.D. 28-7-55 Cols. 8752-53.
5. H.P.D. Dt. 29.7.52 Col. 4797.
explained to the House that it was the discretion of the Chair to decide the admissibility of amendments and reminded the members that he had full authority for not entertaining such amendments as were of a dilatory nature or involved abuse of the rules. He further advised members to table amendments complete in all respects failing which these would not be admitted. He refused his consent to amendments which were beyond the scope of a Bill under discussion; or those that sought to enlarge its scope; or those that wanted to insert new provisions conflicting with other provisions in the clauses of the Bill; or those that desired to introduce unrelated matters; or those seeking to impose new taxes under the guise of amendments that were contrary to the provisions of the Constitution. He also did not permit amendments for eliciting public opinion on Bills already passed by the Upper House and, in pursuance of this decision, the Deputy Speaker disallowed amendments to the Hindu Succession Bill 1955 (which was passed by the Council of States) for re-committing the bill to a Joint Committee of the two Houses to elicit public opinion. Disallowing the motion for circulation, for eliciting public opinion on the Hindu Succession Bill, the fact that Speaker again reiterated that inspite of the Lok Sabha being independent in arriving at its own decisions and was not bound by the decision of the other House, The House had, at the same time, to function under the Constitution and the rules of procedure and as such could not assume authority that was not vested in it.

7. L.S.D. Dt. 11.4.55 Cols. 4846 - 47.
8. L.P.D. Dt. 10.3.54 Col. 1746.
10. L.S.D. Dt. 19.3.56 Cols. 2332 - 35.
11. H.P.D. Dt. 10.9.53 Cols. 3158 - 71.
12. L.S.D. Dt. 7.5.56 Cols. 7444 - 49.
15. H.P.D. Dt. 8.5.54 Cols. 6860 - 6891
16. L.S.D. Dt. 27.4.56 Cols. 6609- 10.
Following in the foot-steps of the Speaker, the Deputy Speaker called upon the movers of Bills to submit in advance the names as well as the consent of those members who would like to work in the Select Committees. It was made apparent that consent of the members sought to be included in the Select Committees should not be presumed but must be expressly obtained. The Chair further advised that care and vigilance should be exercised for inclusion of names from all States of the Indian Union while referring important Bills to Select Committees so that "their experience may be available and peculiar circumstances regarding any State may be better known to the House."

Upholding the long established convention for excluding participation in debates of those members who were to serve on the Select Committees, the Speaker advised that they would better hear the suggestions of other members. The procedure was elaborated by the Speaker who declared that this principle would also apply to the Ministers of the Government who were to serve on such Committees. Mr. Mavalankar used his discretion in allowing members of the Select Committees to speak on important bills that affected the country as a whole. Permitting Dr. Lanka Sundram to speak on the Estate Duty Bill, the Chair stated:

"It is an important Bill and not only members but people outside are also watching it. Whosoever can shed light on this important Bill, I am prepared to call him -- but this does not mean I am going to call all the members of the Select Committee."

Realising the peculiar fate and position of private Member's

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<td>1. H.P.D</td>
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<td>3. L.S.D</td>
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<td>5. L.S.D</td>
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Bills, the Deputy Speaker waived this rule and allowed the members of Select Committees to speak and participate in debates. Giving his reasons, the Chair observed:

"Whenever government makes a motion, the Government is sure of a majority. When a non-official member makes a motion, he is not sure of a majority. Why should I gag the member? The motion may or may not be accepted by the government." 7.

It was finally decided by the Speaker that this rule must always be relaxed on Bills seeking amendment of the Constitution.

The Speaker clarified doubts relating to the scope of discussion on bills as reported by Select Committees. He declared that the whole legislation was not open for discussion and that speeches would have to be confined to the bill as reported by a Committee, and more particularly, to the changes that had been recommended by the Committee. He reminded the members not to oppose the provisions of a bill or raise controversial issues against a report to which they were a party but made a departure in respect of those Committee members who had appended notes of dissent.

(e) JOINT COMMITTEES:

The Deputy Speaker also removed the doubts of members regarding the scope of recommendations of the Joint Committees of the two Houses, and decided that either House was of independent nature and, as such, was not bound by the principle underlying a bill by merely agreeing to join a Joint Committee. He declared that it was open for the Lok Sabha to throw away such bills. The Speaker upholding the decision of the Deputy Speaker, elucidated the procedure further:

7. L.S.D. Dt. 12.3.55 Cols. 1834 - 35.
9. H.P.D. Dt. 25.7.52 Col. 4573.
10. L.S.D. Dt. 17.7.56 Cols. 137- 48
2. L.S.D. Dt. 30.4.56 Cols. 6733 -34 & 6744- 46.
"Where a bill was initiated in the Lok Sabha and was agreed to be referred to a Joint Committee of the two Houses, it would not likewise commit the Rajya Sabha." 3.

It was maintained by the Speaker that the House might give instructions to Select Committees to consider a particular provision or make an additional provision or could instruct to make such amendments as were amendments to the Act itself, but the amendments seeking to give instructions to a Joint Committee to amend the clauses of a bill were out of order.

The Speaker protected the rights and privileges of the members of Joint Committees and did not allow members to quote or cite proceedings of such Committees for or against their views, as these were treated as confidential like those of other Committees of the House.

Interpreting the scope of discussion of the Third reading of a bill, Mr. Mavalankar stated that the members should refer to general matters and avoid going into minor details. He observed:

"It was open to members to object to a bill being passed and, in that case, they might shortly state their reasons as to why the bill should be rejected." 6

He further elucidated his ruling and declared that the scope of the Third reading was restrictive. But nevertheless members could throw away a bill if they so liked.

Realizing the importance of the Constitution amending certain bills, Mr. Mavalankar made deviations in the accepted conventions and practices of the House. He allowed members to participate in debate whose names were proposed for inclusion in the Joint Committee on the Fourth Constitution Amendment Bill and declared:

4. H.P.D. Dt. 12.5.54 Col. 7234.
5. H.P.D. Dt. 1.8.52 Cols. 5022 - 23.
6. H.P.D. Dt. 17.11.1953 Col. 110.
"We should not act upon that convention in view of the importance of the measure—a I believe also in the necessity of having in the Joint Committee certain important members who, otherwise, will either get out or will not have the chance of saying to this House what they have to say at this stage." 8.

The Speaker disagreed with the request of the Law Minister that the Constitution Seventh Amendment Bill be taken up for consideration without referring it to a Select Committee on the plea that it was only a one clause bill seeking to amend Article 3 of the Constitution. Mr. Mavalankar turning down the contention of the Government ruled:

"It is a Constitution Amendment Bill and, therefore, it is better to have a practice of referring all such bills to a Select Committee and then again put it to the House." 9

Shri Mavalankar upheld the sanctity of the Constitution and refused to give rulings on the legislative competence of the House. Following his earlier decision, the Speaker declared:

"The constitutional validity of a bill was ultimately for the Supreme Court to decide. It was none of the business of the Chair to give rulings on the Legislative competence of the House. It was open to the House and Parliament and its members to place their views for and against the consideration of a bill or even throw it away." 1.

Reiterating his views, the Speaker again remarked:

"The Chair would not accept the responsibility for upholding that any bill was against the constitution or according to the constitution. It was for the House to see whether it was in accordance with the article of the Constitution or against it." 2.

In keeping with these rulings, the Deputy Speaker reminded the members on September 1, 1956 that the House had to decide itself the question of legislative competence.

1. H.P.D. Dt. 25.9.1953 Col. 1148.
(14) FINANCIAL PROCEDURE:

(a) BUDGET

SCOPE OF DISCUSSION:

As most of the members of the House were not familiar with the parliamentary procedure, Mr. Mavalankar availed of every opportunity to acquaint members with the financial procedure which they had to follow for passing the budget and other financial measures. He advised the members not to raise their grievances on specific points during the discussion on the Railway Budget and suggested to them that such matters should be raised during discussion on demands for grants of the various Ministries. In keeping with the rulings of the Speaker, the Deputy Speaker also called upon the members to discuss the Budget as a whole or any policy involved therein, and directed them not to go into minor details.

Elucidating the procedure, Mr. Speaker drew the attention of the members on the scope of discussion on the Budget and declared:

"Scope of discussion on the Budget was restricted to general examination of the policies of the budget -- i.e. its scheme and structure -- proper distribution of items of expenditure according to the importance of a particular subject or service. So far as general grievances were concerned, they should be deferred for ventilation at the time of considering the Finance Bill. That would also be the proper occasion for going into details of taxation and matters related thereto. Similarly, details of expenditure may be discussed when demands for grants come up before the House." 3.

The Deputy Speaker also explained to the House that non-votable items of the budget were placed on the Order Paper for the sake of information of the members and that they could ask information relating to these demands but were not subject to voting in the House.

b) DEMANDS FOR GRANTS:

The old practice for initiating discussion on demands for grants by the opposition was discarded as it was not

1. H.P.D. Dt. 26.5.52 Col. 539.
2. H.P.D. Dt. 4.3.1953 Cols. 1379 - 80.
considered beneficial and fruitful. Rejecting the point of order raised on 25th April, 1955, for breaking the long established convention, Mr. Chairman (Pt. Thakur Dass Bhargava) stated:

"Instead of the Opposition initiating the debate, it would be for the benefit of the discussion in the House that the Minister incharge of the demands should initiate debate so that he should explain why he wants those demands; and afterwards the Opposition and other members should proceed with them." 5

In keeping with the earlier traditions it was emphasised by the Deputy Speaker that during the discussion on demands for grants, in addition to the Minister incharge of the demands, other concerned Ministers should also be present in the House to defend their cases.

Shri Mavalankar evolved a new procedure for moving cut motions and called upon groups and parties in the House to send their cut-motions through their party whips so that these could be properly classified and grouped for purposes of having discussion on party or group basis. So far as unattached members were concerned, he allowed them to send their individual cut-motions to the Chair. Explaining the significance of cut-motions, he advised the members to be very careful in moving the three kinds of cut-motions admissible under the Rules of Procedure (Disapproval of policy-cut, Economy-cut and Token-cut). He reminded the members that it was not open to them to go into individual grievances on proposing a cut-motion for refusing the supplies. The Speaker emphasized the need to table only a few and really important cut-motions and dis-allowed

5. L.S.D. Dt. 5.4.55 Cols. 4323 & 4333 - 34.
6. H.P.D. Dt. 27.3.54 Col. 3209.
7. H.P.D. Dt. 6.4.1953 Col. 3710.
8. H.P.D. Dt. 2.5.53 Col. 5644.
9. H.P.D. Dt. 9.6.52 Col. 1404.
10. H.P.D. Dt. 16.3.53 Col. 2077.
those that anticipated discussion or where the same matter was going to be taken up on a subsequent date on a different motion. It was also explained to the House that the expenditure charged on the Consolidated Fund of India was not subject to cut motions, as the same was not subject to the voting of the House.

The Speaker also laid down a new procedure for supplying information on those cut-motions which were not replied to by the Ministers during the discussion for paucity of time, or where greater details were not given. He advised the members to send chits to him relating to those matters which would be forwarded to the Ministers requiring the latter to place full facts explaining the points in a memorandum to be placed on the table of the House.

The Chair removed wrong notions of members about the exact scope of discussion on supplementary grants. He pointed out to the members that no discussion of policy could be allowed on those matters that had already been approved by the House. But he upheld the right of the members for raising discussion with respect to matters covering new services for which no sanction of the House was obtained. For the benefit of the members, the Deputy Speaker advised the government to furnish greater details and exhaustive memoranda on supplementary grants in respect of new services:

"I would like greater details to be given to the House so as to make it possible for the House to consider the pros and cons of the entire amount, required not only for this year but also for future years."
Rejecting the objection of members against the practice of presenting supplementary demands too frequently to the House, the Chair justified the necessity of such demands and stated that these might arise in respect of new services that were introduced after the presentation of the Budget, or might relate to excess demand in respect of a particular item. He, however, upheld the right of the members to ask questions from the government for its justifications:

"If they are not satisfied with the explanation given in the book circulated to them they may put questions, and I would ask Hon. Ministers to answer with respect to each demand." 15.

Shri Mavalankar removed the misunderstandings of the members regarding their rights and claims to speak on the supplementary demands and ruled:

"It was not the monopoly of those members alone but other members could speak and have the right to oppose supplementary grants. They must, however, exercise their freedom of speech strictly within the scope of discussion on supplementary grants." 16.

For proper discussion on the Appropriation Bill, Shri Mavalankar adopted the practice of the House of Commons and urged the members to give advance intimation of their specific points, so that there was no repetition of debate. He assured the Opposition and other members that he would be glad to include:

"Only new points which required further elucidation or consideration, as there was no use or fun in wasting further time over the same points which had been discussed at the time of passing individual grants for different ministries by the House, at greater length. -- The Central idea of discussion of the Appropriation Bill is to cover important points which might have escaped notice." 17

Subsequently, it was emphasized by the Deputy Speaker that

15. L.S.D. Dt. 24.2.1954 Col. 564.
17. H.P.D. Dt. 3.7.52 Cols. 3131-33
Members should understand the precise scope of discussion on Appropriation Bill and pointed out that Appropriation Bill afforded opportunity to members to elicit information and explanation from the Government on points which were not touched upon during the budget debate.

Shri Mavalankar further modified the procedure and decided that matters which were not relevant in connection with the demands for grants would also not be allowed to be raised during debate on Appropriation Bill. He also maintained that those cut-motions that had been earlier rejected by the House could not be permitted during the discussion of this type of bill. However, the Speaker assured the members that he was interested in fair and adequate debate and that he would afford the fullest opportunity for this to all members of the House.

It was urged by the Chair that Ministers must not only be present in the House during debate on the Finance Bill but should also see as to what was being said about their Departments by way of criticism by the members of the House. Deploiring the absence of Ministers from the House, Shri Mavalankar advised them to depute their deputies for giving appropriate replies concerning their departments if they had to be away from the House in connection with other important matters.

Upholding the famous dictum of "no taxation without representation", the Speaker ensured adequate opportunities to members for discussing the details of new taxes and remarked that members were entitled to express their grievances on taxation.

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18. H.P.D. Dt. 8.4.53 Cols. 3921 - 22.
20. H.P.D. Dt. 8.4.53 Col. 3923.
21. H.P.D. Dt. 4.7.52 Cols. 3217 - 19.
23. L.S.D. Dt. 20.4.55 Cols. 5794 - 95.
proposals proposed by the Government. He also made it clear to the Government that the Finance Bill should not be used as a means to include provisions intended to make permanent changes in the existing law and ruled:

"The Government must come forward with an independent measure separately and provide the House full opportunity to consider it. To do so with the Finance Bill would mean the denial of such opportunity and frustration of the peoples' faith in the Government". 25.

In conformity with his earlier rulings, Shri Mavalanker called upon the Ministers of the Government to make policy statements on the floor of the House before releasing the same to the press. Deprecating the practice of some Ministers of violating the procedure, the Chair clarified the procedure in the following words:

"The practice has been that so long as the House is in Session, the House ought to know of any particular policy or of a change of policy. When the House is not in session, of course, it is left to the Government -- Any information must proceed, so far as possible, from the House and members ought not to have to look to something else." 1.

As required by the rules, he did not allow members to raise discussions or ask questions regarding clarification of these statements. As a guardian of the rights of the members, he allowed an opportunity to those members whose conduct had been referred to in such statements for purposes of explanation. At the same time, he advised the members to be very brief in rendering their explanation and ruled that they should not raise any future controversy over it.

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24. H.P.D. Dt. 3.7.52 Cols. 3131 - 33.
25. L.S.D. Dt. 7.12.56 Cols. 2080- 2105.
1. H.P.D. Dt. 1.9.53 Cols. 1865 - 66.
2. H.P.D. Dt. 24.11.52 Col. 1064.
See also H.P.D. Dt. 1.5.54 Col. 6239.
L.S.D. Dt. 31.7.56 Cols. 1562 - 63.
3. H.P.D. Dt. 11.3.53 Col. 1772.
Members were frequently raising points of order and
of order: Shri Mavalankar, therefore, thought it advisable to remove their
wrong conception of the procedure and declared that:
"Points of order could only be raised with respect to
matters or any business before the House but it could
not be done after the business was over." 1

Clarifying the rules, he further added that points of order could
be raised with respect to procedure and that no one was entitled to
interpose an argument under the guise of a point of order.

Similarly, the Speaker advised the members not to raise
the matters which were not connected with the proceedings, without
the prior permission of the Chair. For future guidance of the
members, Shri Mavalankar laid down a new procedure for presenting
their points to the Chair:

"Members should see the Speaker in his Chamber to inform
him about the proposed point so that he could ponder
over the matter and assess its importance so as to accord
necessary permission for raising it in the House." 4

He deplored the general tendency to raise points during the
proceedings of the House on anything that had happened outside the
House. Urging the members to put an end to this type of practice,
the Speaker assured the members that he would give a fair opportunity
for raising such points whenever he felt convinced about the need
and exigencies of particular circumstances.

The autonomy and independence of the Lok Sabha
secretariat: Secretariat were upheld by the Speaker as he refused to allow any
matter relating to its working to be raised on the floor of the
House. It was suggested by him that members could seek information
or elucidation of facts about the Secretariat directly either by
writing to the Speaker or to the Secretary of the Lok Sabha.

1. H.P.D.Dt. 10.8.53Cols. 447 - 448. see also L.S.D.
2. Dt. 10.4.56 Cols. 4868 - 69.
3. H.P.D. Dt. 18.6.52 Col. 2038. 3.-Ibid --Dt.25.7.52 Col.4571
5. L.S.D. Dt. 13.3.56Cols. 2387 - 88.
Removing the doubts of the members regarding their rights to raise all sorts of questions as privilege issues, Shri Mavalankar made it very clear to the members that no such questions could be raised in the House without his consent. He also removed the alleged doubts of members regarding the independence of the Privileges Committee and pointed out that it was above all party affiliations. He further assured the members that the Committee was concerned with the prestige and privileges of all members and of the House alike. Emphasizing the non-party character of the Privileges Committee, he reiterated:

"It is not a party question ---- nor is it merely a personal question. Members are sitting there as members of the House, without carrying any labels and having preconceived notions ---- those who are in the Government today might be in the Opposition ---- 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." 2

On May 27, 1952 a question of breach of privilege of the House was raised by Shri N.C. Chatterjee on account of the arrest of Shri V.G. Deshpande in the early morning of May 27, 1952 by the Police under the Preventive Detention Act. It was alleged that the arrest of a member during the Session of the House constitutes a serious breach of privilege of the member and also of the House. The matter was referred to the Committee on Privileges. The Committee decided that the arrest of a member under the P.D. Act did not constitute a breach of privilege and further maintained that preventive detention is in its essence as much a penal measure as any arrest by the Police or under an order of a Magistrate or on suspicion of the commission of a crime under the relevant provision of the Criminal Procedure Code. Besides, the Committee observed that it is well recognised that intimation of

2. Ibid --- Dated 23.6.1952 Col. 2336.
such arrest should be promptly given and it is not possible to lay any hard and fast rule on the subject. The Committee also felt satisfied that intimation of arrest was sent to the Speaker with as much expedition as was possible under the circumstances.

On June 13, 1952, Speaker Mavalankar informed the House that he had received a complaint for the alleged breach of privilege arising out of the arrest of Shri Dasartha Deb at Agartala on June 12, 1952. It was contended in the complaint that the arrest of a member during the Session of the House was a serious breach of the privilege not only of the member but also of the House. After hearing the explanation of the Home Minister, the matter was referred to the Privileges Committee on June 16, 1952 to examine the facts of the case and to decide whether it was not the duty of the Magistrate to inform the House about the arrest of the member. The intimation of arrest was, however, received by the Speaker on June 27, 1952. The Committee after going through the facts of the case decided that no breach of privilege was involved, as the member was released on bail immediately after his arrest.

Shri A.K. Gopalan wrote to the Speaker on June 17, 1952 seeking his consent to raise a question of breach of privilege against Dr. Satya Narain Sinha for levying allegations against Smt. Renu Chakarvarty and for misleading the House by production of false and fabricated documents to show that Smt. Chakarvarty had made a speech during the discussion on Demands for Defence Ministry on June 11, 1952 from an article written by Mr. I. Lemin entitled "Far East - India and Pakistan" which had been published in the.

* Shri Deb was arrested in connection with a pending kidnapping case and after half an hour from the time of arrest, he was produced before a Sub Divisional Magistrate, who released him on bail.
Current Digest of the Soviet Press. It was alleged that the speech of Dr. Sinha "calculated to lower the prestige of a member and that of the House in the eyes of the public."

In view of the complicated and mixed character of the issues involved, the Speaker referred the matter to the Privileges Committee on June 23, 1952 and asked the Committee to examine not only the limited question of any breach of privilege but also other incidental matters. The Committee after examination of the speech of Mrs. Renu Chakarvarty observed that there was some similarity of approach but it was incorrect to state that it was word for word from the said Article. The inference drawn by Shri A.K. Gopalan was only a matter of opinion. It was further observed by the Committee that no question of privilege was involved as any member was entitled to say that arguments adduced by other members were repetition of those which had already been used. On the question of standard expected of a member, the Committee considered that both the members of the Lok Sabha (Dr. Sinha and Shri Gopalan) have acted on the spur of the moment and on adequate consideration of the issue involved.

d) QUESTION OF BREACH OF PRIVILEGE

A question of breach of privilege was raised in the House by Shri B. Shiva Rao regarding a statement alleged to have been made by member of Rajya Sabha, Shri P. Sundaraya, at Moga (Published in the Times of India dated July 5, 1952) regarding charges made by Dr. Sinha against Mrs. Renu Chakarvarty which was pending investigation before the Privileges Committee. It was alleged that Shri Sundaraya while speaking about the charges made by Dr. Sinha declared that: "all of them were false and now Dr. Sinha was finding himself involved in the situation." The matter was referred to the Privileges Committee by the Speaker on July 12, 1952 which decided that no

   -- See also Privileges Digest Volume I No. 4, 1957 pp. 5-6.
breach of privilege was involved. The Committee, however, recommended
that:

"No person including a member of Parliament or Press should without proper verification make a public statement or comment on any matter pending before a Committee of Parliament." 6.

Smriti Sucheta Kirplani raised a question of privilege on

PUBLICATION OF December 10, 1952 against the "Delhi Press" for publishing an adjourn-

ment motion before it was mentioned in the House. She pleaded that

matter be referred to the Privileges Committee for proper scrutiny.

The Deputy Speaker, who was in the Chair, informed the House on

December 12, 1952 that he has since received a letter of apology from

the Managing Editor of the Delhi Press and proposed to the House

that the matter be treated as closed. The House agreed to the Chair's

suggestion.

ARREST:

On May 12, 1953, the Deputy Speaker informed the House

that he had received a telegram from the Chief Secretary to the

Jammu & Kashmir Government regarding the arrest of Dr. Shyama Prasad

Mookerjee (Leader of the Jan Sangh Group in the House). The Chair

also announced that he had received a notice of privilege question on

the arrest of Dr. Mookerjee. It was contended by Shri N.C. Chatterjee

that the Constitution of India had guaranteed freedom of movement and

that it was the right of the members of this House to visit any part

of India. Citing the case of Shri Deshpande, the Deputy Speaker

declared that there ought not to be any special privilege for the

Deputy members arrested under the Preventive Detention Act. The Speaker,

therefore, withheld his consent for allowing the member to raise the

privilege issue.

6. The Sundaraya Case - Parliament Secretariat (December 1952).
(g) **Expression of Views Outside the House:**

On September 5, 1955, Shri H.V. Kamath drew the attention of the House regarding the alleged breach of the privilege of the House as a result of the expression of the views on Taxation proposals for the Second Five Year Plan by the Finance Minister outside the House. Speaker Mavalankar withholding his consent declared that the Second Five Year Plan was open for discussion and the Minister had only expressed his views and that in no way was a breach of the privilege.

(h) **Reflection on a Member:**

On August 30, 1955, Shri Sarangadhar Das sought to raise a question of breach of privilege arising out of the comments appearing in an Urdu weekly (The Daily Partap, Jullundur) dated August 26, 1955. The Deputy Speaker, who was in the Chair, held that it was a prima facie case of contempt but advised the House to accept the unconditional apology published by the Press on August 29, 1955. The matter was not pursued further by the House and it accepted the advice of the Chair.

(i) **Speech of a Member:**

Mr. Frank Anthony raised the privilege issue on August 28, 1956 regarding mis-representation of his speech delivered in the House on August 25, 1956 by the Hindustan Times under the caption "Indian Railway Amendment Bill Passed", in its issue dated August 26, 1956. The Speaker enquired the matter from the Editor of the Paper and the Joint Editor in his reply dated September 11, 1956 to the Speaker submitted that no mischievous motive was attributed and regretted for any annoyance or embarrassment caused to Mr. Anthony. In view of the apology tendered to the House, the matter was closed.

There was only one case during the period under review which involved the question of privilege for casting reflection on Rajya Sabha by a member of the Lok Sabha. On May 11, 1954

Shri Rajagopal Naidu raised a question of privilege in the Rajya Sabha against the speech of Shri N.C.Chatterjee, member of the Lok Sabha. It was alleged that Shri Chatterjee in his speech at Hyderabad on May 10, 1954 characterised the Parliament as a wonderful Parliament and referred to the activities of the members of the Rajya Sabha on the occasion of Special Marriage Bill in these words:

"The Upper House which was supposed to be body of elders seemed to be behaving irresponsibly like a pack of urchins."

Shri N.C.Chatterjee, having been served with a notice by the Secretary of the Rajya Sabha calling his explanation of his remarks reported to have been published in the Statesman, raised a question of Privilege in the Lok Sabha on May 12, 1954. At the same time he pleaded that such an action by Rajya Sabha was calculated to lower the prestige of the Lok Sabha.

The matter was ultimately referred to the joint meeting of the privileges Committees of the two Houses for evolving proper procedure in dealing with such cases. They recommend that all such cases be first brought to the notice of the concerned Presiding Officer, who would ascertain facts and would deal with them in the same way as any other question of privilege concerning the House itself. It was further agreed that where an apology was tendered by an offending member, it should be accepted by the other House and the matter be treated as dropped. The question of Privilege against Shri Chatterjee was dropped by the Rajya Sabha after receiving the statement of the member.  

(19) DIGNITY OF THE CHAIR: During the tenure of Shri Mavalankar as Speaker, several assaults were made on the dignity of the Chair, but he zealously protected the Chair's privileges and rights. He did not permit the Chair to become a subject of controversy. He insisted on members to show proper respect to the Chair and declared that it was not open to members to criticise his rulings. He threatened to take serious

action against those who indulged in such criticism and stated:

"I shall have to take serious notice of it and ask members, who pass such remarks, to withdraw from the House." 1

In order to enhance the dignity of the Chair, it was subsequently ruled by the Speaker that:

"A protest against the ruling of the Chair would be considered a Contempt of the Chair and contempt of the House." 2

Shri Mavalankar took strong exception to the words used against the Chair and ordered such members to withdraw the expression of "Protest" used by them.

The Deputy Speaker, upholding the earlier practice, strongly condemned a walk out by members as a protest against any ruling of the Chair. He declared that members had no right to utter such words as, "I am not accepting your rulings etc." 4

It was further pointed out by the Chair that the Speaker had the authority to invoke the aid of the Marshal when a member refused to listen to the Speaker or defied his orders or declined to obey his rulings. It was further pointed out that the Chair was the Supreme authority for the orderly conduct of business.

It was suggested by the Speaker to the members to set up a convention for not seeking personal views of the Speaker on public matters in the course of debate on the floor of the House.

Shri Mavalankar was also responsible for creating healthy parliamentary conventions in the country. The House agreed to pass condolence resolutions on the deaths of outstanding political leaders of the country in addition to those of its own members. He even

1. H.P.D. Dt. 18.6.52 Cols.2032 -33. 2.L.S.D. Dt.7.9.56 Cols.6096-97
3. On 24.8.1953 Mr. Frank Anthony protested against disallowance of his adjournment motion regarding "Floods in Godavari river" - H.P.D. Dated 24.8.53 Col.1366. 4.--Ibid --Dt.9.3.53 Cols.1588-90
5. -- Ibid -- Dt. 9.3.1953 Col. 1587.
6. L.S.D. Dt. 2.5.1955 Cols. 7331 - 33.
allowed a departure from the established practice and the House stood in silence to mourn the death of Shri B.N. Rau as a mark of respect for his services to the country.

With a view to expedite the business of the House, Shri Mavalankar announced the new timings (effective from 8th December, 1954) from 11 A.M. to 5 P.M. with no break and urged the members to follow the convention of the House of Commons for not raising the question of quorum between 1 P.M. to 2.30 P.M. Overruling a point of order raised against it, the Speaker stated that this convention had been made in the interest of the business of the House. In keeping with this convention, the Speaker also declared that no member could claim division between 1 P.M. to 2.30 P.M. and suggested that voting could take place by voice vote. With regard to formal clauses in the bills, it was ruled by him that a division was not essential.

It goes to the credit of Speaker Mavalankar that he adhered to the practice of convening Conferences of the Presiding Officers of the Legislative bodies in India even after the dawn of independence as he felt that these Conferences were useful forum not only for evolving uniform Parliamentary procedure but also for laying the foundation of Parliamentary democracy in India. As a Chairman of this conference, Shri Mavalankar availed himself of the opportunity for explaining the new role that the Presiding Officers were to play in our infant and fast developing democracy and also gave his advice for dealing with other diverse problems which the Presiding Officers might face from time to time.

Speaker Mavalankar stressed upon the Presiding Officers that Legislatures were to play vital role in shaping the future destiny of the country and reminded them of their duties and obligations.

"As Presiding Officers of the Legislatures, our main function 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."

Subsequently, Shri Mavalankar urged the Presiding Officers to use their good offices for fostering the spirit of democracy by persuading members to follow the path of persuasion and discussion:

"Though questions would be decided by majorities, Parliamentary Government will not be possible if it is reduced to 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."

For the purpose of economising in the Government expenditure and for toning up the efficiency of administration, Speaker Mavalankar urged the necessity of the formation of financial committees (Public Accounts Committee and Estimates Committee) by the Presiding Officers in their respective Legislatures on the model by the Lok Sabha. It was emphasised by him that Ministers of the Government should be excluded from these Committees in order to enable them to work independently of the Government Control. For the effective Parliamentary financial control on the Government, he again advised them to adopt the Rules of Procedure of Lok Sabha for the establishment of Public Accounts Committee and estimates committee.

It was also emphasized by him that every Legislature should have independent Legislative Secretariat of their own for assisting the Legislatures (Particularly with reference to Part B. States) and their Presiding Officers to discharge their functions.

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1. Speaker Mavalankar's Presidential Address to the Presiding Officers' Conference held at New Delhi on September 1, 1949: G.V. Mavalankar: Speeches and writings (Lok Sabha Secretariat, 1957) P. 23.
2. Mavalankar's Address to the Presiding Officers' Conference held at Gwalior on October 24, 1953...
Ibid -- P. 33.
4. Speaker Mavalankar Address to the Presiding Officers' Conference held at Gwalior on Oct 24, 1953. --- Ibid -- P. 34.
"The Independence of the Speaker and the Legislative Secretariat is, therefore, matter very vital and essential not only for proper discussion, freedom of speech and free expression of opinion but for the very existence of Legislatures also."

Shri Mavalankar also emphasized the need of prompt and quick replies to questions asked from the Government and he advised the Presiding Officers to ensure that Government gave necessary information. Pointing out the importance of Question Hour, he observed:

"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."

For effective control over Public Corporations, Speaker Mavalankar stressed the need to have effective checks on them. He asserted that Legislatures were entitled to have full information necessary to guide and shape the policies of such undertakings. He also reminded the Presiding Officers to understand that the justification of such control stems from the simple fact that it is the Legislature that find money for running all these Corporations. However, there should be no interference in their working 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 how far the object of floating the Corporation is being carried out."

It was advised by Speaker Mavalankar that as Presiding and Political Officers should not encourage the formation of splinter groups as these groups undermine the stability of Governments. It was further

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5. Speaker Mavalankar's address to the Presiding Officers' Conference held at Gwalior on October 24, 1953, — Ibid — P. 34.
7. Shri Mavalankar's Address to the Presiding Officers' Conference held at Srinagar on June 14, 1954 — Ibid — P. 44.
suggested that the presiding officers were required to take up the attitude of discourage multiplication of parties. He declared:

"Democracy on proper lines will never grow unless there are fewest number of parties and I may even say not more than two major parties, which can almost balance each other as Government or the Opposition." 8

Reminding the presiding officers of their duties under a democratic set up, Speaker Mavalankar urged them to be impartial and independent in their conduct and remarked:

"The success of parliamentary democracy depends not only on the impartiality of the presiding officer i.e. the Speaker - but also on his courage and indifference to the favours or the frowns of the executive Government." 9

It is thus evident that Speaker Mavalankar played a splendid role and guided the deliberations of these conferences with great imagination and farsight. Speaking about the usefulness of holding these conferences, Shri Mavalankar in his address to the Conference held at Shillong on November 2, 1955, observed:

"It is necessary for presiding officers of legislatures to meet annually to compare notes, take stock and discuss practical difficulties that arise from time to time in working of democracy and again from mutual experience and also to strengthen the conviction that the precedents that we are setting from time to time are sound ones. Such meetings are also necessary for the personal contacts which inspire us to stand together and work with collective thought and strength for advance of democracy not merely in form but in substance." 10

It will not be out of place to mention here that Speaker Mavalankar used the forum of these conferences for getting the provisions relating to an independent legislative secretariat for the presiding officers incorporated into the Constitution. Hence it may be noted from the account given above that Speaker Mavalankar gave proper and right

8. Speaker Mavalankar's Address to the Presiding Officers' Conference held at Rajkot on January 3, 1955 -- Ibid -- P. 47.
9. Speaker Mavalankar's Address to the Presiding Officers' Conference held at Shillong on November 2, 1955 -- Ibid -- P. 56.
11. Shri Mavalankar's Address to the Presiding Officers' Conference held at New Delhi on September 1-3, 1949 --Ibid -- pp. 22-23.
advice to the Presiding Officers who were unacquainted with the working of Parliamentary democracy and also helped them in putting the working of their Legislatures on sound and correct lines.

3. FINANCIAL COMMITTEES:

Shri Mavalankar also played a leading role in co-ordinating the work of the financial committees of the House and he laid a very healthy precedent by appointing non-official member as Chairman of the Public Accounts Committee and Estimates Committee. This was obviously done by him in order to ensure independence to these Committees, as they were to play vital role in checking and controlling the expenditure of the Government. He suggested to the members of the Estimates Committee to form 'Study Groups' to properly analyse the estimates of three to four Ministries of the Government every year as in this way they could thoroughly scrutinize the work of all the Ministries of the Government. The Speaker also urged the members of these Committees to work in close co-operation as their work is mostly connected and inter-related in many ways. He realized the need to have an independent Parliamentary Committee to examine the working of the autonomous public Corporations as the Estimates Committee and Public Accounts Committee were already over burdened with other work. In order to have such an independent committee, he drew the attention of the Prime Minister to this effect through a letter (Dated December 19, 1953) to take an early step for the establishment of such a committee as vast majority of the members of the House were also in favour of the appointment of such a Committee.

1. Speaker Mavalankar's Address to the Estimates Committee on April 18, 1950 and December 5, 1950; G.V. Mavalankar: Speeches and Writings, (Lok Sabha Secretariat 1957) PP. 62 and 66.
2. Speaker Mavalankar's Address to the Public Accounts Committee on April 10, 1950 and May 9, 1951. — Ibid — PP. 78 and 79.
Speaker Mavalankar conducted the proceedings with proper order and decorum in the House. He extracted apologies from members who used unparliamentary language and even compelled them to withdraw harsh language.

He was quite independent in regulating debate in the House and adopted a novel practice of inviting chits from the intending Speakers and urged them to indicate the names of their States for facilitating the Chair not only in allocating time to all members hailing from all corners of the country but also for making the debate symbolic of the entire people. He was also responsible for setting a new convention for incorporating written statements in the proceedings of the House from those members who could not participate in the debate for paucity of time. He deplored the absence of Ministers from the House and called upon them to show proper respect to it by their presence. While upholding the independent and sovereign authority of the House, Shri Mavalankar did not allow the House to usurp functions that have been assigned to other organs of the Government. He zealously protected the rights and privileges of the States as guaranteed to them by the Federal Constitution and, as such, did not allow members to encroach upon the autonomy of the States or to say anything derogatory to the dignity of the Governors of the States, Chief Ministers or the Members of State Legislatures.

The independence of the Judiciary was guarded with equal zest and vehemence and members were not permitted to raise matters which could give the least impression of interfering with the rights, privileges and powers of the courts.

Speaker Mavalankar allowed rightful use of the liberally 'Question Hour' and admitted questions liberally that sought to redress the grievances of the people. But, at the same time, he disallowed those
questions that could be conveniently raised during discussion on the Budget or alternatively could be raised through resolutions. He declined to give his consent to those questions that were based on Press Reports; or to the ones relating to local or personal matters; or to those based on Public Corporations or on State subjects or those touching the foreign affairs of the country that were not in the public interests to be replied. Shri Mavalankar was also responsible for elaborating 'Question Procedure' relating to matters that were within the jurisdiction of the States affecting national interest. Realising the importance of the 'Question Hour', he deputed an officer of his Secretariat for removing the grievances of members relating to delay in the admittance of Questions and also for helping the members in drafting questions on right lines. He also rationalised procedure for pointing out inaccuracies in the replies to questions given by the Ministers.

It goes to the credit of Speaker Mavalankar that he set a new convention (now adopted as a rule) for raising discussion on matters of urgent Public Importance for a short duration which provided additional opportunity to the members to raise urgent matters confronting the country and the Government was called upon to explain its stand or defend its polities connected with such matters. For drawing the attention of the Government on pressing problems facing the country, he allowed liberal use of 'Calling Attention Notices'. Likewise, he modified the procedure for allowing "Half an Hour discussion" on behalf of absent members relating to the subject matter of questions that were not properly or adequately replied. He interpreted the rules of procedure in such a manner that gave adequate opportunities to members for redressing their grievances during discussion on President's Address, on resolutions and on motions relating to matters of public importance.

Speaker Mavalankar rigidly applied the rules of admissibility relating to adjournment motions and asserted his policy not to give his
consent unless really grave matters affecting the whole country were sought to be raised. He was responsible for setting new precedents by refusing his consent to adjournment motions the subject matter of which could have been conveniently raised during discussion on President's address or during the debate on the Budget, etc. He gave sympathetic hearing to the Opposition and heard their suggestions about adjournment motions and also afforded opportunities to the Government for expressing their views on them. He refused to give his consent where the subject matter contravened the provisions of the Constitution or violated the principle of federal polity or interfered with the working of the Courts.

For speedy and convenient transaction of business, he modernised the Legislative procedure. It goes to his credit that he set many healthy Parliamentary conventions like, for instance, the bills may not be opposed at the introductory stage, members proposed to serve on Select Committee should include members from all the States, Joint Committees on the Constitution amendment bills must include important members of the House and that the House be allowed to hear the opinion of the Law Minister whenever any question of alleged conflict of a resolution with the Constitution was raised. He did not hesitate to exhibit his independence from the Government and stopped the consideration of Government bills lacking certain requirements and also where full information and other relevant data was not furnished.

He also rationalised the financial procedure and set new convention and precedents that not only economised the time of the House but also opened new avenues to the members to seek information and offer constructive suggestions for improving the efficient working of the Government and ensured its responsibility to the Parliament. The discussion on Demands for grants were to be initiated by the Ministers who were to justify their demands. Shri Mavalankar arranged the debate on party basis by inviting cut-motions against the demands of the
Government through the whips of the parties and groups in the House with a view to make it more representative and fruitful. He also invited chits from the members relating to the points that were not replied at all or were not adequately replied by the Ministers during their replies relating to the demands of their Ministries. He directed the Government to furnish full details to the House in a separate Memorandum. He insisted on the Government to furnish greater details on the urgency of the "Supplementary Grants" and that they should afford greater opportunities of debate and discussion relating to new taxation proposals. He insisted upon the presence of Ministers during discussion on important matters like discussion on Demands for Grants, Supplementary Demands, Appropriation Bills and Finance Bill so that they could give information or clarification relating to their Ministries whenever any situation so warranted.

Speaker Mavalankar zealously upheld the dignity of the Chair and did everything which the circumstances allowed in boosting its image by his conduct both within and without the House. It was on this accord that he refused to pronounce judgements on the constitutionality of bills under discussion before the House and declared that such issues had to be decided by the courts. He threatened to take strong action against those members who indulged in criticising the Chair's ruling. For enhancing the dignity of the Chair, he ruled that protest against the decision or ruling given by the Speaker would be considered a contempt of the Chair and contempt of the House.

Shri Mavalankar made special efforts to preserve the privileges of the members and took adequate measures to safeguard them from encroachments made either by the Government or the Press or by other persons. The House invariably accepted the amendments and apologies of regrets from the defaulters and the matters were closed on the recommendations of the Privileges Committee or on the advice of the
Speaker. It was because of the wise and just stand that the Speaker adopted on these ticklish issues that there was no serious breach of privilege.

He championed the cause of minorities and always guarded their interests and privileges even by relaxing rules and other precedents of the House in order to give them proper opportunities for placing their views before the House.

Speaker Mavalankar maintained his liaison with the Presiding Officers of the Legislative Bodies in India and utilized the forum of annual conferences of these officers for evolving uniform Parliamentary Procedure throughout the country. As a Chairman of these meetings, he played distinguished role as a guide and teacher to the Presiding Officers and the Legislatures alike in apprising them of their role which they were to play in independent India not only for shaping the destinies of the people but also for strengthening democracy in the country. For achieving these objectives, he stressed upon the Presiding Officers the need of discharging their duties in an impartial way.

It is thus evident that Speaker Mavalankar played magnificent role during the formative period of our infant democracy by guiding the deliberations of Parliament with dignity and uprightness that earned him not only the esteem and love of all Sections of the House but also enhanced the dignity of the office itself. As a matter of fact, he has been acknowledged to be the "Father of Lok Sabha". As such, his demise was mourned by one and all. The rich tributes paid by the Prime Minister and the Leaders of the Opposition throw abundant

1. The Leaders of the various group paid their homage by recalling the contributions made by Speaker Mavalankar. The important members who spoke on this occasion included: Shri H.N. Mukerjee (Communist Party), Shri U.M. Trivedi (Jan Sangh), Shri N.C. Chatterjee (Hindu Mahasabha), Sardar Hukam Singh (Akali Party) Shri G.D. Somani (Independent Parliamentary Group), Deputy Speaker Shri Ayyangar and Dr. Lanka Sundaram.
light on his work and achievements during the span of ten years for which he held the distinguished office. The Prime Minister eulogised his role with these words:

"He was the first Speaker of the Lok Sabha, the Father of the Lok Sabha, and his name, I am 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". 2

Shri Ashok Mehta (on behalf of the Praja Socialist Party) reminded the role which he played as a guardian of the rights of the Opposition. He observed:

"In this House the Opposition is weak and dis-organised, but he was 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." 3

We may thus conclude that the achievements of Speaker for Mavalankar will ever glitter the pages of Parliamentary history of India as he set sound and healthy traditions and conventions for the smooth functioning of our Parliament.

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2. L.S.D. Dated 27.2.1956.
3. ---- Ibid ---- Dated 27.2.1956.